

**National Assembly for Wales**  
Business Committee

Review of Standing Orders in preparation  
for the Fourth Assembly

March 2011



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## **Business Committee**

The Business Committee advises on the management of the Assembly's business and on the general practice and procedure of the Assembly. It is chaired by the Presiding Officer and its members are the Minister with responsibility for Government Business, and the Business Manager for each of the other political groups in the Assembly. Its powers are set out in the National Assembly for Wales' Standing Orders, particularly Standing Order 11. These are available at [www.assemblywales.org](http://www.assemblywales.org)

### **Committee membership**

<i>Committee Member</i>	<i>Party</i>	<i>Constituency or Region</i>
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Peter Black	Welsh Liberal Democrats	South Wales West
Jocelyn Davies	Plaid Cymru	South Wales East
Jane Hutt (Minister for Business and Budget)	Labour	Vale of Glamorgan
Nick Ramsay	Welsh Conservatives	Monmouth

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## Chair's foreword

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We are now in our second decade of devolution in Wales and the recent result of the Referendum, which said “Yes” to wider legislative powers for the Assembly, is a vote of confidence in the Assembly as a legislature, in our scrutiny processes and in our role of speaking for the people of Wales.

However, as we near the beginning of the Fourth Assembly, we need to ensure that the Assembly's procedures continue to work effectively to serve the people of Wales.

We have a duty to ensure that our ways of working continue to be innovative, effective and accessible. In undertaking the review of our Standing Orders, we agreed that the aim should be to ensure that our procedures facilitate arrangements that are in the best interests of the Assembly as a whole and enable it to fulfil its statutory and constitutional functions as the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

Our recommendation to remake our Standing Orders, therefore, encompasses both minor and significant changes which will allow the Assembly, as a relatively small legislature, the flexibility to adapt the conduct of its business to any given circumstance.

The majority of the changes reflect the established practice and conventions of the Third Assembly. In other places, we have sought to enable the Assembly to do more, removing unnecessary restrictions and strengthening our scrutiny processes, with new provisions to enable better scrutiny of Assembly laws, UK Bills or European legislation which impact on Wales.

We have also sought to create more opportunities for individual Members to initiate and influence business, an opportunity which I hope that both returning and new Members will seek to take up in the Fourth Assembly.

It is worth noting that this is the first time that the Business Committee has undertaken a full review of our procedures. It has

proved to be a productive process, where the Business Managers have brought their own experience to bear in agreeing the principled and pragmatic changes we recommend. Through our public deliberations, we have achieved cross-party consensus for new ways of working in the future.

It is also the first time that we have received written evidence on the Assembly's ways of working. On behalf of the Committee I would like to thank all those who contributed their advice and shared their experiences of working with the Assembly with us in responding to our call for evidence. Though some of the matters raised could not be reflected in changes to our Standing Orders, all of the submissions we received will inform the way in which Members, committees and the Assembly as a whole operate in the future.

Standing Orders represent the basic rules that govern the way we conduct business in the National Assembly. They should be understandable rather than arcane, accessible rather than exclusive, helpful rather than obstructive. And so we recommend that one of the first tasks for the Presiding Officer and Business Committee of the next Assembly should be to produce a complementary guide for Members, their staff and the public to enable better understanding of our processes and to explain how the tools they offer can be used to serve the people of Wales.

I commend the new set of Standing Orders to the Assembly.

A handwritten signature in black ink, appearing to read 'J. Elis-Thomas'.

The Rt Hon the Lord Elis-Thomas AM, Presiding Officer  
Chair, Business Committee



## **The Committee's Recommendation**

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### *Overall recommendation*

**The Committee recommends that the Assembly remakes the Standing Orders as contained in Annex 4.**

### *Summary of key changes*

The main changes to Standing Orders are listed below, in the order that they appear in this report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

#### **Assembly Offices and Appointments**

- To introduce a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly Business (amend SO 2.17) (Page 16)
- To include a new provision allowing the Presiding Officer and Deputy to vote when legislation requires that a vote on a resolution depends on the proportion of the total membership of the Assembly (40 out of 60 Members) rather than just two thirds of those voting (new SO 2.20A) (Page 16)
- To insert a new Standing Order setting out a consistent procedure for the appointment of external office holders (and their removal) which are not otherwise covered by Standing Orders, for example, the Auditor General for Wales, the Standards Commissioner and the Public Services Ombudsman (new SO 33A) (Page 17)

#### **Plenary and Organisation of Business**

- To introduce greater flexibility in relation to the timing and structure of Plenary days (new SO 7.5A). The framework for the allocation of Plenary time between different types of business would be determined by the Business Committee in an outline Assembly timetable (amend SO 6.1) (Page 19)
- To insert provisions determining how early business would be organised following an Assembly election (new SO 7.5B – G) (Page 20)

- To give individual Members, other than members of the government, more opportunities to bring forward debates on motions tabled in their name (new SO 7.18A and SO 7.22B)  
(Page 22)

## **Committees**

- To replace the range of mechanisms by which committees are established with a single method for establishment, which allows each new Assembly to determine a structure that best suits any given circumstances (amend SO 12 and SO 21)  
(Page 26)
- To remove prescribed committees from the Standing Orders (other than the Public Accounts Committee, which is required by the Act, and the Business Committee) and, instead, require the Business Committee to ensure that key functions listed in Standing Orders, such as scrutiny of budgets and legislation, are delivered when proposing the committee structure (amend SO 13 – SO 20 and SO 28).  
(Page 27)

## **Legislation**

- To extend the deadline for the introduction of a Member proposed Measure in Standing Orders 23.98 (following the making of the Legislative Competence Order proposed by that Member) and 23.105 (following selection in the ballot and having the agreement of the Assembly to introduce), from six to nine months to allow the Member more time to prepare  
(Page 29)
- To include a provision to enable Member and Committee proposed legislation to be transferred to the Welsh Government (new SO 21.4(iii), amend SO 21A.9, SO 21A.16, SO 21A.17)  
(Page 30)
- To introduce a new Standing Order to allow for a two week period between the laying of a draft Legislative Competence Order and its Plenary debate (new SO 22.34A) (Page 30)
- To clarify and strengthen the requirement for estimated costs in the Explanatory Memorandum accompanying a proposed Measure (amend SO 23.18(vi)(a)) (Page 31)

- To introduce a new, optional amending stage for Measures following the disposal of all amendments at Stage 3, referred to as “Report Stage” (new SO 23.57A and SO23.57B) (Page 32)
- To amend Standing Orders relating to legislative consent memoranda to enable committee scrutiny of relevant provisions in UK Parliament Bills, before the Assembly is invited to give its consent (new SO 26.3A, SO 26.3B and SO 26.6) (Page 33)
- To insert a new Standing Order requiring formal notification and explanation in relation to UK Parliament Bills which either include provisions (other than those captured by Standing Order 26) which are outside the legislative competence of the Assembly but have a significant impact on the functions of the Welsh Ministers or of the Counsel General, or which have an impact on the legislative competence of the Assembly (new SO 26A) (Page 34)
- To introduce a formal mechanism within Standing Orders to guide the Assembly’s consideration of the application of the principles of subsidiarity and proportionality as set out in the Lisbon Treaty Protocol (new SO 15.9 – SO 15.11) (Page 35)

## **Finance**

- To require the Business Committee to publish a timetable for consideration of the draft budget for the government on an annual basis, rather than having the dates specified in Standing Orders (new SO 27.0D) (Page 36)
- As part of that timetable, to guarantee a period of at least 5 weeks for the responsible committee to scrutinise the Welsh Government’s draft budget. (Page 37)

## **Reports of Proceedings**

- To revise Standing Order 30 relating to arrangements for recording decisions (minutes) and reporting public meetings in line with the recommendation of the Independent Review of Bilingual Services, and provide that the same approach to recording and reporting applies to both committee and Plenary proceedings (amend SO 30). (Page 38)

## **Members' Financial and Other Interests**

- To introduce a new Standing Order requiring Members to provide notification of the estimated time involved in registrable activities, in line with the recommendation of the Independent Review Panel on AMs' Pay and Expenses and in accordance with the recommendations made by the Committee on Standards of Conduct (new SO 31B) (Page 40)
- To delete Standing Order 33 relating to the Commissioner for Standards as it has been superseded by the passing of the National Assembly for Wales Commissioner for Standards Measure 2009 (delete SO 33) (Page 40)

## **Recommendations for the Business Committee of the Fourth Assembly**

### *Innovation in Plenary business*

- The Business Committee recommends that options for improving the topicality of business in Plenary meetings are considered by the Fourth Assembly. (Page 23)

### *Guidance and supporting information*

- The Business Committee recommends that one of the first tasks for the Presiding Officer and Business Committee of the next Assembly should be to produce a complementary guide for Members, their staff and the public to enable better understanding of our processes and to explain how the tools they offer can be used to serve the people of Wales. (Page 41)

### *Referendum on the Assembly's law-making powers*

- Any changes necessary to Standing Orders as a result of Part 4 of the Government of Wales Act 2006 coming into force will be presented to the Fourth Assembly for their consideration and agreement after the election in May 2011. (Page 42)
- However, in order to enable the Assembly's Standing Orders to cater for powers under Part 4 of the Act with immediate effect, a provisional amendment to the interpretation section of Standing Orders has been inserted which provides that after the coming

into force of Part 4 and until the necessary revisions to Standing Orders are made, references to “Measures” and “Proposed Measures” are to be interpreted respectively as including references to “Acts of the Assembly” and “Bills for Acts”, and references to “Royal Approval (in Council)” as references to “Royal Assent”. (Page 43)

## Introduction

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1. On 11 May 2010, the Business Committee agreed to review the Standing Orders of the National Assembly for Wales in preparation for the Fourth Assembly.
2. Standing Order 11.7(iv) specifies that part of the Business Committee's remit is to make recommendations on the general practice and procedure of the Assembly in the conduct of its business, including any proposals for the re-making or revision of Standing Orders. Any changes to Standing Orders take effect by resolution of the Assembly if two-thirds of Members voting support it (Standing Order 35.3).

### ***Background***

3. Standing Orders cover all aspects of Assembly proceedings, for example: how business is organised in Plenary meetings; how much time is available to government business and opposition parties; how Members can ask questions of Ministers; the legislative process; and how Members undertake their scrutiny role in committees.
4. The current set of Standing Orders<sup>1</sup> was agreed at the end of the Second Assembly and made by the Secretary of State, as was required under the transitional provisions of the Government of Wales Act 2006. Thereafter, however, the process is different: it is the responsibility of the Assembly to re-make and revise Standing Orders on the basis of proposals by the Business Committee (Standing Order 35).
5. The Standing Orders have been thoroughly "road tested" during the Third Assembly. There have been no significant issues with them and only a few changes have been made by the Assembly since 2007. However, a number of factors point to the need for the Standing Orders to be reviewed before the end of this Assembly:
  - there are some areas where "technical" amendments would improve the clarity of the Standing Orders;
  - in other areas, working practice has diverged from Standing Orders and has since developed into accepted convention; and

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<sup>1</sup> [Standing Orders of the Third Assembly](#)

- changes could be considered to allow for innovation or improvement, for example, in response to recommendations from other committees and external organisations.

### *Terms of Reference*

6. The Committee agreed that the Review would consider changes to Standing Orders to:

- improve the clarity of Standing Orders;
- bring them in line with the accepted conventions and ways of working of the Third Assembly; and
- allow for innovation and improvement.<sup>2</sup>

7. The Committee decided that the following principles should underpin the review of Standing Orders:

The Assembly's procedures should facilitate arrangements that are in the best interests of the Assembly as a whole and enable it to fulfil its statutory and constitutional functions as the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.<sup>3</sup>

8. In particular, the Committee agreed that Standing Orders should:

- allow the Assembly to consider any matter of relevance to Wales or the National Assembly itself;
- allow the Government the opportunity to get its business, subject to sufficient and proper scrutiny and approval by the Assembly;
- allow opposition groups, committees, the Assembly Commission and individual Members the opportunity to initiate and influence business;
- allow the public the opportunity to engage with the work of the Assembly;
- be suitable for any model of government - minority, majority or coalition; and

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<sup>2</sup> [Call for Evidence](#)

<sup>3</sup> Ibid

- be as flexible and comprehensible as possible and complemented by precedent and convention.<sup>4</sup>

### ***The Committee's approach***

9. On 26 May 2010 the Committee issued a call for evidence to inform its review.<sup>5</sup> The consultation closed on 23 July 2010. Committee Chairs were also invited to contribute to the review, focusing particularly on their experiences of working with the current Standing Orders and the flexibility offered or limitations encountered.

10. Alongside the consultation, a roundtable discussion was held in the Pierhead on 2 July 2010 with a panel of experts who gave their views on how Standing Orders could be developed to deliver the Assembly's key functions.

11. During the Autumn term the Business Committee considered a series of papers outlining proposals for change. Members considered the initial papers in private and consulted with their groups before conducting follow-up discussions in public.

12. Responses received as part of the public consultation have also been considered and referred to in this Report where relevant. However, many of the comments received related to the Assembly's ways of working and processes and do not require changes to Standing Orders to implement. Such suggestions will be considered by the Fourth Assembly. A list of all responses to the public consultation and a note of the Pierhead event can be found in the 'List of Written Evidence' at the end of the report.

### ***Proposals for change***

13. This report sets out the key proposals agreed by the Business Committee. They are addressed in accordance with the following themes:

- Assembly Offices and Appointments;
- Plenary and Organisation of Business;
- Committees;
- Legislation;

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<sup>4</sup> [Call for Evidence](#)

<sup>5</sup> Ibid



- Finance;
- Reports of Proceedings;
- Members' Financial and Other Interests;
- Guidance and supporting information; and
- Referendum on the Assembly's law-making powers.

14. As part of the review, the Committee has agreed that Standing Orders should be re-ordered to take account of the additional Standing Orders created and to improve navigation.

15. The 'Interpretations' section of Standing Orders has been amended to provide clarity on the terminology used within Standing Orders. It also provides transitional arrangements relating to the implementation of Part 4 of the Government of Wales Act 2006.

16. Linguistic changes have also been made to the Welsh Standing Orders to ensure that the language used is consistent with the terminology approved and recommended by the Welsh Language Board's panel on the standardisation of terminology.

17. The changes to Standing Orders are set out as follows:

- Annex 1 lists all papers and supporting documents considered by the Business Committee, along with records of the Committee's decisions;
- Annex 2 tracks all changes to Standing Orders agreed by the Business Committee, including a detailed explanation of each amendment. Some Standing Orders are not included in Annex 2 as there are no changes proposed, other than consequential amendments;
- Annex 3 provides a conversion table outlining the old and new Standing Order references; and
- Annex 4 contains the new set of Standing Orders which the Assembly is invited to agree (i.e. the revised Standing Orders).

18. Please note that references to Standing Orders in the body of the report relate to the references in Annex 2, not the new set of Standing Orders in Annex 4.

## Assembly Offices and Appointments

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19. Standing Orders 2-5 set out the procedures for appointing or nominating Offices of the Assembly: the Presiding Officer and Deputy, members of the Assembly Commission, the First Minister and the Counsel General.

### *Presiding Officer and Deputy*

20. Standing Order (SO) 2 sets out the procedures for electing the Presiding Officer and Deputy Presiding Officer, as well as detailing their functions. The Committee has suggested minor changes to the Standing Orders relating to the functions of the Presiding Officer.

**21. The Committee recommends introducing a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business (amend SO 2.17).**

22. The proposal would require the Presiding Officer to consult the Business Committee before issuing guidance, rather than the current mixed approach where some guidance requires endorsement of the Assembly and some not. The simplified mechanism would then apply wherever there is reference in Standing Orders to the Presiding Officer issuing guidance.

**23. The Committee recommends including a new provision allowing the Presiding Officer and Deputy to vote when legislation requires that the threshold for an affirmative vote on a resolution requires a proportion of the total membership of the Assembly (40 out of 60 Members) rather than just two thirds of those voting (new SO 2.20A).**

24. Standing Orders currently specify that the Presiding Officer and Deputy may vote in Plenary proceedings only when exercising a casting vote. When a vote requires the agreement of 40 out of 60 Members, it follows that if the Presiding Officer and Deputy may not vote, it has the same effect as if they were to vote against the motion.

25. The new provision would allow the Presiding Officer and Deputy to exercise their freedom to vote in exceptional circumstances, for example, a vote on the removal of the Auditor General from office.

26. The Committee also recommends that the functions of the Presiding Officer should include the role of representing the Assembly to reflect established practice (amend SO 2.15). This would include the role as the “ambassador” of the Assembly when it comes to external and international relations, for example in CALRE (Conference of European Regional Legislative Assemblies). It would also provide clarity to those who have a duty to consult the Assembly, as to whom they should address in the first instance.

27. The revised Standing Orders relating to Assembly offices and an explanation of the changes can be found in Annex 2. Minor changes are also proposed to Standing Order 3 and 4, relating to the Assembly Commission and Welsh Ministers and Deputy Welsh Ministers respectively. These changes can also be found in Annex 2.

### ***Other appointments***

28. Other than the Assembly offices listed above, the Assembly also currently appoints or nominates other offices, including: the Auditor General for Wales;<sup>6</sup> the Standards Commissioner;<sup>7</sup> and the Public Services Ombudsman.<sup>8</sup> The Assembly may also terminate the appointment of the Remuneration Board (by resolution proposed by the Commission).<sup>9</sup>

**29. The Committee concluded that there should be a new Standing Order setting out a consistent procedure for appointment of external office holders (and their removal) which are not otherwise covered by Standing Orders (new SO 33A).**

30. The Standing Order (see Annex 2) would also enable committees to hold pre-appointment hearings, prior to the Assembly being formally asked to make an appointment – a practice that has been piloted by the Public Accounts Committee and the Standards Committee in relation to the appointments of the Auditor General and Standards Commissioner respectively. This would provide open and transparent scrutiny of the candidate as well as offering the Assembly additional assurance in taking its decision.

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<sup>6</sup> [Government of Wales Act](#), Schedule 8, Para 14

<sup>7</sup> [National Assembly for Wales Commissioner for Standards Measure 2009](#), section 1

<sup>8</sup> [Public Services Ombudsman \(Wales\) Act 2005](#), Schedule 1, para 1

<sup>9</sup> [National Assembly for Wales \(Remuneration\) Measure 2010](#), section 5

## Plenary and Organisation of Business

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31. The following Standing Orders relate to Plenary and the organisation of business: organisation of business in the Assembly (SO 6), business in Plenary (SO 7), order in Plenary (SO 8), written questions (SO 9), Business Committee (SO 11) and laying and tabling procedures (SO 29). The main substantive changes relate to Standing Orders 6 and 7.

### *Categories of Business*

32. Standing Order 7 sets out three categories of Plenary business: “government business”, “Assembly business” and “Non-government business”. The definition of what falls under each category is fairly prescriptive, as are the provisions which determine when these items of business should be taken (this issue is addressed below). There are also provisions which determine that certain items of business must be debated every year.

**33. The Committee recommends reducing the number of categories of Plenary business and simplifying their definition (amend SO 6.5, 6.6 and 7.10 – 7.12).**

34. It is proposed that there should only be two categories of business in future: “government” and “Assembly” business. “Assembly business” would encompass all categories of business currently defined as “non-government” or “Assembly” business.

35. The existing 3:2 proportion of time allocated between government and non-government business in an Assembly year is protected, although it would now relate to the proportion of time between “government” and the new category of “Assembly business”.

36. Subject to the Standing Orders, the government remains in control of the organisation of its business whilst the organisation of all “Assembly business” in Plenary (i.e. when or whether to allocate time to an item of “Assembly” business) would be subject to qualified weighted voting<sup>10</sup> in Business Committee as currently only applies to

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<sup>10</sup> Members of the Business Committee carry one vote for each member of the political group which they represent. This is referred to as “weighted voting”. “Qualified weighted voting” means that the number of votes they carry is reduced by the number of Members in the political group who are also members of the government (SO 11.5).

“non-government” business. Other decisions in Business Committee would remain subject to full weighted voting (amended SO11.7(ii)).

37. The current Standing Orders require a number of annual debates to take place, such as on the annual report of the Public Services Ombudsman for Wales or the report of the Children’s Commissioner for Wales.

38. The Committee recommends that the requirements for annual debates should be less prescriptive, though this would not restrict the Assembly’s ability to debate annual reports if the Government proposes or Business Committee agrees (amended SO 7.61 – 7.63).

39. This would also enable these type of debates to be driven by committee scrutiny of such reports, if they so wish. This would respond to matters raised by the Public Service Ombudsman<sup>11</sup> and Children’s Commissioner<sup>12</sup> in their evidence to the Committee.

### ***Flexibility of timing***

40. The Committee believes that the provisions relating to the structure of Plenary days should be revised in order to respond to the demands of business, for example, by having the flexibility to decide when to take business, both within the course of the afternoon and between days.

**41. The Committee recommends introducing greater flexibility in relation to the timings and structure of Plenary days (new SO 7.5A). The framework for the allocation of Plenary time between different types of business would be determined by the Business Committee in the outline Assembly timetable (amended SO 6.1).**

42. This change would remove the restrictions which, essentially, only allow “government” business to be taken on Tuesday; and usually only allow “government” business between 1.30 -2.30pm on Wednesdays, and only “Assembly” business (as newly defined above) after 2.30pm.

43. It would therefore allow the Business Committee the flexibility to agree a different but regular pattern of Plenary business to that seen in this Assembly or to maintain the status quo. However, no change

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<sup>11</sup> [SOR1 \(Public Services Ombudsman for Wales\)](#)

<sup>12</sup> [SOR14 \(Children’s Commissioner for Wales\)](#)

would be made to the overall allocation of time between Government and Assembly business. Over time, this would still have to adhere to the 3:2 proportions required by Standing Order 7.6.

44. Furthermore, government items would “usually” be required to be taken first, as is the case now. Finally, some types of business would still be given priority as they could be taken without notice (these items of business are similar to what is currently defined as “Assembly” business) (SO 7.15).

45. In order to facilitate the forward planning of Plenary business, the regular pattern of Plenary business would be agreed and published by the Business Committee in an outline timetable covering at least six months ahead (amend SO 6.1).

46. Business Committee would nonetheless still have the flexibility to adjust this if necessary during the term in order to respond to business demands and manage Plenary time effectively.

#### ***Early Business in a new Assembly***

47. At the beginning of the Third Assembly, a temporary Standing Order determined the arrangement of early business prior to the appointment of the Business Committee.

48. **The Committee concluded that similar provisions determining how early business would be organised should be inserted in Standing Orders which would apply following each Assembly election (new SO 7.5B – 7.5G).**

49. These new provisions specify who determines the dates and times of early Plenary meetings, including how Members are to be notified, and what type of business may be taken at these Plenary meetings. A vote on the nomination for the office of First Minister would only take place if the Assembly agrees by resolution.

#### ***Innovation in Plenary Business***

50. In line with the principles of the review, the Committee has proposed a number of changes to ensure that Plenary business remains relevant and a valuable part of the Assembly’s proceedings.

### *Question time*

51. Currently each Member can table a maximum of 2 questions to each Welsh Minister or Counsel General (1 question to the First Minister) and 15 questions are randomly selected for answer. Any question tabled for that session that is below the top 15 simply falls and receives no answer. This can result in wasted effort on the part of Members and staff.

**52. The Committee recommends a change of procedure so that the Presiding Officer would first select the names of those Members who may table oral questions. Only those Members in the 'top 15' would then need to table questions. This would streamline the process and give Members more opportunity to consider the focus and topicality of their questions (new SO7.52A and 7.52B, amend SO 7.53).**

### *Short Debate*

53. The Short Debate takes place on a weekly basis. A Member is selected in a weekly ballot and is given 15 minutes to speak on a topic of their choice the following week. The Minister may respond. The Committee believes that providing more notice between the date of the ballot and the deadline for tabling their chosen topic would allow Members more time to consider their topic, engage with others and to generate more external interest in their chosen debate. This reflects proposals put forward by Wales Council for Voluntary Action<sup>13</sup> and Public Affairs Cymru.<sup>14</sup>

**54. The Committee recommends removing the requirement to hold the short debate on a weekly basis in Standing Orders (amend SO 7.64). Instead, the frequency of debates would be included in the outline Assembly timetable of Plenary business (see above, paragraph 41). This relates to the Committee's wish to provide Members with a greater variety of opportunities to bring forward debates in the Plenary session, as addressed in the following section.**

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<sup>13</sup> [SOR10 \(Wales Council for Voluntary Action\)](#)

<sup>14</sup> [SOR7 \(Public Affairs Cymru\)](#)

### *Opportunities for individual Members*

55. One of the principles underpinning the review is that individual Members should have the opportunity to initiate and influence business. Calls were also made to increase opportunities for individual Members, other than members of the government,<sup>15</sup> to initiate business in evidence submitted to the public consultation<sup>16</sup> and during the Pierhead discussion.<sup>17</sup>

**56. In response, the Committee recommends that individual Members, other than members of the government, are given more opportunities to bring forward debates on motions tabled in their name (new SO 7.18A, amend SO 7.19 and new SO 7.22B).**

57. Opposition party debates take place on a weekly basis in Plenary meetings. However for individual Members there are only two mechanisms by which they can generate a debate in Plenary. First, if they are fortunate to be selected in the ballot for a Short Debate. Second, individual Members may table a no named day motion<sup>18</sup> and seek the Business Committee's agreement to allocate time in Plenary to debate them. During the Third Assembly, only three motions of this kind have been tabled and allocated Plenary time. The three motions were tabled with cross-party support.

58. A new Standing Order would enable Members to add their names to tabled motions or amendments if they wish to indicate their support. In future, this mechanism could be used to build momentum behind a motion tabled by any individual Member (similar to the approach to a Statement of Opinion). Time could then be allocated by the Business Committee to debate a motion of this kind, based on criteria that the Business Committee could determine (e.g. the level and nature of support it has generated or the relative topicality of the subject).

59. Time could be allocated to debate motions tabled by individual Members at regular intervals. The slots could be specified in the

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<sup>15</sup> This would include any Member who is not the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister.

<sup>16</sup> [SOR8 \(Prof. Laura McAllister & Dr Diana Stirbu\)](#)

<sup>17</sup> [Review of Standing Orders: Note of Pierhead event \(July 2010\)](#)

<sup>18</sup> A motion is a proposal which is debated and on which the Assembly is invited to agree. Amendments may also be proposed to the motion. A no named day motion is a motion which has not yet been allocated a slot on a future Plenary agenda.



outline timetable of Plenary business published by the Business Committee (see paragraph 41 above).

60. In addition, the Committee recommends including a second route to allocating time for individual Members' debates. Standing Order 7 would include provisions for the Presiding Officer, in consultation with the Business Committee, to hold occasional ballots to select any Member who is not a member of the government to bring forward amendable motions for debate in Plenary. This would provide a route for Members to bring forward a matter for debate without having to seek the agreement of the Business Committee or meeting any criteria set for standard no named day motions.

#### *Opportunities to raise topical business in Plenary*

61. Respondents to the public consultation<sup>19</sup> and participants in the Pierhead discussion also called for more opportunities for topical business in the Siambur. A range of options for increasing topicality were put forward to the Committee, including mechanisms used in other legislatures such as:

- introducing topical questions, with various options for tabling and selecting Members to pose questions; or
- allowing any Member to make a short statement in Plenary on a current issue or matter of interest to their constituents and / or the general public.

**62. The Committee recommends, due to the limited time available for the review, that options for introducing topical business should be referred to the Fourth Assembly for more detailed consideration.**

#### *Other changes*

63. In addition to the key proposals outlined above, the Committee has made a number of recommendations to simplify and improve Standing Orders, or to formalise established practices. The proposals include:

- revising the voting provisions to reflect the practices established in the Third Assembly (amend SO6.8, new or revised SOs 7.30A – 7.35A);

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<sup>19</sup> [SOR11 \(Dr Ruth Fox, Hansard Society\)](#)

- clarifying the provisions on motions and amendments (amend SO 7.17 – 7.19A); and
- introducing new provisions on oral statements in Plenary to improve the transparency of procedure (new SO 7.41A).

64. The provisions of Standing Order 11 on the Business Committee, and the provisions relating to categories of business within Standing Order 7, are to be incorporated into Standing Order 6, in order to group together all the Standing Orders which relate to how Assembly business is organised.

65. An explanation of all the changes proposed in relation to Plenary and the organisation of business can be found in Annex 2.

## Committees

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66. Provisions relating to committee business are currently contained in Standing Orders 10, 12 to 21 and 28. Standing Order 10 relates to the operation of committees and outlines the procedures that apply to their meetings, business and members. Standing Orders 12 and 21 relate to the establishment of committees and their remits. Specific committees and their functions are named in Standing Orders 13 to 20. Standing Order 28 outlines procedures for the processing and consideration of public petitions.

67. This chapter outlines the main changes to these Standing Orders. A detailed explanation of all amendments relating to committees can be found in Annex 2.

### *Establishment and remit of committees*

68. In the Third Assembly committees have been established, and their remit and functions assigned, via a range of mechanisms:

- a number of committees are set out in discrete Standing Orders which define their remits and requirements (e.g. Public Accounts Committee, Committee for the Scrutiny of the First Minister and the Committee on European and External Affairs);
- some committees have a discrete Standing Order and deliver functions or responsibilities described elsewhere in Standing Orders (e.g. Finance Committee and Constitutional Affairs Committee);
- the majority of committees are not listed in Standing Orders but have been established under Standing Order 12 and 21 to deliver particular functions which are set out – to various extents – in Standing Orders (e.g. the Petitions Committee, Legislation Committees and Scrutiny Committees); and
- some committees have been established under Standing Order 21, by agreement of the Assembly, to deliver a role which is not set out as a requirement of Standing Orders (e.g. the Children and Young People Committee and the former Broadcasting Committee).

69. Respondents to the public consultation raised concerns about the committee system's structure and capacity. A number of

respondents argued that capacity constraints exist due to the low number of Assembly Members.<sup>20</sup> They suggested that there is scope for streamlining the system by identifying clearer rationales for existence;<sup>21</sup> or, alternatively, having subject-based committees to take on both policy and legislative scrutiny.<sup>22</sup>

70. Committee Chairs also commented on the existing approach with some indicating that they welcomed the Business Committee's intention to build flexibility in to Standing Orders.<sup>23</sup> Although most Chairs did not perceive current Standing Orders to be unduly restrictive, it was noted by one Chair that there may be a need to review the role and functioning of committees for the next Assembly with a view to addressing the apparent overlap of scrutiny of some issues.<sup>24</sup> It was also argued that a perceived hierarchy of committees - due to the naming of certain committees in Standing Orders and not others - should be addressed.<sup>25</sup>

**71. The Committee recommends replacing the range of mechanisms by which committees are established with a single method for establishment, which allows the Business Committee to propose a structure, subject to the Assembly's approval in Plenary, which best suits the Assembly in any given circumstances (amend SO 12 and SO 21).**

72. Whilst this proposal would provide the Assembly with the freedom to choose its committee structure by removing the current references to specific committees, it would also include a requirement for the Business Committee to ensure that key functions listed in the Standing Orders are delivered. In practice, this would mean a system that broadly balanced holding the government to account and scrutinising legislation as well as undertaking core functions in relation to:

- audit of public accounts (amend SO 13);
- financial scrutiny (amend SO 14);

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<sup>20</sup> [SOR3 \(MS Society\)](#), [SOR8 \(Professor Laura McAllister and Dr Diana Stirbu\)](#) and [SOR10 \(Wales Council for Voluntary Action\)](#)

<sup>21</sup> [SOR8 \(Professor Laura McAllister and Dr Diana Stirbu\)](#)

<sup>22</sup> [SOR3 \(MS Society\)](#)

<sup>23</sup> [SOR17 \(Communities and Culture Committee\)](#) and [SOR15 \(Children and Young People Committee\)](#)

<sup>24</sup> [SOR23 \(Sustainability Committee\)](#)

<sup>25</sup> [SOR15 \(Children and Young People Committee\)](#)

- scrutiny of legislation and other constitutional affairs, including matters relating to European subsidiarity (amend SO 15);
- standards of conduct (amend SO16); and
- consideration of public petitions (amend SO 28).

73. Specific changes to the core functions which must be delivered by the committee structure were suggested by committee chairs.<sup>26</sup> As a consequence, amendments have been made to Standing Orders which relate to the scrutiny of public accounts, finance, constitutional and legislative affairs, and public petitions. A detailed explanation of these changes is outlined in Annex 2.

74. Under the revised Standing Orders therefore, the Business Committee would not be prevented from proposing a structure identical to the current arrangement. Crucially, however, it would be free to design the system differently in order to reflect the priorities and circumstances of the day. In all cases, the committee structure proposed by the Business Committee would be subject to the Assembly's approval in Plenary.

**75. The Committee recommends removing prescribed committees from the Standing Orders (other than the Public Accounts Committee, which is required by the Act, and the Business Committee) and instead requiring the Business Committee to ensure that key functions listed in Standing Orders, such as scrutiny of budgets and legislation, are delivered when proposing the committee structure (amend SO 13 – SO 20 and SO 28).**

### *The operation of committees*

76. It is also proposed that specific amendments are made to Standing Orders which outline how committees operate (Standing Order 10). The purpose of these changes is to improve clarity, reflect the accepted ways of working of the Third Assembly and to allow for flexibility or improvement.

77. Current Standing Orders formally require committees to elect their own chairs whilst having regard to ensuring that the balance of

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<sup>26</sup> [SOR21 \(Public Accounts Committee\)](#), [SOR18 \(Constitutional Affairs Committee\)](#), [SOR20 \(Finance Committee\)](#), [SOR24 \(European and External Affairs Committee\)](#) and [SOR19 \(Petitions Committee\)](#)

chairs across committees reflects the political groups to which Members belong. In practice, throughout the life of the National Assembly, the political groups have reached prior agreement on the allocation of chairs in accordance with party balance and allocated Members to committees accordingly.

**78. In order to reflect this established practice, the Committee recommends that the mechanism that permits committees to elect a chair is replaced with a mechanism by which party groups inform the Business Committee of their nominee for any allocated chair. The identity of any given committee chair would then be agreed by the Assembly in Plenary as is the case for committee membership more generally (amend SO 10.3, 10.8, 10.12A and 10.18).**

**79. Changes are also recommended to improve the efficiency and flexibility of committee business. These include:**

- making provision for committees to vote:**
  - ‘on the nod’ (that is, without needing to undertake a formal vote by show of hands) unless any member objects (new SO 10.31A);**
  - ‘en bloc’ (that is, grouping votes on similar questions where deemed appropriate to do so) unless any member objects (new SO 10.32A);**
- allowing the chair greater flexibility to adjourn a meeting if it is inquorate (amend SO 10.30).**

80. To clarify the legal protection conferred on written material published by a committee – for example written submissions to a committee inquiry - a new Standing Order is inserted. This Standing Order would ensure that, where written material submitted to a committee by the public is published on behalf of the committee, it is protected for the purposes of the law of defamation and is not subject to the strict liability rule for the purposes of the law of contempt of court (new SO 10.36A).

81. The Committee recommends amending Standing Orders relating to the operation of committees in accordance with the detailed changes in Annex 2, in order to improve their clarity, reflect the accepted ways of working of the Third Assembly and allow for flexibility.

## Legislation

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82. The Assembly's legislation procedures are set out in the following Standing Orders: SO 22 (Legislative Competence Orders), SO 23 (Measures), SO 24 (Subordinate Legislation), SO 25 (Special Assembly Procedure) and SO 26 (Consent in Relation to UK Parliament Bills).

83. The Committee recommends a number of amendments relating to the key principles of the review, and others designed to clarify or reflect the established procedures. A detailed explanation of all amendments relating to legislation can be found in Annex 2.

### *Member in charge*

**84. The definition of what is or who can be a "Member in charge" is repeated in three different areas of Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. The Committee recommends that there should be one stand-alone Standing Order to encompass them all (new Standing Order 21A).**

### *Member and Committee proposed legislation*

#### *Introduction*

85. Standing Order 23.98 makes provision for the Member in charge of a proposed Order which successfully completes its legislative passage and becomes an Order in Council, made by Her Majesty, to introduce one Member proposed Measure relating to that Order within six months of the Order being made.

86. Similarly, Standing Order 23.105 gives a Member who has been selected in the ballot and has had the agreement of the Assembly to introduce a Member proposed Measure, six months to introduce a Member proposed Measure.

**87. The Committee recommends extending the deadlines for the introduction of a Member proposed Measure in Standing Orders 23.98 and 23.105, from six to nine months to allow the Member more time to prepare.**

### *Transfer*

88. Currently Standing Orders do not allow the Government to take over Committee or Member proposed legislation. The Committee felt that such a provision may have been helpful in relation to some Member proposed legislation in the Third Assembly.

**89. The Committee recommends including a provision to enable Member and Committee proposed legislation to be transferred to the Welsh Government at the request of the Member or committee (new SO 21.4A(iii), amend SO 21A.9, 21A.10, SO 21A.16, SO 21A.17).**

90. In the case of committee proposed legislation, the unanimous agreement of the committee would be required to allow the Government to take it over.

### *Legislative Competence Orders*

91. The Committee proposes a number of amendments to Standing Order 22, relating to Legislative Competence Orders. **Firstly, the Committee recommends that Standing Order 22.33 should be amended to ensure that, when laying the Explanatory Memorandum accompanying a draft Order, the Member in charge responds to all recommendations made by relevant committees scrutinising the proposed Order.**

92. Both Legislation Committee Chairs and consultation responses highlighted an apparent gap in the Assembly's scrutiny processes in relation to draft Legislative Competence Orders, suggesting that there should be time available between the laying of a draft Order and a Plenary debate.

**93. The Committee recommends introducing a new Standing Order to allow for a two week period between the laying of a draft Order and a Plenary debate, unless the Business Committee agrees otherwise in consultation with the responsible committee (new SO 22.34A).**

94. The new Standing Order would allow an opportunity for committee consideration of any differences between proposed and draft Order so as to inform the Assembly's Plenary decision on approval of the draft Order.



## ***Assembly Measures***

### *Explanatory Memorandum accompanying a proposed Measure*

95. The Finance Committee raised concerns in their consultation response regarding the lack of information on the 'total costs' of proposed Measures, highlighting that many explanatory memorandums have only set out the additional costs, over and above costs spent on existing policy initiatives or services.<sup>27</sup> Similar concerns were shared by the Chairs of legislation committees.<sup>28</sup>

**96. The Committee believes that the requirement relating to the estimated costs which must be included in the Explanatory Memorandum accompanying a proposed Measure should be clarified and strengthened (amend SO 23.18(vi)(a)).**

### *Final scrutiny of Measures*

97. At present, when all Stage 3 amendments have been disposed of, the only way in which further amendments may be considered is if the Member in charge proposes further Stage 3 proceedings under Standing Order 23.52. In this case, the only amendments that can be considered are technical changes by the Member in charge or to enable that Member to give effect to commitments given at earlier Stage 3 proceedings.

98. Otherwise, the Member in charge may immediately move that the proposed Measure be passed (Stage 4: Final Stage). The Standing Orders allow for this Stage 4 motion to be taken on a different day if the Member in charge does not move the motion at the end of Stage 3 proceedings.

99. Consultation responses, including those from MS Society Cymru<sup>29</sup> and the Wales Governance Centre<sup>30</sup> suggested that consideration should be given to allow Members more time to consider the impact of Stage 3 proceedings before moving to considering whether the proposed Measure should be passed at Stage 4.

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<sup>27</sup> [SOR20 \(Finance Committee\)](#)

<sup>28</sup> [Note of meeting with Legislation Committee Chairs](#)

<sup>29</sup> [SOR3 \(MS Society\)](#)

<sup>30</sup> [SOR5 \(Wales Governance Centre\)](#)

100. Standing Orders do allow for this to take place as explained above, however Legislation Committee Chairs<sup>31</sup> did not favour changing the procedure to require this to happen. The Chairs agreed, nonetheless, that consideration should be given to enable an optional further amending stage at the end of Stage 3.

**101. The Committee therefore recommends a new optional amending stage following the disposal of all amendments at Stage 3, which would be referred to as “Report Stage” (new SO 23.57A and SO 23.57B).**

102. The Report Stage is not intended to replace further Stage 3 proceedings. Rather, its intention is to:

- add flexibility to the scrutiny process so that the Assembly is able to return to certain issues if it so wishes; and
- strengthen the scrutiny process by ensuring that, if necessary, the Assembly has access to an additional amending stage, particularly where substantial or significant changes have been agreed to at Stage 3.

103. This additional Report Stage would not take place routinely, and would only do so with the agreement of the Assembly. The Member in charge would need to propose that the Assembly considers amendments at Report Stage by moving a motion without notice in Plenary. If the Assembly agrees the motion, Report Stage would begin and normal Stage 3 procedures in relation to the tabling of amendments would apply thereafter (Standing Orders 23.42 to 23.57).

### ***Consent in relation to UK Parliament Bills***

104. When the UK Parliament wishes to legislate on a subject which has already been devolved to the National Assembly, convention requires it to receive the consent of the Assembly before it may pass the legislation in question. Such consent is given by the agreement of a Legislative Consent Motion (LCM). In accordance with Standing Order 26, a legislative consent memorandum is laid alongside an LCM to provide information about the relevant UK Parliament Bill. A legislative consent memorandum must:

- summarise the UK Parliament Bill’s policy objectives,

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<sup>31</sup> [Note of meeting with Legislation Committee Chairs](#)

- specify the extent to which the UK Parliament Bill would make provision for any purpose within the legislative competence of the Assembly<sup>32</sup> or would have a negative impact on the legislative competence of the Assembly; and
- explain whether it is considered appropriate for that provision to be made and for it to be made by means of the UK Parliament Bill (SO 26.3).

### *Scrutiny of legislative consent memoranda*

105. Concerns were raised in the public consultation<sup>33</sup> and the Constitutional Affairs Committee's response<sup>34</sup> to the review about the perceived lack of opportunity to properly scrutinise legislative consent memoranda before the motion to consent is considered and voted upon in Plenary.

106. To address these concerns it is proposed that Standing Order 26 is amended to provide a mechanism allowing the Business Committee, where appropriate, to refer any legislative consent memorandum for consideration by a relevant committee, before it is debated by the Assembly.

**107. The Committee recommends amending Standing Orders relating to legislative consent memoranda to enable better scrutiny of relevant provisions in UK Parliament Bills (new SO 26.3A, SO 26.3B and SO 26.6).**

### *Notification in relation to UK Parliament Bills*

108. The Constitutional Affairs Committee referred in its response to the review of Standing Orders to a perceived scrutiny gap in relation to UK Parliament Bills which grant powers to the Assembly.<sup>35</sup> The Committee's response also requested that Standing Orders are amended to require Welsh Ministers to inform committees when UK Parliament Bills have implications for the powers of Welsh Ministers or the Assembly.<sup>36</sup>

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<sup>32</sup> Apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly.

<sup>33</sup> [SOR5 \(Wales Governance Centre\)](#), [SOR7 \(Public Affairs Cymru\)](#), [SOR10 \(Wales Council for Voluntary Action\)](#) and [SOR12 \(Welsh Local Government Association\)](#)

<sup>34</sup> [SOR18 \(Constitutional Affairs Committee\)](#)

<sup>35</sup> Ibid

<sup>36</sup> Ibid

109. Responses received via the public consultation reiterated the concerns expressed by the Constitutional Affairs Committee and argued that there is limited scope for the scrutiny of framework powers (i.e. Measure making powers) included in Westminster legislation at the moment.<sup>37</sup> A significant number of evidence submissions to the review called on the Business Committee to consider providing mechanisms for the Assembly to better scrutinise UK Parliament Bills which either give the Assembly legislative powers or give executive powers to Welsh Ministers.<sup>38</sup>

110. To address the points made in the responses to the consultation, a new Standing Order 26A is introduced to build on the provision of Standing Order 26. This new Standing Order would provide a systematic mechanism for the Assembly to be notified of other UK Parliament Bills which impact on the functions of Welsh Ministers or the legislative competence of the Assembly.

111. The Welsh Government would be required to issue a written statement providing notification of UK Parliament Bills which include provisions (other than those defined as “relevant provisions” under Standing Order 26.1) which either:

- have a significant impact on the Welsh Ministers’ or on the Counsel General’s functions; or
- have an impact on the legislative competence of the Assembly (this would mainly, therefore, cover provision in UK Parliament Bills conferring framework powers on the Assembly).

112. The written statement would be issued for information only, not as a basis for a decision, on a motion, by the Assembly. Such statements would not be referred by the Business Committee for committee consideration however any committee could choose to consider the statement if it so wished.

**113. The Committee recommends inserting a new Standing Order requiring notification in relation to UK Parliament Bills which either include provisions (other than those captured by Standing Order 26) which have a significant impact on the functions of the Welsh Ministers (including the First Minister) or of the Counsel**

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<sup>37</sup> [SOR12 \(Welsh Local Government Association\)](#), [SOR10 \(Wales Council for Voluntary Action\)](#), [SOR7 \(Public Affairs Cymru\)](#) and [SOR5 \(Wales Governance Centre\)](#)

<sup>38</sup> Ibid

## **General or have an impact on the legislative competence of the Assembly (new SO 26A).**

### ***European subsidiarity mechanism***

114. Article 6 of the Lisbon Treaty Protocol on the application of the principles of subsidiarity and proportionality allows any national Parliament to send, within eight weeks from the date of publication of a draft legislative act, to the European Union institutions a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. It also provides that it is for each national Parliament to consult, where appropriate, regional parliaments with legislative powers.

115. The European and External Affairs Committee's (EEAC) response to the review argued that provision should be made in Standing Orders to acknowledge the role of the Assembly in considering the application of the principle of subsidiarity as set out in the Lisbon Treaty Protocol.<sup>39</sup> The EEAC's response included a request for a formal mechanism for the Committee to submit its views to the Houses of Parliament if EU legislation does not comply with the principles of subsidiarity.

116. New Standing Orders 15.9, 15.10 and 15.11 are introduced in response to the EEAC's request. They are drafted in broad terms to allow future Assemblies to agree the detail of procedures subject to any given set of circumstances. The new Standing Orders would allow a responsible committee to make written representations on behalf of the Assembly to the Houses of Parliament for them to be incorporated into a reasoned opinion to the relevant European Union authorities, in accordance with the protocol. They also outline an option whereby a responsible committee could delegate the functions relating to making written representations on behalf of the Assembly to the chair of the responsible committee during recess periods.

**117. The Committee recommends introducing a formal mechanism within Standing Orders to outline the role of the Assembly in considering the application of the principle of subsidiarity as set out in the Lisbon Treaty Protocol on the application of the principles of subsidiarity and proportionality (new SO 15.9 – SO 15.11).**

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<sup>39</sup> [SOR24 \(European & External Affairs Committee\)](#)

## Finance

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### *The annual budget process*

118. Standing Order 27 sets out the procedures, including dates and timing, for agreeing the budgets of the Government, Assembly Commission, Auditor General for Wales and the Public Services Ombudsman for Wales.

119. On a number of occasions during the Third Assembly, it has been necessary to suspend Standing Orders or agree a temporary Standing Order to adjust the timings. The current Standing Order poses particular restrictions during a year when there is a Comprehensive Spending Review.

120. This issue was addressed by the Finance Committee in its response<sup>40</sup> to the Business Committee. It recommended that the Standing Orders should set out the principles that apply to scrutiny of the various budgets and the time allowed. However, the specific dates could be set by Business Committee, in light of circumstances that apply at the time.

**121. In line with the recommendation of the Finance Committee, the Committee concluded that the timetable for consideration of the draft budget for the government should be published by the Business Committee on an annual basis (new or revised SOs 27.0 – SO 27.6).**

122. To achieve this, all specific dates for the laying of the draft budget for the government and for tabling the annual budget motion would be removed from Standing Orders. Instead, the Business Committee would publish a timetable before the summer recess, in consultation with the government and the committee responsible for delivering the financial scrutiny function.

123. Although the Business Committee would publish the timetable, the government would be responsible for determining the dates for laying its draft budget and tabling the annual budget motion (SO 27.0B). The Business Committee would then, within this timeframe, determine the deadline for the responsible committee to report on the draft budget for the government.

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<sup>40</sup>[SOR20 \(Finance Committee\)](#)

124. **The Committee recommends that the Standing Orders guarantee a period of at least 5 weeks for the responsible committee to report on the draft budget for the Welsh Government (new SO 27.0E).**

#### ***The Assembly Commission's Budget***

125. **The Committee recommends that there should be more flexibility regarding the timing of the Assembly Commission's budget. This would include amending both the deadline for laying the Commission's draft budget and the deadline for agreeing the final budget by one week, as well as allowing the Commission to decide when to lay its final budget within the deadline (amend SO 27.7 and SO 27.9).**

126. In order to avoid the need to introduce a temporary Standing Order in a year in which a UK Government or Welsh Government spending review takes place, a new Standing Order would allow the Commission to propose changes to its budget timetable, subject to the agreement of the Business Committee (new SO 27.12A).

#### ***The estimates of the Auditor General and Ombudsman***

127. The Committee notes that the deadlines for the Auditor General and the Public Services Ombudsman for Wales to submit their estimates to the Assembly are contained in Acts of Parliament and therefore cannot be revised in Standing Orders.

#### ***Supplementary budget motions***

128. The Business Committee also recommends a new requirement in respect of any supplementary budget motions which vary the budget of the Commission, Auditor General or Ombudsman. The Commission and the Public Services Ombudsman for Wales would have to lay or submit explanatory memorandums to the responsible committee explaining why they are requesting a supplementary budget, to inform the responsible committee's report (new SO 27.22A, amend SO 27.26). Similarly, the Auditor General would have to submit an explanatory memorandum to the Public Accounts Committee (amend SO 27.25).

129. The revised Standing Order on finance procedures and a full explanation of all the proposed changes can be found in Annex 2.

## Reports of Proceedings

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130. Standing Order 30 sets out the requirements for publishing reports of Assembly proceedings. In May 2010, the Independent Review of Bilingual Services in the National Assembly for Wales made the following recommendations in relation to the way in which the Assembly's proceedings are reported:

“We recommend that the verbatim text record of proceedings be published in the original language(s) spoken, together with a record of the contemporaneous translation from Welsh to English, as heard in the Chamber at the time. (paragraph 68)”<sup>41</sup>

131. These recommendations were agreed by the Assembly Commission in May 2010 and have been implemented since September 2010.

**132. The Committee recommends that Standing Order 30 relating to arrangements for recording decisions (minutes) and reporting public meetings should be revised in line with the recommendation of the Independent Review of Bilingual Services, and provide that the same approach to recording and reporting applies to both committee and Plenary proceedings (amend SO 30).**

133. The revised Standing Order should also reflect more closely the provisions of the Government of Wales Act 2006, making it clear that the Assembly Commission is responsible for determining the arrangements for the recording, reporting and publishing proceedings in accordance with the Act.

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<sup>41</sup> [Independent Review of Bilingual Services in the National Assembly for Wales](#), May 2010, p 7



## Financial and Other Interests

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134. The requirements relating to Members' registration and declaration of financial and other interests are contained in Standing Order 31. Requirements relating to recording Members' employment of family members with the support of Commission funds are outlined in Standing Order 31A; the duty to record their membership of societies is noted in Standing Order 32. No substantive changes are proposed to these Standing Orders at this time.

### *Recording of Members' time involved in registrable activities*

135. In July 2009 the arrangements for the financial support of Assembly Members were reviewed by the Independent Review Panel on AMs' Pay and Expenses chaired by Sir Roger Jones.<sup>42</sup> Recommendation 15 of the Independent Review Panel's Report stated that:

"In addition to recording information on other employment on the Register of Interests, Assembly Members should also be required to detail the time involved in this additional employment."<sup>43</sup>

136. The Panel's recommendations were accepted in full by the Assembly Commission on 7 July 2009. In taking the recommendations forward, the Assembly Commission requested that the Committee on Standards of Conduct consider how the recommendation could be best implemented. The Committee on Standards of Conduct considered the recommendation, submitted its views to the Business Committee on how it would best be achieved, and requested that it be considered as part of the Review of Standing Orders.<sup>44</sup>

137. In accordance with the Committee on Standards of Conduct's view, it is proposed that recommendation 15 is implemented via a new, stand-alone Standing Order. New Standing Order 31B would require Members to provide notification of the estimated time involved in registrable activities within broad time bands. A registrable activity would be a remunerated directorship, or any employment, office,

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<sup>42</sup> Independent Review Panel, [Getting it Right for Wales](#), July 2009, Recommendation 15, p 62.

<sup>43</sup> Ibid.

<sup>44</sup> Letter from the Chair of the Standards Committee to the Business Committee, [Recommendation 15 of Getting it Right for Wales](#), 18 June 2010.

trade, profession or vocation for which the Member has any pecuniary interest.

138. The Standing Order would require Members to provide notification of the estimated time involved in a registrable activity at the same time that they register the interest in accordance with Standing Order 31.2. A record of these notifications would be published and Members would be under a continuing duty to ensure that the record contains the correct information relating to their registrable activities.

**139. The Committee recommends introducing a new Standing Order requiring Members to provide notification of the estimated time involved in registrable activities, in line with the recommendation of the Independent Review Panel and in accordance with the recommendations made by the Committee on Standards of Conduct (new Standing Order 31B).**

#### *Standards Commissioner*

140. Standing Order 33 relating to the Commissioner for Standards is no longer applicable following the approval of the National Assembly for Wales Commissioner for Standards Measure 2009.<sup>45</sup> As the Measure sets out the role's statutory functions, Standing Order 33 is redundant and will therefore be deleted. A duty to ensure that Members' Standards of Conduct continue to be within the remit of an Assembly committee is provided in Standing Order 16 as amended.

**141. The Committee recommends deleting Standing Order 33 relating to the Commissioner for Standards as it has been superseded by the passing of the National Assembly for Wales Commissioner for Standards Measure 2009 (delete SO 33).**

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<sup>45</sup> [National Assembly for Wales Commissioner for Standards Measure 2009](#)

## Guidance and supporting documents

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142. During the Committee's discussions on the review of Standing Orders, Business Managers noted their view that further information relating to the application of the Standing Orders ought to be provided. Such information could range from detailed guidance on particular Standing Orders<sup>46</sup> to a more comprehensive guide providing an overarching explanation of how the Standing Orders operate, how they have been interpreted and how Members can use them to represent their constituents, make laws and hold the government to account.<sup>47</sup>

143. Responses to the public consultation<sup>48</sup> and discussions at the Pierhead event also indicated general consensus that better information is needed to explain what the Assembly does and how people can engage with it.<sup>49</sup>

144. The Committee's recommendation to introduce a simplified mechanism for the Presiding Officer, in consultation with the Business Committee, to issue guidance to Members on the conduct of Assembly business will assist with this task.

**145. The Committee recommends that one of the first tasks for the Presiding Officer and Business Committee of the next Assembly should be to produce a complementary guide for Members, their staff and the public to enable better understanding of our processes and to explain how the tools they offer can be used to serve the people of Wales.**

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<sup>46</sup> RoP pages 17, 19 and 20, 7 December 2010

<sup>47</sup> RoP, p 15, 1 February 2011

<sup>48</sup> [SOR10 \(WCVA\)](#)

<sup>49</sup> [Review of Standing Orders: Note of Pierhead event \(July 2010\)](#)

## **The implications of the Referendum on the Assembly's law-making powers**

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146. Since the Government of Wales Act 2006 (“the Act”) came into force at the beginning of the Third Assembly, the Assembly has been able to make laws for Wales in 20 areas, known as ‘policy fields’. Each of the fields was broken down into more detailed areas, known as ‘matters’. Before the Assembly could make a law in any one of the 20 fields, the UK Parliament in Westminster must have agreed that the Assembly could make law on the relevant matter.

147. The Act also included an alternative model for law making powers of the Assembly, which would come into force only if the people of Wales agreed by referendum.

148. The referendum, held on 3 March 2011, asked whether the people of Wales thought Westminster should now grant the Assembly the authority to make laws throughout all of these 20 policy areas, rather than the existing system of having to request or acquire it, bit by bit.

149. As the referendum resulted in a “yes” vote, the Welsh Ministers may now give effect to the alternative model, by making an Order to bring into force the relevant part of the 2006 Act (referred to as the Assembly Act provisions, which are found in Part 4 of the Act). These powers will therefore not take effect until after the 2011 Assembly election.

150. The Committee recognises that Standing Orders need to be reviewed to reflect the changes introduced by Part 4 of the Act (the provisions relating to legislation and Assembly Measures in particular).

**151. The Committee recommends that any changes necessary to Standing Orders as a result of Part 4 of the Government of Wales Act 2006 coming into force should be presented to the Fourth Assembly for their consideration and agreement after the election in May 2011.**

152. It is not proposed that the fundamental procedure for legislative scrutiny of Bills under Part 4 would differ from that of Measures under Part 3. The majority of changes necessary would, therefore, relate to terminology.

**153. However, in order to enable the Assembly’s Standing Orders to cater for powers under Part 4 of the Act with immediate effect, a provisional amendment to the interpretation section of Standing Orders has been inserted which provides that after the coming into force of Part 4 and until the necessary revisions to Standing Orders are made, references to “Measures” and “Proposed Measures” are to be interpreted respectively as including references to “Acts of the Assembly” and “Bills for Acts”, and references to “Royal Approval (in Council)” as references to “Royal Assent”.**

154. In the Welsh Standing Orders, any references to “Bills”, whether Assembly Bills or UK Bills, will be referred to throughout as “Biliau”.

## Schedule of Public Meetings

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Date / Time	Link to Transcripts
2 November 2010, 9.00 - 10.00am	<a href="#">Transcript, 2 Nov</a>
9 November 2010, 9.00 - 10.00am	<a href="#">Transcript, 9 Nov</a>
16 November 2010, 9.00 - 10.00am	<a href="#">Transcript, 16 Nov</a>
23 November 2010, 9.00 - 10.00am	<a href="#">Transcript, 23 Nov</a>
7 December 2010, 8.45 - 10.30am	<a href="#">Transcript, 7 Dec</a>
25 January 2011, 8.45 - 10.00am	<a href="#">Transcript, 25 Jan</a>
1 February 2011, 8.45 - 9.15am	<a href="#">Transcript, 1 Feb</a>

## List of Written Evidence

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155. The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full on the Business Committee webpages at:

[http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/bus-committees-third-bc-home/bc-review\\_of\\_standing\\_order\\_consultation\\_responses.htm](http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/bus-committees-third-bc-home/bc-review_of_standing_order_consultation_responses.htm)

156. A note of the Pierhead event held to discuss the review of Standing Orders with external stakeholders is available at:

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/business-pierhead-discussion.htm>

Name/Organisation	Reference
Public Services Ombudsman	<a href="#">SOR 1</a>
G Morgan	<a href="#">SOR 2</a>
Multiple Sclerosis Society Wales	<a href="#">SOR 3</a>
Association of Teachers and Lecturers (ATL Cymru)	<a href="#">SOR 4</a>
Wales Governance Centre	<a href="#">SOR 5</a>
RSPB Cymru	<a href="#">SOR 6</a>
Public Affairs Cymru (PAC)	<a href="#">SOR 7</a>
Prof Laura McAllister and Dr Diana Stirbu	<a href="#">SOR 8</a>
Nick Ramsay, AM	<a href="#">SOR 9</a>
Wales Council for Voluntary Action (WCVA)	<a href="#">SOR 10</a>
Hansard Society	<a href="#">SOR 11</a>
Welsh Local Government Association (WLGA)	<a href="#">SOR 12</a> , <a href="#">Bridgend Guidance</a> , <a href="#">Caerphilly Guidance</a>

Royal College of Nursing Wales	<a href="#">SOR 13</a>
Keith Towler, Children's Commissioner for Wales	<a href="#">SOR 14</a>
Helen Mary Jones AM, Chair of Children and Young People Committee	<a href="#">SOR 15</a>
Ann Jones AM, Chair of Equality of Opportunity Committee	<a href="#">SOR 16</a>
Sandy Mewies AM, Chair of Communities and Culture Committee	<a href="#">SOR 17</a>
Dai Lloyd AM, Temporary Chair of Constitutional Affairs Committee	<a href="#">SOR 18</a>
Christine Chapman AM, Chair of Petitions Committee	<a href="#">SOR 19, Additional Evidence</a>
Angela Burns AM, Chair of Finance Committee	<a href="#">SOR 20</a>
Jonathan Morgan AM, Chair of Public Accounts Committee	<a href="#">SOR 21, Additional Evidence</a>
Gareth Jones AM, Chair of Enterprise and Learning Committee	<a href="#">SOR 22</a>
Kirsty Williams AM, Sustainability Committee	<a href="#">SOR 23</a>
Rt Hon Rhodri Morgan AM, Chair of European and External Affairs Committee	<a href="#">SOR 24</a>
Note of discussions with Committee Chairs	<a href="#">BC(3)33-10- Paper 4 Annex C</a>



## **Annex 1 - List of Supporting Documents**

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All of the papers considered by the Business Committee, supporting documentation and records of Committee’s decisions are listed in below, structured as follows:

- Covering Papers – outline the key changes proposed and supporting evidence;
- Annex A – sets out all tracked changes with a detailed explanation of each amendment;
- Annex B – contains a clean version of the relevant Standing Order/s as amended; and
- Public Minutes – recording the decisions made by the Business Committee (the transcripts for each public meeting can also be found in the ‘Schedule of Public Meetings’ at the end of the report).

	Covering Paper	Annex A Table of Tracked Standing Orders	Annex B Clean version of Standing Orders	Public Minutes
1. Assembly Offices	<a href="#">BC(3)31-10: Paper 1</a>	<a href="#">BC(3)31-10: P1, Annex A</a>	<a href="#">BC(3)31-10: P1, Annex B</a>	<a href="#">BC(3)31-10: Minutes</a>
	<a href="#">BC(3)33-10: Paper 1</a>	<a href="#">BC(3)33-10: P1, Annex A</a>	<a href="#">BC(3)33-10: P1, Annex B</a>	<a href="#">BC(3)33-10: Minutes</a>
2. Appointments	<a href="#">BC(3)31-10: Paper 1</a>	<a href="#">BC(3)31-10: P1, Annex A</a>	<a href="#">BC(3)31-10: P1, Annex B</a>	<a href="#">BC(3)31-10: Minutes</a>
	<a href="#">BC(3)33-10: Paper 1</a>	<a href="#">BC(3)33-10: P1, Annex A</a>	<a href="#">BC(3)33-10: P1, Annex B</a>	<a href="#">BC(3)33-10: Minutes</a>

3. Plenary and Organisation of Business	<a href="#">BC(3)28-10: Paper 2</a> <a href="#">BC(3)29-10: Paper 1</a> <a href="#">BC(3)03-11: Paper 1</a> <a href="#">BC(3)03-11: Paper 2</a> <a href="#">BC(3)04-11: Paper 1</a>	<a href="#">BC(3)28-10: P2, Annex A</a> <a href="#">BC(3)29-10: P1, Annex A</a> <a href="#">BC(3)03-11: P1, Annex A</a> <a href="#">BC(3)03-11: P2, Annex A</a> <a href="#">BC(3)04-11: P1, Annex A</a>	<a href="#">BC(3)28-10: P2, Annex B</a> <a href="#">BC(3)29-10: P1, Annex B</a> <a href="#">BC(3)03-11: P1, Annex B</a> <a href="#">BC(3)03-11: P2, Annex B</a> <a href="#">BC(3)04-11: P1, Annex B</a>	<a href="#">BC(3)28-10: Minutes</a> <a href="#">BC(3)29-10: Minutes</a> <a href="#">BC(3)03-11: Minutes</a> <a href="#">BC(3)04-11: Minutes</a>
4. Committees	<a href="#">BC(3)29-10: Paper 2</a> <a href="#">BC(3)30-10: Paper 1</a> <a href="#">BC(3)03-11: Paper 3</a>	<a href="#">BC(3)29-10: P2, Annex A</a> <a href="#">BC(3)30-10: P1, Annex A</a> <a href="#">BC(3)03-11: P3, Annex A</a>	<a href="#">BC(3)29-10: P2, Annex B</a> <a href="#">BC(3)30-10: P1, Annex B</a> <a href="#">BC(3)03-11: P3, Annex B</a>	<a href="#">BC(3)29-10: Minutes</a> <a href="#">BC(3)30-10: Minutes</a> <a href="#">BC(3)03-11: Minutes</a>
5. Finance	<a href="#">BC(3)33-10: Paper 2</a> <a href="#">BC(3)03-11: Paper 6</a>	<a href="#">BC(3)33-10: P2, Annex A</a> <a href="#">BC(3)03-11: P6, Annex A</a>	<a href="#">BC(3)33-10: P2, Annex B</a> <a href="#">BC(3)03-11: P6, Annex B</a>	<a href="#">BC(3)33-10: Minutes</a> <a href="#">BC(3)03-11: Minutes</a>
6. Legislation	<a href="#">BC(3)33-10: Paper 4</a> <a href="#">BC(3)03-11: Paper 4</a> <a href="#">BC(3)03-11: Paper 5</a>	<a href="#">BC(3)33-10: P4, Annex A</a> <a href="#">BC(3)03-11: P4, Annex A</a> <a href="#">BC(3)03-11: P5, Annex A</a>	<a href="#">BC(3)33-10: P4, Annex B</a> <a href="#">BC(3)03-11: P4, Annex B</a> <a href="#">BC(3)03-11:</a>	<a href="#">BC(3)33-10: Minutes</a> <a href="#">BC(3)03-11: Minutes</a> <a href="#">BC(3)04-11: Minutes</a>

	<a href="#">BC(3)04-11: Paper 2</a>	<a href="#">BC(3)04-11: P2, Annex A</a>	<a href="#">P5, Annex B</a>  <a href="#">BC(3)04-11: P2, Annex B</a>	
7. Reports of Proceedings	<a href="#">BC(3)33-10: Paper 5</a>	<a href="#">BC(3)33-10: P5, Annex A</a>	<a href="#">BC(3)33-10: P5, Annex B</a>	<a href="#">BC(3)33-10: Minutes</a>
8. Members	<a href="#">BC(3)28-10: Paper 1</a>  <a href="#">BC(3)33-10: Paper 3</a>	<a href="#">BC(3)33-10: P3, Annex A</a>	<a href="#">BC(3)28-10: P1, Annex B</a>  <a href="#">BC(3)33-10: P3, Annex B</a>	<a href="#">BC(3)28-10: Minutes</a>  <a href="#">BC(3)33-10: Minutes</a>

## Annex 2 – Tracked Changes and Explanation Grid

INTERPRETATION	
<p>In these Standing Orders:</p> <p>“<b>the Act</b>” means the Government of Wales Act 2006;</p> <p>“<b>an Assembly</b>” means the period from an Assembly election to dissolution;</p>	<p>No amendment necessary</p>
<p>“<b>Assembly election</b>” means a general election held under the Act <del>or the 2007 ordinary election held under the Government of Wales Act 1998;</del></p>	<p><b>Amend interpretation</b></p> <p>No longer relevant</p>
<p>“<b>Assembly proceedings</b>” means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee;</p> <p>“<b>Assembly year</b>” means the period from 1 May in one year to 30 April in the following year;</p> <p>“<b>Auditor General</b>” means the Auditor General for Wales appointed under paragraph 1 of Schedule 8 to the Act;</p> <p>“<b>Clerk</b>” means the Clerk of the Assembly appointed under section 26(1) of the Act;</p> <p>“<b>the Commission</b>” means the Assembly Commission as defined in section 27 of the Act;</p>	<p>No amendment necessary</p>

<p><b>“Counsel General”</b> means the Counsel General to the government appointed under section 49 of the Act;</p> <p><b>“Deputy”</b> means the Deputy Presiding Officer elected under section 25(1)(b) of the Act;</p> <p><b>“Deputy Welsh Minister”</b> means a Member appointed under section 50(1) of the Act;</p> <p><b>“First Minister”</b> means the Member appointed under section 46(1) of the Act;</p> <p><b>“government”</b> means Welsh Assembly Government, as defined in section 45(1) of the Act;</p>	
<p><b>“laid”</b> means laid <del>in the table office</del> in accordance with Standing Order 29;</p>	<p><b>Amend interpretation</b></p> <p>This needs to be updated as Standing Order 29 now only refers to “the Clerk”, not the “Table Office”. In practice, the Table Office will still be responsible for receiving documents to be laid or business to be tabled. Any guidance to Members would make it clear that they should be sent to the Table Office.</p>
<p><b>“legislative competence order”</b> means an Order in Council under section 95 of the Act;</p> <p><b>“Member”</b> means an Assembly Member returned either for an Assembly constituency or for an Assembly electoral region;</p> <p><b>“member of the government”</b> means the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister;</p>	<p>No amendment necessary</p>

<p><u>“non-sitting week” means a week in which the Assembly does not sit in plenary;</u></p>	<p><b>Insert new interpretation</b></p> <p>This relates to the definition of “sitting week” below. It is helpful to have a short definition of a “non-sitting week” as it is currently described in full each time i.e. “a week in which the Assembly does not sit in plenary”.</p>
<p>“<b>Ombudsman</b>” means the Public Services Ombudsman for Wales appointed under the Public Services Ombudsman (Wales) Act 2005;</p> <p>“<b>published</b>” means publication on the Assembly website as a minimum requirement;</p> <p>“<b>sitting week</b>” means a week in which the Assembly sits in plenary;</p> <p>“<b>subordinate legislation</b>” means an Order in Council, order, rule, regulation, scheme, warrant, bye-law and other instrument made or to be made under any Act of the UK Parliament or Assembly Measure, or made or to be made under subordinate legislation;</p>	<p>No amendment necessary</p>
<p>“<b>the Supreme Court</b>” means the Supreme Court of the United Kingdom established under section 23(1) of the Constitutional Reform Act 2005; <del>but until the coming into force of section 23(1) of that Act, references in the Standing Orders to “the Supreme Court” are to be read as references to the Judicial Committee of the Privy Council;</del></p>	<p><b>Amend this interpretation</b></p> <p>No longer relevant</p>
<p>“<b>Welsh Minister</b>” means any Member appointed as a Welsh Minister under section 48(1) of the Act;</p> <p>“<b>the Welsh Ministers</b>” is to be construed in accordance with section 45(2) of the Act;</p> <p>“<b>working day</b>” means any day unless it is:</p>	<p>No amendment necessary</p>

<ul style="list-style-type: none"> <li>(i) a Saturday or a Sunday;</li> <li>(ii) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday;</li> <li>(iii) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971; or</li> <li>(iv) a day appointed for public thanksgiving or mourning.</li> </ul>	
<p><b><u>Transitional arrangements</u></b></p> <p><u>At any time after the coming into force of the Assembly Act provisions (contained in Part 4 of the Act) and until the coming into force of revisions to these Standing Orders consequential on that event:</u></p> <ul style="list-style-type: none"> <li>(i) <u>references in these Standing Orders to Measures and Proposed Measures are to be interpreted as including references to Acts of the Assembly and Bills for Acts; and</u></li> <li>(ii) <u>the reference in Standing Order 26.75 to the approval of an Assembly Measure by Her Majesty in Council is to be interpreted as a reference to Royal Assent to a Bill.</u></li> <li>(iii) <u>references in these Standing Orders to sections 99, 100 and 101 of the Act are to be interpreted as including, in relation to Bills for Acts, references to sections 112, 113 and 114.</u></li> </ul>	<p><b>Insert new interpretation</b></p> <p>Following the “yes” vote in the Referendum on the Assembly’s law-making powers, the Standing Orders will need to be reviewed to reflect the changes introduced by Part 4 of the Act (mostly the provisions relating to legislation and Assembly Measures in particular).</p> <p>Part IV will not commence until after the 2011 Assembly election. Any changes necessary to Standing Orders will therefore be presented to the Fourth Assembly for their consideration and agreement post May 2011.</p> <p>It is not anticipated that the fundamental procedure for legislative scrutiny of Bills under Part 4 will differ from that of Measures under Part III. The majority of changes necessary would, therefore, relate to terminology.</p> <p>However, to ensure that there is nothing to prevent legislation being introduced in the meantime, this transitional arrangement will be included in the interpretation section of the Standing Orders. It</p>

<u>respectively.”</u>	allows any references to Measures to be interpreted as a reference to Acts of the Assembly and proposed Measures as a reference to Bills.
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<b>STANDING ORDER 1 - Members</b>	
<b>Oath or Affirmation of Allegiance</b>	
1.1 When the oath of allegiance is taken, or the corresponding affirmation made, under section 23 of the Act, it must be taken or made before the Clerk, in public or in private.	No amendment necessary
1.2 When a member of the government takes: <ul style="list-style-type: none"> <li>(i) the official oath, or makes the corresponding affirmation;</li> <li>(ii) the oath of allegiance, or makes the corresponding affirmation,</li> </ul> under section 55 of the Act, he or she must, within one working day, notify the Clerk in writing that he or she has done so.	No amendment necessary
<b>Political Groups</b>	
1.3 For the purposes of the Act, a political group is:	No amendment necessary



<ul style="list-style-type: none"> <li>(i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or</li> <li>(ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.</li> </ul>	
<p>1.4 The Presiding Officer must decide any question as to whether any Member belongs to a political group or as to which political group he or she belongs.</p>	<p>No amendment necessary</p>
<p><del>1.5 The Assembly is from time to time to determine, on a motion proposed by the Commission, the payments to be made to political groups under section 24 of the Act.</del></p>	<p><b>Delete this Standing Order</b></p> <p>This Standing Order is redundant as a consequence of the passing of the National Assembly for Wales (Remuneration) Measure 2010.</p> <p>The duty specified in SO 1.5 is now set out in the Measure.</p>
<p><del>1.6 The Commission must publish:</del></p> <ul style="list-style-type: none"> <li><del>(i) every determination made under section 24 of the Act; and</del></li> <li><del>(ii) for each financial year, information about the sums paid to political groups in that financial year under section 24 of the Act.</del></li> </ul>	<p><b>Delete this Standing Order</b></p> <p>This Standing Order is redundant as a consequence of the passing of the National Assembly for Wales (Remuneration) Measure 2010.</p> <p>The duty specified in SO 1.6 is now the responsibility of the National Assembly for Wales Remuneration Board, not the Assembly Commission.</p>

<p><b><del>Salaries, Allowances and Pensions</del> <u>Remuneration</u></b></p>	<p><b>Amend this title</b> Replace “Salaries, Allowances and Pensions” with “Remuneration”</p>
<p>1.7 The Commission must, from time to time, determine <del>and pay any the amount of the reduction in the salary of a Member required, allowance, pension, gratuity or other payment or amount mentioned in, or in accordance with, by</del> sections 20, 21 <del>or 53</del> of the Act.</p>	<p><b>Amend this Standing Order</b></p> <p>Following the passing of the National Assembly for Wales (Remuneration) Measure 2010, responsibility for the payment and determination of allowances, pensions, gratuity or other payments to Members now falls to the National Assembly for Wales Remuneration Board, not the Assembly Commission.</p> <p>The only remaining duty on the Commission is to determine the amount of the reduction in the salary of an Assembly member required by section 21 of the Government of Wales Act 2006.<sup>50</sup> This duty is retained in the revised SO 1.7.</p>
<p>1.8 The Commission must lay before the Assembly and publish any determination made under Standing Order 1.7 as soon as reasonably practicable after it has been made.</p>	<p>No amendment necessary</p>
<p><del>1.9 The Commission must publish information for each financial year concerning the amounts as salaries and allowances paid by the Commission to each Member and former Member, and</del></p>	<p><b>Delete this Standing Order</b></p> <p>This Standing Order is redundant as a consequence of the passing of</p>

<sup>50</sup> This section requires the Assembly to reduce the salary of any Assembly Member who also receives a salary as a Member of Parliament or a Member of the European Parliament.

concerning the total amount so paid.	the National Assembly for Wales (Remuneration) Measure 2010. The duty to publish is set out in the Measure.
1.10 The Assembly must, on a motion proposed by the Commission, elect Trustees to the National Assembly for Wales Members' Pension Scheme in accordance with the Scheme Rules.	No amendment necessary
<b>Resignations and Vacancies</b>	
1.11 A Member may resign his or her seat in the Assembly by giving notice in writing to the Presiding Officer.	No amendment necessary
1.12 For the purposes of section 10 of the Act, a vacancy occurs when the Presiding Officer receives a notice of resignation in accordance with Standing Order 1.11, or otherwise when the Presiding Officer declares that the seat has become vacant.	No amendment necessary
<b>Different Roles and Responsibilities of Constituency Members and Regional Members</b>	
1.13 The Assembly must make a code or protocol, to be drafted by the <u>committee responsible for the functions specified in Standing Order 16</u> <del>Committee on Standards of Conduct</del> , in accordance with section 36(6) of the Act, about the different roles and responsibilities of constituency Members and regional Members. The code or protocol must include provision in line with the following five key principles and the Annex to Standing Order 1:	<p><b>Amend this Standing Order</b></p> <p>Replace “Committee on Standards of Conduct” with “the committee responsible for the functions specified in Standing Order 16” - this amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p> <p>Rather than stating that there must be a specific Committee on Standards of Conduct, the Business Committee must ensure that functions specified in Standing Order 16 (Standards of Conduct) are</p>

<ul style="list-style-type: none"> <li>(i) all Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously;</li> <li>(ii) in approaching the Member of their choice, the wishes of constituents and/or the interests of a constituency or locality are of paramount importance;</li> <li>(iii) all Members have equal status;</li> <li>(iv) Members should not misrepresent the basis on which they are elected nor the area they serve; and</li> <li>(v) no Member should deal with a constituency case or constituency issue that is not within his or her constituency or region (as the case may be), unless by prior agreement.</li> </ul>	<p>undertaken by a committee.</p> <p>The committee responsible for the functions specified Standing Order 16 would also be the responsible committee in relation to the functions currently undertaken by the Committee on Standards of Conduct under Standing Order 1.</p>
<b>STANDING ORDER 1 – Members: Annex</b>	
<p><b>Provision to be included in the code or protocol prepared under Standing Order 1.13 and in accordance with section 36(6) of the Act</b></p> <p><b>Describing Members</b></p> <p>1. Provision for regional and constituency Members to describe themselves accurately and for requirements regarding the use of Assembly resources, for example, stationery.</p> <p><b>Dealing with Constituency/Regional Issues</b></p>	<p><b>Amend paragraph 9 of the Annex</b></p> <p>As above</p>

2. Provision for Members to be able to take up a matter affecting the constituency or region for which they were elected whilst ensuring that courtesy is shown on matters affecting more than one constituency.

#### **Individual Constituents' Cases**

3. Provision to protect the right of a constituent to approach his or her constituency Member, and/or any of the four regional Members elected in his or her region.

#### **Raising Matters with a Member of the Government**

4. Provision to ensure that any Member is entitled to raise with the relevant member of the government a matter on behalf of a constituent in the area (constituency or region) for which they were elected.

#### **Members Operating in their Areas**

5. Provision reflecting the expectation that Members will work throughout the area (constituency or region) for which they were elected.

#### **School Visits**

6. Provision for notifying Members about official school visits to the Assembly organised by the Commission.

#### **Telephone Enquiries**

7. Provision to guide the way in which telephone enquiries from members of the public to the Assembly's switchboard, seeking

<p>to contact a Member, are dealt with.</p> <p><b>Members' Staff</b></p> <p>8. Provision that Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.13 and any code or protocol drawn up as a result of it.</p> <p><b>Enforcement</b></p> <p>9. Provision for any complaint against a Member in respect of the code or protocol to be referred to the <del>Committee on Standards of Conduct</del> <u>committee responsible for the functions specified in Standing Order 16.</u></p>	
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<b>STANDING ORDER 2 - Presiding Officer and Deputy</b>		
<b>Election of Presiding Officer and Deputy</b>		
2.1	At its first meeting after an Assembly election, the Assembly must elect from its Members a Presiding Officer and a Deputy.	No amendment necessary
2.2	If the office of the Presiding Officer or that of the Deputy becomes vacant, the Assembly must, as soon as possible,	No amendment necessary

<p>elect a Member to fill the vacancy. The election of a Presiding Officer takes precedence over all other business.</p>	
<p>2.3 Subject to Standing Order 2.4, the proceedings for the election of a Presiding Officer at the first meeting after an Assembly election are to be chaired by the Presiding Officer who held office immediately before the Assembly election (“the former Presiding Officer”), <del>except that following the 2007 Assembly election the Clerk shall chair the proceedings.</del></p>	<p><b>Amend this Standing Order</b></p> <p>The reference at the end to the procedure following the 2007 Assembly election is now redundant and can be removed.</p>
<p>2.4 If:</p> <ul style="list-style-type: none"> <li>(i) at the first meeting after <del>a general</del> <u>an Assembly</u> election the former Presiding Officer is unwilling or unable to act; or</li> <li>(ii) at any election of a Presiding Officer at any other time the Deputy is unwilling or unable to act, or there is no Deputy in office,</li> </ul> <p>the proceedings for the election of a Presiding Officer are to be chaired by the Clerk.</p>	<p><b>Amend this Standing Order</b></p> <p>2.4(i) - Wording amended for consistency with Standing Order 7.</p>
<p>2.5 No Member who chairs proceedings for the election of a Presiding Officer may be nominated for election as Presiding Officer in those proceedings.</p>	<p>No amendment necessary</p>
<p>2.6 At the election of a Presiding Officer or a Deputy, the chair must invite nominations. A nomination is, in the first instance, valid only if seconded by a Member who is not a member of the political group to which the nominating Member belongs.</p>	<p>No amendment necessary</p>

<p>2.7 If it appears that no Member is likely to be nominated and seconded by members of different political groups, the chair must adjourn the proceedings and may, on their resumption, accept nominations which are seconded by members of the same political group as the nominating Member.</p>	<p>No amendment necessary</p>
<p>2.8 If there is only one nomination, the chair must 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 must make arrangements for the election to take place by secret ballot.</p>	<p>No amendment necessary</p>
<p>2.9 If two Members have been nominated, the chair must declare elected the Member who has secured the greater number of votes cast in the ballot.</p>	<p>No amendment necessary</p>
<p>2.10 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 is excluded and further secret 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 secret ballot must take place.</p>	<p>No amendment necessary</p>
<p>2.11 The Member elected as Presiding Officer must immediately take the oath or make an affirmation if he or she has not already done so, and then take the chair.</p>	<p>No amendment necessary</p>
<p>2.12 The Assembly must not elect a Presiding Officer and a Deputy who belong to:</p>	<p>No amendment necessary</p>



<ul style="list-style-type: none"> <li>(i) the same political group;</li> <li>(ii) different political groups both of which have an executive role; or</li> <li>(iii) different political groups neither of which has an executive role.</li> </ul>	
<p>2.13 Standing Order 2.12 may be disapplied by a resolution of the Assembly (provided that, if the motion for the resolution is passed on a vote, it has no effect unless at least two-thirds of those voting support it); and any Member may, without notice, propose a motion for such a resolution immediately before the Assembly proceeds to the election of a Presiding Officer or Deputy.</p>	<p>No amendment necessary</p>
<p>2.14 If in the course of an Assembly, the Presiding Officer and Deputy become members of:</p> <ul style="list-style-type: none"> <li>(i) the same political group;</li> <li>(ii) different political groups both of which have an executive role; or</li> <li>(iii) different political groups neither of which has an executive role,</li> </ul> <p>and neither resigns from office, then any Member may, without notice, propose a motion at the next plenary meeting that the Presiding Officer and Deputy may remain in office. If no such motion is proposed, or the motion is not passed on a vote supported by at least two-thirds of those voting, then</p>	<p>No amendment necessary</p>

<p>both the Presiding Officer and Deputy must resign from office.</p>	
<p><b>Functions of Presiding Officer</b></p>	
<p>2.15 The functions of the Presiding Officer are:</p> <ul style="list-style-type: none"> <li>(i) to chair plenary meetings;</li> <li>(ii) to determine questions as to the interpretation or application of Standing Orders; and</li> <li><u>(iiA) to represent the Assembly in exchanges with any other bodies, whether within or outside the United Kingdom, in relation to matters affecting the Assembly;</u></li> <li>(iii) such other functions conferred by any enactment, by the Assembly or by these Standing Orders.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>We are proposing that the functions of the Presiding Officer should include the role of representing the Assembly, to reflect established practice and to give it a clear footing in Standing Orders. This would include his role as the “ambassador” of the Assembly when it comes to external and international relations. It would also provide clarity to those who have a duty to consult the Assembly, whom they should address in the first instance, and give the Presiding Officer the authority to speak on behalf of the Assembly in matters affecting the Assembly.</p>
<p>2.16 The Presiding Officer’s determinations as to the interpretation or application of Standing Orders are final.</p>	<p>No amendment necessary</p>
<p>2.17 The Presiding Officer, having consulted the Business Committee, may issue written guidance to Members for the proper conduct of Assembly proceedings. <del>Guidance issued under Standing Order 2.17 only has effect if the Assembly so resolves.</del></p>	<p><b>Amend this Standing Order</b></p> <p>During consideration of the plenary Standing Orders on 2 November 2010, Business Managers agreed in principle to introduce a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business.</p> <p>SO 2.17 is amended to reflect this agreement in principle. This would</p>

	require that the Presiding Officer must consult Business Committee before issuing the guidance rather than the current mixed system where some guidance requires the endorsement of the Assembly and some not (amend Standing Order 2.17). This provision would then generally apply whenever there is reference to the Presiding Officer issuing guidance.
2.18 In the absence or at the request of the Presiding Officer, the Deputy must exercise the functions of the Presiding Officer, so far as permitted by the Act.	No amendment necessary
2.19 In carrying out the functions of the Presiding Officer, the Presiding Officer and Deputy must demonstrate impartiality at all times.	No amendment necessary
2.20 <u>Subject to Standing Order 2.20A</u> the Presiding Officer or Deputy may vote in plenary proceedings only when exercising a casting vote. Where there is an equality of votes a casting vote must 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.	<b>Amend this Standing Order</b>  Reference added for clarity.
<u>2.20A The Presiding Officer and Deputy may vote in plenary proceedings where legislation requires a resolution or motion to be passed on a vote in which the number of Members voting in favour of it is not less than two-thirds of the total number of Assembly seats.</u>	<b>Insert new Standing Order</b>  It is proposed that the Presiding Officer and Deputy should be allowed to vote, exceptionally, when legislation, such as the Government of Wales Act, requires that a vote on a resolution depends on a proportion of the total membership of the Assembly

	<p>(40 out of 60 Members) rather than just two thirds of those voting. This normally applies to significant resolutions only, such as the vote on whether to request a referendum on Part IV of the Government of Wales Act, and the removal of the Auditor General from Office.</p> <p>When 40 out of 60 Members must agree a resolution, it follows that if the Presiding Officer and Deputy may not vote, it has the same effect as if they were to vote against the motion.</p> <p>By inserting a new provision allowing them to vote in these circumstances, it would allow the Presiding Officer or Deputy to decide whether to exercise their freedom to vote on this exceptional occasion.</p>
<p><b>Temporary Chair of Plenary Meetings</b></p>	
<p>2.21 Any Member other than a member of the government may, at the request of the Presiding Officer or Deputy when either is chairing a plenary meeting of the Assembly, temporarily chair <del>for not more than fifteen minutes on any one occasion.</del></p>	<p><b>Amend this Standing Order</b></p> <p>Amendment to reflect established practice.</p> <p>This restriction is not always applied in practice and should be relaxed to accord with what actually happens.</p>
<p>2.22 A Member acting as chair must not exercise any of the functions of the Presiding Officer except those contained in Standing Order 8, except that if the Member believes that the conduct of a Member is such as to warrant his or her withdrawal, the Member must suspend the meeting until the Presiding Officer or Deputy has returned.</p>	<p>No amendment necessary</p>

<b>Temporary Presiding Officer</b>	
2.23 On each occasion that both the Presiding Officer and the Deputy Presiding Officer are unable to act (other than under Standing Order 2.21), the Clerk must take the chair solely in order to arrange for the election of a Member to act as temporary Presiding Officer and a Member so elected must exercise the functions of the Presiding Officer until either the Presiding Officer or Deputy becomes able to act.	No amendment necessary
<b>Resignation or Removal from Office of Presiding Officer or Deputy</b>	
2.24 The Presiding Officer or the Deputy may resign by giving notice in writing to the Clerk.	No amendment necessary
<p><del>2.24A 7.42</del> If a motion:</p> <p>(i) <u>that the Presiding Officer be removed from office; or</u></p> <p>(ii) <u>that the Deputy be removed from office,</u></p> <p><u>is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</u></p>	<p><b>Move this Standing Order</b></p> <p>This is moved from SO 7.42 to SO 2, as it is more clear to explain how SO 2.25 would operate here, as agreed during consideration of the plenary Standing Orders on 2 November 2010.</p>
2.25 If the Assembly resolves that the Presiding Officer or Deputy be removed from office, the office of Presiding Officer or Deputy, as the case may be, is immediately vacant.	No amendment necessary

<b>STANDING ORDER 3 - The Assembly Commission</b>	
<b>Appointment of Members</b>	
3.1 As soon as reasonably practicable after an Assembly election, but no later than 10 days after the appointment of members of the Business Committee, the Assembly must consider a motion tabled by the Business Committee proposing the names of the four Members to be appointed as members of the Commission under section 27(2)(b) of the Act.	No amendment necessary
3.2 So far as is reasonably practicable, not more than one of the members of the Commission (other than the Presiding Officer) may belong to any one political group.	No amendment necessary
3.3 If there are four or more political groups in the Assembly, it is for <del>the leader of each of</del> the four largest political groups to inform the Business Committee of the name of a member of <del>his or her</del> <u>its</u> political group who is to be included in the motion tabled under Standing Order 3.1.	<p><b>Amend this Standing Order</b></p> <p>During discussions on Standing Order 10 in Business Committee, it was suggested that Standing Orders should not be so specific in referring to the leader of the political groups and could alternatively state that “Business Managers” should notify Business Committee – leaving the issue as to who makes the decisions to each group.</p> <p>Accordingly, Business Managers are requested to consider whether a change should be made to Standing Order 3.3 and 3.4.</p>
3.4 If there are fewer than four political groups in the Assembly:	<b>Amend this Standing Order</b>

<p>(i) it is for the leader of each of the political groups to inform the Business Committee of the name of a member of <del>its</del> his or her political group; and</p> <p>(ii) it is for the Business Committee to determine the name of any additional Member or Members, who are to be included in the motion tabled under Standing Order 3.1.</p>	<p>As above.</p>
<p>3.5 For the purposes of Standing Order 3.3, if there are two or more political groups with the same number of members, the Presiding Officer, having regard to the level of electoral support of each of the political groups in question, must determine which of those political groups is to be regarded as the larger (or largest, as the case may be).</p>	<p>No amendment necessary</p>
<p>3.6 No amendment may be tabled to a motion under Standing Order 3.1.</p>	<p>No amendment necessary</p>
<p><b>Resignation or Removal from Office</b></p>	
<p>3.7 A member of the Commission resigns from the Commission by giving notice in writing to the Clerk. The Presiding Officer cannot resign from the Commission.</p>	<p>No amendment necessary</p>
<p>3.8 Any Member may table a motion proposing that a particular Member (other than the Presiding Officer) be removed from the Commission and, if any such motion is agreed to in a plenary meeting, that Member is removed from the</p>	<p>No amendment necessary</p>

Commission with immediate effect.	
3.9 When a member of the Commission ceases to be a Member (otherwise than by dissolution), or resigns from or is removed from the Commission, the Assembly must consider a motion tabled by the Business Committee proposing the name of a Member to replace that Member as a member of the Commission.	No amendment necessary
<u>3.9A No amendment may be tabled to a motion under Standing Order 3.9.</u>	<b>Insert new Standing Order</b> To mirror the provision in SO 3.6 (rectifying its omission).
<b>Special or General <del>Instructions</del> <u>Directions</u> to the Commission</b>	<b>Amend this title</b> This is a technical correction to mirror the wording of SO3.10.
3.10 Any Member may table a motion to give special or general directions to the Commission. The Business Committee must report on whether time should be made available to debate such a motion.	No amendment necessary

<b>STANDING ORDER 4 - Welsh Ministers and Deputy Welsh Ministers</b>	
<b>Nomination of First Minister</b>	No amendment necessary
4.1 Subject to section 47(3) of the Act, the Assembly must, within	No amendment necessary



<p>28 days of an event specified in section 47(2) of the Act, nominate a Member for appointment as First Minister (“the nominee”).</p>	
<p>4.2 The Presiding Officer must invite nominations. If only one nomination is made, the Presiding Officer must declare that Member to be the nominee. If more than one nomination is made, the Presiding Officer must, 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 must declare the candidate who received the greater number of votes cast to be the nominee. If there is an equality of votes between the two candidates a further vote by roll call must take place.</p>	<p>No amendment necessary</p>
<p>4.3 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 must be excluded and further votes by roll call taken until one candidate obtains more than half of the votes cast; and the Presiding Officer must declare that Member to be the nominee. If there is an equality of votes between the two remaining candidates a further vote by roll call must take place.</p>	<p>No amendment necessary</p>
<p><b>Resignation etc. of First Minister or another Member of the Government</b></p>	
<p>4.4 When the Presiding Officer is notified that the First Minister has tendered his or her resignation to Her Majesty, the Presiding Officer must, if the resignation is accepted, notify the Assembly.</p>	<p>No amendment necessary</p>

<p>4.5 When the Presiding Officer is notified that any other member of the government has resigned, the Presiding Officer must notify the Assembly.</p>	<p>No amendment necessary</p>
<p>4.6 If the Presiding Officer designates a person to exercise the functions of the First Minister under section 46 of the Act, he or she must notify the Assembly.</p>	<p>No amendment necessary</p>
<p><del>4.6A 7.43</del> <u>If a motion that the Welsh Ministers no longer enjoy the confidence of the Assembly is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</u></p>	<p><b>Move Standing Order 7.43 to Standing Order 4</b></p> <p>This has been moved from SO7.43 to SO 4, as it is more clear to explain how Welsh Ministers may be removed in SO4 than in SO7, as agreed during consideration of the plenary Standing Orders on 2 November 2010.</p>

<b>STANDING ORDER 6 – Organisation of Business</b>	
<b><u>Title: Business Committee</u></b>	<p><b>Insert new title and sub-section (move Standing Order 11 to here)</b></p> <p>It is proposed that the provisions of Standing Order 11 on the Business Committee will be incorporated into Standing Order 6, in order to group all the Standing Orders which relate to how Assembly business is organised (see Standing Order 11 below).</p>
<b>Title: <del>Periodic</del> <u>Assembly</u> Timetable</b>	<p><b>Amend this title</b></p> <p>Replace ‘Periodic timetable’ with ‘Assembly Timetable’.</p>
6.1 From time to time, the Business Committee must <del>table a motion proposing to</del> <u>publish a timetable</u> , for periods of not less	<b>Amend this Standing Order</b>

<p>than six months, <u>which must include the following</u>:</p> <ul style="list-style-type: none"> <li>(i) outline timetables of plenary meetings;</li> <li>(ii) times available for committee meetings;</li> <li>(iii) <u>times available for</u> meetings of political groups;</li> <li>(iv) recesses; and</li> <li>(v) dates for questions for oral answer by the First Minister, Welsh Ministers, the Counsel General and the Commission.</li> </ul>	<p>Standing Order 6.1 has not been implemented in the Third Assembly, the established practice has been for the Business Committee to publish timetable for certain items. However, it is proposed that the Standing Order should be amended to reflect this practice and implemented in full in future, rather than by way of a motion tabled by the Business Committee.</p> <p>This should provide underpinning certainty about the organisation of plenary business, in view of the proposed change to SO 7.5A.</p>
<p>6.2 Motions under Standing Order 6.1 must have regard to the family and constituency or electoral region responsibilities of Members and their likely travel arrangements; and should normally seek to avoid timetabling business before 9.00am or after 6.00pm on any working day.</p>	<p>No amendment necessary</p>
<p><b>Weekly Business</b></p>	
<p>6.3 In each week that the Assembly meets in plenary, the Minister with responsibility for government business must:</p> <ul style="list-style-type: none"> <li>(i) make a statement about the organisation of government business in plenary; and</li> <li>(ii) at the same time, announce the organisation of <del>non-government</del> and Assembly business in plenary,</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>A new “Assembly business” category would capture all business currently defined as “Assembly” or “non-government” business.</p> <p>“Assembly business” would encompass all categories of business currently defined as “non-government” or “Assembly” business. There would therefore only be two categories of business in future: “Government” and “Assembly” business.</p>

	for the first week after the week when the statement is made, together with the provisional organisation of business for the two subsequent weeks.	
6.4	The organisation of government business in plenary must be determined by the government.	No amendment necessary
6.5	The organisation of <del>Assembly non-government</del> business in plenary must be determined by the Business Committee, in accordance with Standing Order 11.7(ii).	<b>Amend this Standing Order</b>  The organisation of all “Assembly business” would be subject to qualified weighted voting in the Business Committee as currently applies to “non-government business”; other decisions in the Business Committee would remain subject to full weighted voting (see also amendments to 11.7).
<del>6.6</del>	<del>The organisation of Assembly business in plenary must be determined by the Business Committee, in accordance with Standing Order 11.7 (iii).</del>	<b>Delete this Standing Order</b>  Unnecessary provision as a consequence of changing the definition of “Assembly business”. It is now captured by 6.5.
6.7	Every item of business referred to in the statement and announcement must have an allotted time assigned to it.	No amendment necessary
6.8	<del>An item of business referred to in the statement or announcement (other than any item of business when amendments to legislation are to be considered) may be designated (by the government if it is government business or by the Business Committee if it is non-government or Assembly business) as an item of business where any vote necessary to dispose of the business is to be deferred to a specified time later on the same day.</del>	<b>Amend this Standing Order</b>  The voting provisions have been changed to reflect established practice.  6.8(i) this is a new provision which reflects the established practice that the Business Committee agrees a ‘Voting Time’ in Committee for all items which are not agreed “on the nod” during the course of the plenary session (voting on the nod is now covered by SO 7.30A).

<p><u>In relation to any item of business referred to in the statement or announcement (other than any item of business when amendments to legislation are to be considered), the government (if it is government business) or the Business Committee (if it is Assembly business) may:</u></p> <p>(i) <u>specify a time or point during the same day's plenary business no earlier than which any vote(s) necessary to dispose of the business is to be taken, unless the business is decided in accordance with Standing Order 7.30A; or</u></p> <p>(ii) <u>decide that Standing Order 7.30A should not apply to an item of business and specify a time or point during the same day's plenary business at which any vote necessary to dispose of that item of business is to be taken.</u></p>	<p>Business Managers could either agree a time or a point on the agenda, for example, "at the end of item 4". It would have to take place on the same day.</p> <p>6.8(ii) This is a simplified version of the current SO 6.8 which enables the Government or the Business Committee to agree a specific voting time for any particular item of business - any vote necessary would be deferred to the specified time (or a point on the agenda) on the same day. A recorded vote would have to be taken.</p>
<p>6.9 <del>The Presiding Officer may permit questions to be asked of the Minister with responsibility for government business for not longer than 30 minutes after the statement has been made, but no vote may be taken on the statement or announcement.</del></p>	<p><b>Delete this Standing Order</b></p> <p>It is not possible to vote on a statement, therefore there is no need to state that no vote may be taken on the business statement announcement.</p> <p>There is now a new general provision on statements, which would cover this (see SO 7.41A and 7.42B).</p>
<p>6.10 The statement and announcement constitute the timetable for business in plenary for the first week after the week when the statement and announcement were made.</p>	<p>No amendment necessary.</p>

<p><b>Title: <u>Categories of Plenary Business</u></b></p>	<p><b>Insert new title and sub-section (move relevant Standing Orders from 7 to here)</b></p> <p>All Standing Order provisions relating to categories of business would be moved from Standing Order 7 to the revised Standing Order 6: Organisation of Business (move SO 7.6, 7.11 - 7.13, 7.61 - 7.63 as amended).</p>
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<p><b>Title: <del>Business</del> <u>Notice of Business</u></b></p>	<p><b>Amend this title</b></p> <p>Delete 'Business' and add 'of Business' after 'Notice'.</p>
<p>6.11 <del>As soon as possible after each plenary meeting, the</del>The Clerk must publish <u>and maintain details of a forthcoming business notice</u> which must include <del>the</del> notice of plenary and committee agendas, together with information about any of the following which have been tabled or laid before the Assembly <del>since the last business notice</del>:</p> <ul style="list-style-type: none"> <li>(i) oral and written questions;</li> <li>(ii) motions and amendments to motions;</li> <li>(iii) proposed and draft legislative competence orders;</li> <li>(iv) proposed Measures and amendments to proposed Measures;</li> <li>(v) subordinate legislation or draft subordinate legislation; and</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>The Standing Order currently requires the publication of a "Business notice". There is no "business notice" as such, however all the information it has to include is published as soon as possible. Therefore the concept of a "Business Notice" is replaced by a duty to publish notice of business, reflecting established practice.</p>

(vi) any documents laid before the Assembly.	
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<b>STANDING ORDER 7 - Business in Plenary Meetings</b>	
<b>Plenary Meetings</b>	
7.1 Plenary meetings of the Assembly must take place in public and broadcasting access must be permitted in accordance with such arrangements as the Commission may <del>from time to time</del> agree.	<b>Amend this Standing Order</b> Remove “from time to time” as it is unnecessary - for drafting consistency across Standing Orders
7.2 The Assembly must meet in plenary in accordance with Standing Orders 6 and 7.	No amendment necessary
7.3 If no <u>plenary</u> meeting is timetabled for a particular date or time, the Presiding Officer may, at the request of the First Minister, summon the Assembly to consider a matter of urgent public importance.	<b>Amend this Standing Order</b> Insert “plenary” for clarity
7.4 So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.	No amendment necessary



<p>7.5 Any documents referred to in Standing Order 7.4 must be made available to the Secretary of State for Wales at the same time as they are to Members.</p>	<p>No amendment necessary</p>
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<p><u>7.5A Plenary meetings must usually:</u></p> <p><u>(i) be held on Tuesdays and Wednesdays and start at 1.30pm;</u></p> <p><u>(ii) take government business first.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This would replace the following Standing Orders: 7.7, 7.8 and 7.9. 7.5A would still be subject to the requirement of SO 6.2 which requires business hours to be “family friendly.”</p> <ul style="list-style-type: none"> <li>(i) This would allow more flexibility as to Plenary days and start times.</li> <li>(ii) This would allow more flexibility on when “government” or “Assembly” items can be taken in plenary, however government items “must usually” be taken first as is our current practice.</li> </ul>
<p><b><u>Title: Plenary Meetings following an Assembly Election</u></b></p>	<p><b>Insert new section</b></p> <p>It is proposed that there should be a new sub-section to Standing Order 7 making provisions for how business is organised in plenary meetings following an Assembly election until a Business Committee is appointed. The proposal is based on the provisions which were set out in the temporary Standing Order for the Third Assembly (Standing Order 36). This new sub-section would specify:</p>

	<ul style="list-style-type: none"> <li>(i) who determines the dates and times of these plenary meetings and how Members are to be notified;</li> <li>(ii) what type of business may be taken at these plenary meetings.</li> </ul>
<p><u>7.5B The first plenary meeting following an Assembly election is to take place at a time specified by the Presiding Officer, having consulted with political groups, (or if the Presiding Officer is unwilling or unable to act, the Clerk must specify the time), in accordance with sections 3 or 5 of the Act.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Under section 25 of the Government of Wales Act, the Presiding Officer holds office until the conclusion of an election for a new Presiding Officer following an Assembly election. The Presiding Officer appointed in the previous Assembly would therefore be responsible for determining the time and date of the first meeting following an Assembly election (this must be within 7 days of the Assembly election, subject to certain exclusions, in accordance with section 3 of the Act), following consultation with all political groups.</p> <p>However, if the Presiding Officer is for any reason unwilling or unable to undertake this role, provision is made for the Clerk of the Assembly to act in his or her absence.</p>
<p><u>7.5C Subsequent plenary meetings must be on a day and time specified by the Presiding Officer, having consulted with political groups, until the first meeting for which a statement and announcement has been made under Standing Order 6.3.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Once a new Presiding Officer has been elected, he or she would be responsible for specifying the day and time of subsequent plenary meetings, in consultation with all political groups, until such time as the Business Committee has been established and the Minister with responsibility for business makes the first business statement and announcement under Standing Order 6.3.</p>
<p><u>7.5D The Clerk must notify all Members of the date and time of the plenary meetings arranged under Standing Order 7.5B and 7.5C not less than 24 hours before the meeting.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This would place a duty on the Clerk to give Members at least 24 hours' notice of these plenary meetings.</p>

7.5E The only business to be taken at plenary meetings arranged under Standing Order 7.5B and 7.5C is:

- (i) any business under Standing Order 7.15;
- (ii) such other business as the Assembly may by resolution agree.

**Insert new Standing Order**

This would limit the type of business which may be taken at the first and any subsequent plenary meetings until the plenary meeting at which the first business statement announcement is made.

It would allow the following business to be taken without notice during these early plenary meetings:

7.5E(i) - Standing Order 7.15 covers:

- elections, nominations or appointments by the Assembly (SO 7.15(iv)A): this would cover the election of the PO and DPO; the nomination of the First Minister; the election of the Business Committee membership; the appointment of members of the Commission; the resolution to approve the First Minister's recommendation for Counsel General;
- statements by the Presiding Officer, a member of the government or by the Commission about any matter within the responsibilities of the Commission (SO 7.15(i)A);
- introduction of new Members; obituary tributes to former Members and others; personal statements (7.15(ii)A, (iii)A, (v)A);
- any urgent debate proposed by a member under Standing Order 7.58(SO 7.15(vi)A);
- procedural motions and points of order (SO 7.15(vii)A and (viii)A);
- any other matters as the Presiding Officer considers appropriate (SO 7.15(ix)A).

	7.5E(ii) - it is proposed that the Assembly should be able to resolve to consider any other business as it may by resolution agree.
<u>7.5Ea Nominations under Standing Order 4 can take place at plenary meetings arranged under Standing Order 7.5B and 7.5C only if the Assembly, by resolution, agrees.</u>	<b>Insert new Standing Order</b> The Assembly would be required to signify its assent to allow the process for nominating a First Minister to proceed.
<u>7.5F Standing Orders 6.4 and 6.5 do not apply to plenary meetings arranged under Standing Order 7.5B and 7.5C.</u>	<b>Insert new Standing Order</b> Standing Orders 6.4 and 6.5 state that the government determines its business and the Business Committee determines Assembly Business. This Standing Order makes it clear that any plenary meetings arranged in accordance with SO 7.5B or 7.5C would not be subject to the provisions of SO 6.4 and 6.5 as: <ul style="list-style-type: none"> <li>(i) the government would only be able to determine its business subject to SO 7.15;</li> <li>(ii) there would be no Business Committee to make decisions. in relation to Assembly Business.</li> </ul>
<u>7.5G The periods of notice for motions and amendments under Standing Orders 7.18 and 7.19 shall not apply to any motions proposed for business to be taken at plenary meetings arranged under Standing Order 7.5B or 7.5C, or to any amendments proposed to such motions.</u>	<b>Insert new Standing Order</b> Matters under Standing Order 7.15 may be taken without notice, however, this Standing Order makes it clear that any business as set out in Standing Order 7.5E (i) and (ii) would not be subject to the usual 5 days notice period for motions and amendments.
<b>Title: <del>Categories and</del> Order of Plenary Business</b>	<b>Amend this title</b> All Standing Order provisions relating to categories of business

	would be moved to the revised Standing Order 6: Organisation of Business. All that would remain in Standing Order 7 would be those relating to the order of business in plenary.
7.6 The aggregate of time allocated as between government and <del>non-government</del> <u>Assembly</u> business in plenary meetings in an Assembly year must, so far as is reasonably practicable, be in the proportion of 3:2.	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p> <p>As explained above, as this relates to Organisation of Business, it would be moved to Standing order 6.</p> <p>It also requires amending as a consequence of changing the definition of “Assembly business”.</p>
7.7 <del>Plenary meetings are normally to be held on Tuesdays and Wednesdays when the allocation of sitting time must be in accordance with Standing Orders 7.8 and 7.9.</del>	<p><b>Delete this Standing Order</b></p> <p>This is replaced by SO 7.5A read with SO 7.6.</p>
7.8 <del>Tuesday plenary meetings must usually:</del> <ul style="list-style-type: none"> <li><del>(i) start at 1.30pm;</del></li> <li><del>(ii) consider Assembly business under Standing Order 7.10(i) to 7.10(vii) and government business only; and</del></li> <li><del>(iii) subject to Standing Order 7.16 or any procedural motion under Standing Order 7.28, finish no later than 6pm.</del></li> </ul>	<p><b>Delete this Standing Order</b></p> <p>This is replaced by SO 7.5A – see above.</p>

<p>7.9— <del>Wednesday plenary meetings must:</del></p> <p>(i) <del>usually start at 1.30pm;</del></p> <p>(ii) <del>usually consider government business from 1.30pm to 2.30pm , and Assembly and non-government business from 2.30pm; and</del></p> <p>(iii) <del>subject to Standing Order 7.16 or any procedural motion under Standing Order 7.28, finish no later than 6pm.</del></p>	<p><b>Delete this Standing Order</b></p> <p>This is replaced by SO 7.5A – see above.</p>
<p>7.10— <del>For the purposes of Standing Orders 6, 7 and 11, Assembly business includes proceedings on:</del></p> <p>(i) <del>—motions under Standing Order 7.42 or 7.43;</del></p> <p>(ii) <del>—statements by the Presiding Officer;</del></p> <p>(iii) <del>—introduction of new Members;</del></p> <p>(iv) <del>—obituary tributes to former Members and others;</del></p> <p>(v) <del>—elections, nominations or appointments by the Assembly;</del></p> <p>(vi) <del>—personal statements;</del></p> <p>(vii) <del>—motions to remake or revise Standing Orders;</del></p> <p>(viii) <del>—any urgent debate proposed by a member of the Commission, which relates to the Commission’s functions, under Standing Order 7.58;</del></p>	<p><b>Delete this Standing Order</b></p> <p>Assembly business and non-government business are now all captured by a new “Assembly” business category as defined in the amended SO 7.12</p>

<p><del>(ix)—oral questions to the Commission;</del></p> <p><del>(x)—statements by the Commission about any matter coming within the responsibilities of the Commission;</del></p> <p><del>(xi)—any matter under Standing Order 7.61; and</del></p> <p><del>(xii)—debates on reports submitted by the Committee on Standards of Conduct.</del></p>	
<p>7.11 For the purposes of Standing Orders 6, 7 and 11, government business includes proceedings on:</p> <p>(i) oral questions (other than oral questions to the Commission);</p> <p>(ii) any urgent debate proposed by a member of the government under Standing Order 7.58;</p> <p>(iii) statements by a member of the government;</p> <p><del>(iv)—any budget motion;</del></p> <p>(v) legislation where the Member in charge of the legislation is a member of the government;</p> <p><del>(vi)—any motion under Standing Order 24.4;</del></p> <p><del>(vii)—any matter under Standing Order 7.62;</del></p> <p><del>(viii)—a legislative consent motion under Standing</del></p>	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p> <p>As explained above, as this relates to Organisation of Business, it would be moved to Standing order 6.</p> <p>The definition of “government business” is simplified by deleting any unnecessary provisions. The category is too prescriptive as it stands.</p> <p>(iv) This is covered by 7.11(ix)</p> <p>(vi) This is covered by 7.11(ix)</p> <p>(vii) This is covered by 7.11(ix)</p> <p>(viii) This is covered by 7.11(ix)</p> <p>(x) This is corrected to reflect established practice (i.e. if the Business Minister moves a motion tabled by the Presiding Officer, it is not “government business”, it would still be “Assembly business”).</p>

<p style="text-align: center;"><del>Order 26.4; and</del></p> <p>(ix) <del>any other motion moved <u>tabled</u> by a member of the government (other than a motion relating to Assembly or non-government business).</del></p>	
<p>7.12 For the purposes of Standing Orders 6, 7 and 11, <del>non-government Assembly business includes proceedings on: <u>all items of business except for those listed under Standing Order 7.11.</u></del></p> <p>(i) <del>any urgent debate proposed by a Member, who is not a member of the government, under Standing Order 7.58;</del></p> <p>(ii) <del>legislation where the Member in charge of the legislation is not a member of the government;</del></p> <p>(iii) <del>any motion under Standing Order 24.2;</del></p> <p>(iv) <del>any matters under Standing Order 7.63;</del></p> <p>(v) <del>Short Debates under Standing Order 7.64; and</del></p> <p>(vi) <del>any other motion moved by a Member who is not a member of the government (other than a motion relating to Assembly or government business).</del></p>	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p> <p>As explained above, as this relates to Organisation of Business, it would be moved to Standing Order 6.</p> <p>This defines the new category of “Assembly business” – it captures all business previously listed under Standing Orders 7.10 and 7.12. The definition is simplified by reference to what is defined as “Government business” i.e. everything else will be considered “Assembly business”. The categories are otherwise too prescriptive.</p>
<p>7.13 The Presiding Officer must determine any question as to whether a matter is <del>Assembly</del>, government or <del>Assembly non-</del></p>	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p>



<p>government business.</p>	<p>As explained above, as this relates to Organisation of Business, it would be moved to Standing order 6.</p> <p>This also requires amending as a consequence of changing the definition of “Assembly business”.</p>
<p>7.14 Business must be called by the Presiding Officer and taken in the order in which it appears in the plenary agenda, subject to Standing Order 7.15.</p>	<p>No amendment necessary</p>
<p><del>7.33</del>7.14A If proceedings on an item of business conclude before the end of the time allotted to it, the next business (if any) must then be taken.</p>	<p><b>Move existing Standing Order 7.33 to this position</b></p> <p>This Standing Order has been moved from SO 7.33 to the appropriate section on “Order of Plenary Business” which sets out how the Presiding Officer manages the business on the agenda. At the moment it is listed under the section on voting. Standing Order 7.33 therefore becomes SO 7.14A.</p>
<p>7.15 The categories of business that may be taken at a plenary meeting without notice, <u>with the agreement of the Presiding Officer</u>, include:</p> <p>(i) <del>business under Standing Orders 7.10(ii), (iii), (iv), (vi), (viii), (x);</del></p> <p>(ii) <del>business under Standing Orders 7.11(ii), (iii);</del></p> <p>(iii) <del>business under Standing Order 7.12(i);</del></p> <p>(iv) <del>procedural motions under Standing Order 7.25;</del> <del>and</del></p> <p>(v) <del>points of order relating to the conduct of</del></p>	<p><b>Amend this Standing Order</b></p> <p>This is amended to include “with the agreement of the Presiding Officer” as is the established practice.</p> <p>The cross-references have been deleted as they no longer exist but replaced by the explanatory list, so all items previously included under 7.15 would still be covered:</p> <p>Current 7.15 (i) - now covered by 7.15(i)A, , (ii)A, (iii)A, (v)A, (vi)A.</p> <p>Current 7.15 (ii) - now covered by 7.15 (i)A, (iii)A</p> <p>Current 7.15 (iii) - now covered by 7.15 (vi)A</p>

<p><u>business:</u></p> <p><u>(i)A statements by the Presiding Officer, by a member of the government or by the Commission about any matter within its responsibility;</u></p> <p><u>(ii)A introduction of new Members;</u></p> <p><u>(iii)A obituary tributes to former Members and others;</u></p> <p><u>(iv)A elections, nominations or appointments by the Assembly;</u></p> <p><u>(v)A personal statements;</u></p> <p><u>(vi)A any urgent debate proposed by a Member under Standing Order 7.58;</u></p> <p><u>(vii)A procedural motions under Standing Order 7.25;</u></p> <p><u>(viii)A points of order relating to the conduct of business; and</u></p> <p><u>(ix)A any other matters as the Presiding Officer considers appropriate.</u></p>	<p>Current 7.15 (iv) - replicated as (vii)A</p> <p>Current 7.15 (v) - replicated as (viii)A</p> <p>Also added to the list are:</p> <p><u>(iv)A elections, nominations or appointments by the Assembly – this would be used exceptionally. However it would allow, for example, for any Committee membership changes (where groups replace their Members) to be taken at the next plenary session without having to suspend Standing Orders as is currently the case.</u></p> <p><u>(ix)A any other matters as the Presiding Officer considers appropriate. – this is a catch-all provision to allow greater flexibility.</u></p>
<p>7.16 <del>If an item of business is taken without notice, the</del><u>The</u> Presiding Officer may make any necessary arrangements to adjust the timetable for business on that day (including by extending the length of the sitting), <u>in order to facilitate the effective conduct of business.</u></p>	<p><b>Amend this Standing Order</b></p> <p>This is made into a more general provision to reflect established practice.</p>

<p><u>8.15-7.16A</u> In any circumstance where he or she thinks it appropriate to do so, the Presiding Officer may adjourn proceedings without putting any proposition to the vote, or may suspend proceedings for a specified time.</p>	<p><b>Move an amended Standing Order 8.15 to this position</b></p> <p>No material change. SO 8.15 is a general provision and can be applied “in any circumstance”. It would therefore be useful to have the general provision listed under the appropriate section on “Order of Plenary Business” which sets out how the Presiding Officer manages the business on the agenda. At the moment it is listed under “Maintenance of Order” (SO 8.15), and an adjournment or suspension may be necessary for reasons other than to maintain order.</p>
<p><b>Motions</b></p>	
<p>7.17 Business in plenary meetings must proceed on the basis of motions proposed, except for:</p> <ul style="list-style-type: none"> <li>(i) statements <del>by the Presiding Officer</del>;</li> <li>(ii) introduction of new Members;</li> <li>(iii) obituary tributes to former Members and others;</li> <li>(iv) oral questions;</li> <li>(v) <u>any urgent debates</u> <del>matters the Assembly resolves to consider</del> under Standing Order 7.58; <u>and</u></li> <li>(vi) where a Member proposes a topic for a Short Debate under Standing Order 7.64.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>7.17 (i) - technical correction.</p> <p>7.17 (v) - revised wording for the sake of clarity – no material change.</p>
<p>7.18 Except where Standing Orders provide otherwise, a motion</p>	<p><b>Amend this Standing Order</b></p>

<ul style="list-style-type: none"> <li>(i) must be tabled at least five working days before it is <del>to be</del> debated; <del>and</del></li> <li>(ii) may be proposed by any Member; <del>and</del></li> <li>(iii) <u>must be tabled in accordance with Standing Order 29.</u></li> </ul>	<p>7.18 (i) This makes it clear that it is not necessary to have an item of business scheduled in the business statement (i.e. an agreed date for the debate) before Members may table a motion.</p> <p>7.18 (iii) this is a signposting provision - Standing Order 29 sets out the rules about how to table motions.</p>
<p><u>7.18A Any Member may add his or her name to a motion by notifying the Clerk at any time until the end of the working day before it is due to be considered in the plenary meeting.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This is a new provision to enable Members to add their names to tabled motions or amendments if they wish to indicate their support (it follows practice which currently applies only to legislative amendments). If the Business Committee in future wished to pursue the option of introducing backbench time on the basis of motions tabled, this would be one way for them to gauge the level of support from other Members (see also 7.19 below).</p>
<p>7.19 Except where Standing Orders provide otherwise:</p> <ul style="list-style-type: none"> <li>(i) amendments may be proposed to any motion and must be tabled at least three working days before the motion is <del>to be</del> debated; <del>and</del></li> <li>(ii) <u>any Member may add his or her name to an amendment by notifying the Clerk at any time until the end of the working day before it is due to be considered in the plenary meeting.</u></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>7.19(i) – this is amended for consistency with 7.18 (see above),</p> <p>7.19 (ii) - Add a new provision - as for legislative amendments- other Members can add their names to indicate their support for amendments (see also 7.18A above).</p> <p>A presentational change has been made to this Standing Order. The provisions on selection of amendments by the Presiding Officer has been separated and now appear in 7.19A.</p>
<p><u>7.19A</u> The Presiding Officer may:</p>	<p><b>Move part of Standing Order 7.19 to create new Standing Order 7.19A</b></p>

<ul style="list-style-type: none"> <li>(i) group related amendments and require them to be proposed as a group;</li> <li>(ii) determine the order in which amendments which arise in the same place in the motion are taken; and</li> <li>(iii) decline to select an amendment where he or she considers that the proper conduct of business makes it appropriate to do so.</li> </ul>	<p>No material change. SO 7.19 has been divided into two Standing Orders as a consequence of the amendment to 7.19 above.</p>
<p>7.20 The Presiding Officer may propose that motions be debated together, but if any Member objects to the proposal, the motions must be debated separately.</p>	<p>No amendment necessary</p>
<p>7.21 A motion or amendment which refers to any document may not be tabled unless the document is available to all Members.</p>	<p>No amendment necessary</p>
<p>7.22 If it appears to the Presiding Officer that a motion or amendment has been tabled in breach of the requirements of Standing Order 7.21, the Presiding Officer must 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.</p>	<p>No amendment necessary</p>
<p><u>7.22A A motion or amendment which has been moved may be withdrawn only if no Member objects.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This is a well-established convention. It is set out in Standing Order 23.77 in relation to legislative amendments, but there is no explicit provision in relation to amendments or motions in general. It is helpful to have it set out in Standing Orders for transparency.</p>

<p><u>7.22B The Presiding Officer, having consulted the Business Committee, may hold a ballot to determine the name of the Member or Members, other than a member of the government, who may be allocated time for a motion tabled in their name to be debated.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This would provide an additional formal mechanism by which backbench Members are selected to bring forward a topic for debate. It is proposed that a new Standing Order is inserted allowing the Llywydd to hold a ballot from time to time to select any backbench Member who would be allocated plenary time for a debate on a motion which they would need to table. Details on the frequency of the ballot would be agreed in consultation with the Business Committee.</p> <p>This would be in addition to the existing ability for any Member to table a motion (and any other Member to note their support for that motion) and request that the Business Committee allocate time for it to be debated [SO 7.18(ii) and new SO 7.18A].</p>
<p><b>Procedural Motions</b></p>	
<p>7.23 Procedural motions take precedence over other business and the provisions of Standing Order 7.18 relating to the notice period for tabling motions do not apply.</p>	<p>No amendment necessary</p>
<p>7.24 The Presiding Officer may permit a Member to speak briefly in favour of any procedural motion, and another Member to speak briefly against, and must then put the motion to the vote.</p>	<p>No amendment necessary</p>

<p>7.25 The following matters may be proposed in procedural motions:</p> <ul style="list-style-type: none"> <li>(i) the postponement of an item of business in accordance with Standing Order 7.26;</li> <li>(ii) the referral of a matter to a committee;</li> <li>(iii) the closure of debate in accordance with Standing Order 7.27;</li> <li>(iv) the extension of the time allotted to an item of business in accordance with Standing Order 7.28;</li> <li>(v) the adjournment of an item of business in accordance with Standing Order 7.29; and</li> <li>(vi) such other matters as the Presiding Officer considers appropriate.</li> </ul>	<p>No amendment necessary</p>
<p>7.26 A motion to postpone an item of business may be proposed by:</p> <ul style="list-style-type: none"> <li>(i) the Member in charge of the item of business;</li> <li>(ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business; or</li> <li>(iii) in the case of government business, a member of the government.</li> </ul>	<p>No amendment necessary</p>

<p>If the motion is agreed to, the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.</p>	
<p>7.27 At any time after a motion or an amendment has been proposed, a Member may move that the motion or amendment should be voted on immediately; but the Presiding Officer may put that motion 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.</p>	<p>No amendment necessary</p>
<p>7.28 A motion to extend the time allotted to an item of business by a specified period may be proposed by:</p> <ul style="list-style-type: none"> <li>(i) the Member in charge of the item of business;</li> <li>(ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business; or</li> <li>(iii) in the case of government business, a member of the government.</li> </ul> <p>If the motion is agreed to, the whole of the business day is deemed to have been extended by the specified amount of time.</p>	<p>No amendment necessary</p>
<p>7.29 A motion to adjourn an item of business (either to a specified day or to no named day) may be proposed by:</p>	<p>No amendment necessary</p>



<ul style="list-style-type: none"> <li>(i) the Member in charge of the item of business;</li> <li>(ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business; or</li> <li>(iii) in the case of government business, a member of the government.</li> </ul>	
<p><b>Decisions on Motions and Amendments</b></p>	<p><b>Amend this section</b></p> <p>This section sets out how voting should be conducted. They have been changed to reflect the established practice of the Business Committee deciding on a “voting time” and decisions either being made “on the nod” or deferred to “voting time”. See also SO 6.8 above which is how the Business Committee determines when voting time should take place.</p>
<p><del>7.30 At the end of the time allotted to any item of business, the Presiding Officer must interrupt the business and:</del></p> <ul style="list-style-type: none"> <li><del>(i) if the business has been designated under Standing Order 6.8, proceed to the next item of business; or</del></li> <li><del>(ii) in any other case, invite the Assembly to vote on any questions necessary to dispose of the business.</del></li> </ul>	<p><b>Delete this Standing Order</b></p>
<p><u>7.30A Subject to Standing Order 6.8(ii), at the end of proceedings on an item of business, the Presiding Officer must invite the</u></p>	<p><b>Insert new Standing Order</b></p>

<p><u>Assembly to agree any question necessary to dispose of the business. If no Member objects, the motion or amendment is deemed agreed by the Assembly.</u></p>	<p>Revised to reflect current practice of a motion being “agreed on the nod” under the current Standing Order 7.35 (as designated under SO 6.8).</p>
<p><u>7.30B If any Member objects under Standing Order 7.30A, a vote(s) on any questions necessary to dispose of the business must be deferred until a time or point, if any, which has been specified under Standing Order 6.8(i).</u></p>	<p><b>Insert new Standing Order</b></p> <p>If there is an objection to a motion or amendment relating to an item of business, then all votes relating to that item of business are deferred to the “voting time” (a time or point on the agenda), in accordance with any decisions taken by Business Committee under Standing Order 6.8.</p>
<p><del>7.31 If business has been designated at any day’s sitting under Standing Order 6.8, at At the specified time (or times point) specified under Standing Order 6.8, the Presiding Officer must interrupt the business and invite the Assembly to vote on any questions necessary to dispose of the any business which has been deferred under Standing Order 7.30B or any business to which Standing Order 6.8(ii) applies so designated.</del></p>	<p><b>Amend this Standing Order</b></p> <p>This Standing Order has been amended as a consequence of amending Standing Order 6.8 and 7.30.</p>
<p>7.32 If the Presiding Officer interrupts the business at a specified time under Standing Order 7.31, the time taken to vote on the questions necessary at that specified time does not count against the time allotted to the business which has been interrupted.</p>	<p>No amendment necessary</p>
<p><del>7.33 If proceedings on an item of business conclude before the end of the time allotted to it, the next business (if any) must then be taken.</del></p>	<p><b>Move this Standing Order</b></p> <p>This Standing Order has been moved from SO 7.33 to the appropriate section on “Order of Plenary Business” which sets out how the Presiding Officer manages the business on the agenda. SO 7.33 therefore becomes SO 7.14A.</p>

<p><u>7.33A For the purposes of voting, the Presiding Officer may propose that votes on motions or amendments be grouped, and that they be subject to a single vote. If any Member objects, each motion and amendment must be voted on separately.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This has been inserted to reflect the established practice of “en bloc” voting – thereby formally enabling it. It is useful for legislative proceedings in particular.</p>
<p>7.34 Members must cast their votes individually and in person (but are not obliged to vote).</p>	<p>No amendment necessary</p>
<p><del>7.35 Where the Presiding Officer is satisfied that no Member wishes a recorded vote to take place on any motion or amendment, he or she may announce a provisional decision in respect of that motion or amendment. If any Member objects, a recorded vote must be taken in accordance with Standing Order 7.36. If no Member objects, that provisional decision becomes the decision of the Assembly on that motion or amendment is deemed agreed by the Assembly.</del></p>	<p><b>Delete this Standing Order</b></p> <p>Replaced by SO 7.30A</p>
<p><u>7.35A Where legislation requires a resolution or motion to be passed on a vote in which the number of Members voting in favour of it is not less than two-thirds of the total number of Assembly seats, a recorded vote must be taken.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This is to ensure that a recorded vote take place where legislation requires a majority of 40 out of 60 votes.</p>
<p>7.36 Subject to Standing Order <del>7.35</del><u>7.30A</u>, the Presiding Officer must put a motion or an amendment to a vote by electronic means; or failing that, either:</p> <p style="padding-left: 40px;">(i) if the Presiding Officer so decides, by show of hands, provided no more than two Members</p>	<p><b>Amend this Standing Order</b></p> <p>Consequential change to cross-referencing</p>

<p>object to the Presiding Officer's decision; or</p> <p>(ii) by roll call, in alphabetical order, of the Membership.</p>	
<p>7.37 <del>When at least three Members, b</del>Before a vote is taken, <u>when at least three Members</u>; so request, the bell must 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 must be taken.</p>	<p><b>Amend this Standing Order</b></p> <p>Wording amended for clarity.</p>
<p><u>7.37A If all items of business for the day have been concluded before the time (or times) specified under Standing Order 6.8 and items have been deferred to this time (or these times), the bell must be rung (unless the Presiding Officer is satisfied that all Members are present). Five minutes after the bell began ringing, the vote or votes must be taken.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This is a new provision which would force the bell to be rung, if business for the day has been concluded before the agreed voting time. This is to protect all Members from a vote being taken before voting time without having been notified.</p> <p>However, if the Presiding Officer is satisfied that all Members are present, there is no need to ring the bell. This would provide the flexibility to avoid the provision being interpreted literally if it were known that a Member is unable to attend.</p>
<p>7.38 A vote is not valid unless at least ten Members participate. If fewer than ten Members participate, that business must be held over (and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate) and the Assembly must proceed to the next item of business.</p>	<p>No amendment necessary</p>
<p>7.39 In determining the number of Members participating in a vote, those recording an abstention are to be regarded as</p>	<p>No amendment necessary</p>

participating.	
7.40 The names of Members voting, including those recording an abstention, must be included in <del>the record</del> <u>any report</u> of plenary proceedings.	<p><b>Amend Standing Order</b></p> <p>This has been amended to reflect the provisions of the revised Standing Order 30.</p>
7.41 A report of the vote must be made available as soon as possible after the vote has taken place.	No amendment necessary
<p><b>Title: Motions of No-Confidence etc.</b></p>	<p><b>Delete this section and move Standing Orders to Standing Order 2 and 4</b></p> <p>These Standing Orders provide for the removal of the Presiding Officers or motions of no-confidence in the Welsh Ministers. It would be more appropriate to place these provisions under Standing Orders relating to these offices, so that the provisions about their appointment, resignation and how they may be removed from office are all found in one place.</p>
<p><del>7.42</del> If a motion:</p> <p style="padding-left: 40px;"><del>(iii) that the Presiding Officer be removed from office;</del> <del>or</del></p> <p style="padding-left: 40px;"><del>(iv) that the Deputy be removed from office;</del></p> <p><del>is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</del></p>	<p><b>Move this Standing Order to the end of Standing Order 2: Presiding Officer and Deputy</b></p> <p>As above.</p>

<p><del>7.43 If a motion that the Welsh Ministers no longer enjoy the confidence of the Assembly is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</del></p>	<p><b>Move this Standing Order to Standing Order 4: Welsh Ministers and Deputy Welsh Ministers</b></p> <p>As above.</p>
<p><b><u>Title: Statements</u></b></p>	<p><b>Insert new sub-heading</b></p> <p>New provisions on statements: there are very few provisions in Standing Orders at the moment which relate to statements. Inserting a section on statements would help transparency of procedures.</p>
<p><u>7.41A Statements may be made by:</u></p> <ul style="list-style-type: none"> <li>(i) <u>the Presiding Officer;</u></li> <li>(ii) <u>a member of the government;</u></li> <li>(iii) <u>a member of the Commission about any matter coming within the responsibilities of the Commission;</u></li> <li>(iv) <u>any other Member, where the subject matter of the statement relates to a function of the Assembly for which they are responsible, with the agreement of the Presiding Officer.</u></li> </ul>	<p><b>Insert new Standing Order</b></p> <p>The list captures all those who may make statements under the current Standing Orders (7.41A (i), (ii) and (ii)).</p> <p>7.41A(iv) – this enables for example, a request by a backbench Member to make a statements on the introduction of their legislation.</p>
<p><u>7.41B The Presiding Officer may permit questions to be asked of a Member making a statement.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This is to accompany the new provision above.</p>
<p><b>Personal Statements</b></p>	

7.44 The Presiding Officer may allow a Member to make a personal statement, following notice in writing to him or her.	No amendment necessary
7.45 A personal statement must be brief, factual and must not be subject to debate.	No amendment necessary
<b>Oral Questions</b>	
7.46 Members may table oral questions to the First Minister, to each Welsh Minister or to the Counsel General, about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Minister with responsibility for government business only about matters relating to his or her responsibilities other than for government business (if any)).	No amendment necessary
7.47 Members may table oral questions to the Commission about any matter relating to the Commission's responsibilities.	No amendment necessary
7.48 Time must be made available in plenary meetings for:  <ul style="list-style-type: none"> <li>(i) the First Minister to answer oral questions once, and for a maximum of <del>45</del> <u>60</u> minutes, in each week that the Assembly meets in plenary;</li> <li>(ii) each Welsh Minister and the Counsel General to answer oral questions in relation to his or her responsibilities, at least once, and for a maximum of <del>30</del> 45 minutes, in every four weeks that the Assembly meets in plenary (except that the Minister with responsibility for government</li> </ul>	<b>Agreed to amend this Standing Order</b>  It is proposed that the maximum timings for questions should be increased to reflect current practice, as follows:  (i) a maximum of 60 minutes for First Minister's Questions; and  (ii) a maximum of 45 minutes for Ministers.

<p>business is only to answer questions under Standing Order 7.48(ii) if he or she has responsibilities for matters other than government business); and</p> <p>(iii) the Commission to answer oral questions at least once, and for a maximum of 30 minutes, in every four weeks that the Assembly meets in plenary.</p>	
<p>7.49 A Deputy Welsh Minister may at the request of the First Minister, a Welsh Minister or the Counsel General, answer any oral question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).</p>	<p>No amendment necessary</p>
<p>7.50 Where it is not reasonably practicable for the First Minister, a Welsh Minister or the Counsel General to answer oral questions on a day when he or she would normally do so, another Welsh Minister may, after prior notification to the Presiding Officer, answer those questions.</p>	<p>No amendment necessary</p>
<p>7.51 Questions must be tabled at least five, but not more than ten, working days before they are to be answered.</p>	<p>No amendment necessary</p>
<p>7.52 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance <del>which the Assembly may adopt</del> <u>issued in accordance with Standing Order 2.17.</u></p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that there should be a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business, which would require that the Presiding Officer must consult the Business Committee before issuing the guidance rather than the current mixed system where some guidance requires</p>



	the endorsement of the Assembly and some not.
<p><u>7.52A The Presiding Officer must undertake a ballot to select the names of those Members who may table questions in accordance with Standing Order 7.54.</u></p>	<p><b>Insert new Standing Order</b></p> <p>7.52A - The purpose of the new SOs is to require the Presiding Officer to first determine the names of those Members who may table oral questions. Once the names of the Members have been selected, those Members may then table their questions in accordance with SO 7.54.</p> <p>The detailed procedures that underpin this process will be included in guidance available to Members - the Presiding Officer's Principles and Practice.</p>
<p><u>7.52B A ballot under Standing Order 7.52A must be conducted at least one working day before the first day on which questions may be tabled.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This new Standing Order will require the Presiding Officer to undertake the initial ballot at least one working day before the first day on which questions may be tabled. In practice this will provide Members at least one full working day's notice that they have been successful in the ballot and that they need to table their question.</p>
<p>7.53 Each Member may <u>enter their names into the ballot under Standing Order 7.52A</u> <del>table</del> no more than <u>twice for oral questions</u> <del>two oral questions</del> to a particular Welsh Minister or the Counsel General (or, in the case of questions to the First Minister or the Commission, no more than <u>once</u>). <del>one question) for answer at any plenary meeting.</del></p>	<p><b>Amend Standing Order</b></p> <p>Current SO provisions enable Members to table two oral questions to Welsh Ministers and the Counsel General, and one question to the First Minister and Assembly Commission. The change in procedure will mean that the Members' names are initially selected. However, any proposed change must ensure that Members do not lose the opportunity of tabling two questions.</p>

	<p>The revised Standing Order would allow Members to enter their names into a relevant ballot twice (where appropriate) ensuring Members still have the opportunity to table two questions.</p> <p>The detailed procedures that underpin this process will be included in the Presiding Officer's Principles and Practice.</p>
<p>7.54 The order of oral questions must be determined as follows:</p> <ul style="list-style-type: none"> <li>(i) for questions accepted before a deadline agreed by the Business Committee on the first day on which they may be tabled, by random means;</li> <li>(ii) for questions accepted after the deadline agreed by the Business Committee on the first day on which they may be tabled, by the order in which they are received.</li> </ul>	<p>No amendment necessary</p> <p>NB - Although the Members' names will be initially selected in a ballot, we do not envisage this providing the order of the questions. In practice Members will be informed that they have been selected to table (one or two) questions. Once all the questions for the day have been tabled, the order of the questions will be determined by random means (i.e. the shuffle process currently used).</p>
<p>7.55 The Presiding Officer must call the Member asking the question to ask a supplementary oral question and may then call other Members to ask related supplementary oral questions.</p>	<p>No amendment necessary</p>
<p>7.56 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 7.51 has not been given if:</p> <ul style="list-style-type: none"> <li>(i) the Presiding Officer and the member of the government concerned, or the Commission, as the case may be, have been given prior notice of at least two hours before the question is to be</li> </ul>	<p>No amendment necessary</p>

<p>asked; and</p> <p>(ii) the Presiding Officer is satisfied that the question is of urgent public importance.</p>	
<p>7.56A <u>Where the Presiding Officer has been given prior notice that a request for an urgent question under Standing Order 7.56 relates to the functions of the Commission, the function assigned to the Presiding Officer in Standing Order 7.56(ii) shall be assigned to the Deputy Presiding Officer.</u></p>	<p><b>Insert new Standing Order</b></p> <p>To avoid any conflict of interest, the DPO will rule on any urgent questions regarding Commission business.</p>
<p>7.57 Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the <u>report record</u> of plenary proceedings.</p>	<p><b>Amend this Standing Order</b></p> <p>This has been amended to reflect the provisions of the revised Standing Order 30.</p>
<p><b>Urgent Debates</b></p>	
<p>7.58 At any plenary meeting, a Member may move in a speech lasting no longer than three minutes that the Assembly should consider a particular matter, provided that:</p> <p>(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;</p> <p>(ii) where the matter does not relate to the functions of the Commission, if a Member other than a member of the government has given the notification, the Presiding Officer has given a member of the government an opportunity to</p>	<p><b>Amend this Standing Order</b></p> <p>7.58 (iv) - To avoid any conflict of interest, the DPO will rule on any urgent debates regarding Commission business.</p>

<p>comment in private to him or her on the matter;</p> <p>(iii) where the matter relates to the functions of the Commission, if a Member other than a member of the Commission has given the notification, the <u>Deputy Presiding Officer</u> has given the Commission an opportunity to comment in private to him or her on the matter; and</p> <p>(iv) the Presiding Officer <u>(or Deputy Presiding Officer if the debate falls under Standing Order 7.58(iii))</u> is satisfied that the matter is of urgent public importance and has informed the Member (and, if necessary, the member of the government or the Commission, as appropriate) accordingly.</p>	
<p>7.59 Where the matter does not relate to the functions of the Commission, if a Member other than a member of the government moves the motion, the Presiding Officer must allow a member of the government to reply in a speech lasting no longer than three minutes. The Presiding Officer must put the motion to the vote immediately after it has been moved or, if a member of the government replies, after that reply. If the Assembly resolves to consider the matter, it must do so at that meeting or (if the Presiding Officer so decides) at the one immediately following and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.</p>	<p>No amendment necessary</p>
<p>7.60 Where the matter relates to the functions of the Commission, if a Member other than a member of the Commission moves the motion, the Presiding Officer must allow a member of the</p>	<p>No amendment necessary</p>

<p>Commission to reply in a speech lasting no longer than three minutes. The Presiding Officer must put the motion to the vote immediately after it has been moved or, if a member of the Commission replies, after that reply. If the Assembly resolves to consider the matter, it must do so at that meeting or (if the Presiding Officer so decides) at the one immediately following and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.</p>	
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<p><b>Provisions Relating to Plenary Business</b></p>	<p><b>Move the section to revised Standing Order 6: Organisation of Business and amend the Standing Orders</b></p> <p>All Standing Order provisions in this section would be moved to the revised Standing Order 6: Organisation of Business.</p> <p>The list of required annual debates has been reduced to make it less prescriptive. This would not restrict the Assembly’s ability to debate any of the annual reports listed if the Government so proposes or the Business Committee agrees to allocate time to these items.</p> <p>This section has also been amended to remove references to the categories of business (“Assembly”, “non-government” or “government”).</p>
<p>7.61 Time must be made available in each Assembly year for debates on the following items of <del>Assembly</del> business:</p> <p>(i) the UK Government’s legislative programme (in accordance</p>	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p> <p>See above.</p>

<p>with section 33 of the Act);</p> <p>(ii) <del>the annual report of the Commission;</del></p> <p>(iii) <del>the annual report of the Committee on Standards of Conduct;</del></p> <p>(iv) <del>the annual report of the Equal Opportunities Commission;</del></p> <p>(v) <del>the annual report of the Commission for Racial Equality;</del></p> <p>(vi) <del>the annual report of the Disability Rights Commission; and</del></p> <p>(vii) <del>the annual report of the Ombudsman.</del></p>	<p>The only debate which would be required now would be the debate on the UK government's annual legislative programme as required by the Government of Wales Act.</p>
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<p><del>7.62 Time must be made available in each Assembly year for debates on the following items of government business:</del></p> <p>(i) the policy objectives and legislative programme of the government; and</p> <p>(ii) <del>the annual report of the Children's Commissioner for Wales.</del></p>	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p> <p>See above. The only required debate would be a debate on the government's legislative programme.</p> <p>There would be nothing to prevent the Government (or any other Member) tabling a motion to debate the annual report of the Children's Commissioner, or the reports published by any other of the Commissioners for Wales.</p>
<p><del>7.63 Time must be made available in each Assembly year for the following items of non-government business:</del></p>	<p><b>Move to revised Standing Order 6: Organisation of Business and amend this Standing Order</b></p>

<p>(i) motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's representation in the Assembly);</p> <p><u>(i)A motions proposed by any Member who is not a member of the government;</u></p> <p>(ii) debates on reports <u>laid submitted by any committees; other than a committee established as a consequence of Standing Orders 22.16(i), 22.18, 23.22 or 23.31(ii), or the Committee on Standards of Conduct;</u></p> <p><u>(ii)A Short Debates; and</u></p> <p>(iii) legislation where the Member in charge of the legislation is not a member of the government.</p>	<p>See above. Two other types of Assembly business have been added to the list:</p> <p>(i)A- this is to ensure that time is protected for debates on motions proposed by any Member who is not a Welsh Minister or Deputy Welsh Minister (this could be specifically be for motions selected in the ballot as proposed under Standing Order 7.22B or for any other motions tabled by individual Members, who are not members of the government).</p> <p>(ii)A - in view of the change proposed to Standing Order 7.64 on the Short Debate, by removing the requirement for it to be held on a weekly basis, this ensures that time is nonetheless protected for Short Debates to take place during an Assembly year.</p> <p>Including these new provisions ensures that some time must be made available for backbench and short debates but allows the Business Committee the discretion to decide the detail of when they will occur.</p> <p>This revised Standing Order has also been amended to remove references to the categories of business (“Assembly”, “non-government” or “government”).</p>
<p><b>Short Debates</b></p>	

<p>7.64 The Presiding Officer must hold a ballot to determine the name of the Member <u>or Members</u>, other than a member of the government, who may propose a topic for a Short Debate. <del>lasting no more than 30 minutes in each week that the Assembly meets in plenary.</del></p>	<p><b>Amend Standing Order</b></p> <p>The existing Standing Order requires there to be a short debate in each week that the Assembly meets in Plenary. The proposed change removes this requirement to allow an element of flexibility. It would also allow the Presiding Officer to select the name of more than one Member at a time, if appropriate.</p>
<p>7.65 The Member who has succeeded in the ballot must notify the Presiding Officer of the topic not later than five working days before it is to be debated.</p>	<p>No amendment necessary</p>
<p>7.66 In the debate:</p> <ul style="list-style-type: none"> <li>(i) the Member who succeeded in the ballot may speak;</li> <li>(ii) a member of the government (or, if the matter is within the responsibilities of the Commission, a member of the Commission) may respond; and</li> <li>(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.</li> </ul>	<p>No amendment necessary</p>



<b>STANDING ORDER 8 – Order in Plenary Meetings</b>	
<b>Rules of Debate</b>	
8.1 Members called by the Presiding Officer to speak must address the chair.	No amendment necessary
8.2 Members may speak in English or Welsh, and simultaneous interpretation facilities must be provided for speeches made in Welsh.	No amendment necessary
8.3 The Secretary of State for Wales is entitled to participate in plenary meetings but not to vote. The Presiding Officer may call the Secretary of State to speak in any debate in which the Secretary of State is participating.	No amendment necessary
8.4 Speeches must be relevant to the business before the Assembly, and avoid tedious repetition.	No amendment necessary
8.5 The Presiding Officer may announce a time limit on Members' speeches and may direct a Member who has spoken for too long to stop speaking.	No amendment necessary
8.6 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	No amendment necessary

	Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.	
8.7	A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.	No amendment necessary
8.8	A Member may not speak after the proposer of a motion has exercised a right of reply.	No amendment necessary
<b>Maintenance of Order</b>		
8.9	<p>The Presiding Officer is to maintain order in plenary meetings and must call to order any Member who:</p> <ul style="list-style-type: none"> <li>(i) is engaging in conduct which would, in the opinion of the Presiding Officer, constitute a criminal offence or contempt of court;</li> <li>(ii) is obstructing the business of the Assembly;</li> <li>(iii) seeks to raise a matter outside the scope of the debate or motion;</li> <li>(iv) is guilty of discourteous or unbecoming conduct;</li> <li>(v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;</li> <li>(vi) refuses to conform to any Standing Order or other requirement for the conduct of Members;</li> </ul>	No amendment necessary

<p style="text-align: center;">or</p> <p style="text-align: center;">(vii) disregards the authority of the chair.</p>	
<p>8.10 A Member must comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order.</p>	<p>No amendment necessary</p>
<p>8.11 A Member may be required by the Presiding Officer to withdraw from Assembly proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.</p>	<p>No amendment necessary</p>
<p>8.12 When the Presiding Officer has required a Member to withdraw from Assembly proceedings and the Member has not done so, a motion to exclude the Member from Assembly proceedings must be proposed by the Presiding Officer and must be voted on immediately.</p>	<p>No amendment necessary</p>
<p>8.13 The exclusion of a Member under Standing Order 8.12 has immediate effect and must be:</p> <ul style="list-style-type: none"> <li>(i) on the first occasion during any 12 month period, until the end of the working day immediately following the day of exclusion;</li> <li>(ii) on a second occasion during the same 12 month period, for five working days immediately following the day of exclusion; and</li> </ul>	<p>No amendment necessary</p>

<p>(iii) on a third or any subsequent occasion during the same 12 month period, for 20 working days immediately following the day of exclusion.</p>	
<p>8.14 During the period of a Member’s exclusion under Standing Orders 8.12 and 8.13, he or she is not entitled to receive any salary from the Assembly and is not permitted to attend any Assembly proceedings.</p>	<p>No amendment necessary</p>
<p><del>8.15 In case of grave disorder arising in plenary meetings or in any other circumstance where he or she thinks it appropriate to do so, the Presiding Officer may adjourn proceedings without putting any proposition to the vote, or may suspend proceedings for a specified time.</del></p>	<p><b>Move this amended Standing Order to 7.16A</b></p> <p>The general provision has been moved to Standing Order 7.16A under the appropriate section - “Order of Plenary Business” which sets out how the Presiding Officer manages the business on the agenda.</p>
<p><b>Sub Judice</b></p>	
<p>8.16 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in plenary meetings any matter <u>which relates to active where court proceedings have been initiated (as defined by Schedule 1 to the Contempt of Court Act 1981) or where notice of appeal has been given in the United Kingdom, or where the Children’s Commissioner for Wales, or the Commissioner for Older People in Wales, or the Public Service Ombudsman for Wales</u> has decided to conduct an examination of a case, until the time when judgement has been given or a report has been made by either Commissioner or Ombudsman, unless the Presiding Officer is satisfied that:</p> <p>(i) the matter is clearly related to a matter of general</p>	<p><b>Amend this Standing Order</b></p> <p>The SO does not define when proceedings are “initiated”. The Assembly’s Chief Legal Adviser has advised that the same approach should be taken as that in the Contempt of Court Act 1981 (CCA).</p> <p>CCA does not refer to proceedings being “initiated” but to “active proceedings” (and when defining what this means makes it clear that proceedings that have been initiated can cease to be active if for example they are discontinued).</p> <p>This should also refer to the Public Service Ombudsman for Wales.</p> <p>“Active proceedings” can include active appellate proceedings so a</p>

<p>public importance or a ministerial decision is in question;</p> <p>(ii) the matter does not relate to a case which is to be heard, or is being heard, before a criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings; and</p> <p>(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.</p>	<p>separate reference to appeals is redundant.</p>
<p><b>Relations with the Judiciary</b></p>	
<p>8.17 Unless the matter is the subject of a substantive motion, Members must not in plenary meetings make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; <del>and</del> (in Standing Order 8.17 “judge” includes persons holding the position of judge, whether full-time or part-time).</p>	<p><b>Amend this Standing Order</b></p> <p>Presentational change for clarity.</p>
<p>8.18 The Assembly must not discuss individual judicial appointments.</p>	<p>No amendment necessary</p>

**STANDING ORDER 9 - Written Questions, Written Statements and Statements of Opinion**

**Written Questions**

<p>9.1 Members may table questions for written answer by:</p> <ul style="list-style-type: none"> <li>(i) the First Minister, a Welsh Minister or the Counsel General, on any matter relating to his or her responsibilities; or</li> <li>(ii) the Commission on any matter relating to the Commission's responsibilities.</li> </ul>	<p>No amendment necessary</p>
<p>9.2 A Deputy Welsh Minister may, at the request of the First Minister, a Welsh Minister or the Counsel General, answer any written question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).</p>	<p>No amendment necessary</p>
<p>9.3 A question must be tabled at least five working days before it is to be answered.</p>	<p>No amendment necessary</p>
<p>9.4 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance <u>issued in accordance with Standing Order 2.17</u><del>which the Assembly may adopt</del>.</p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that there should be a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business, which would require that the Presiding Officer must consult the Business Committee before issuing the guidance rather than the current mixed system where some guidance requires</p>

	the endorsement of the Assembly and some not.
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9.5	The answers to accepted questions must be published in the <u>report record</u> of plenary proceedings.	<b>Amend this Standing Order</b>  This has been amended to reflect the provisions of the revised Standing Order 30.
<b>Written Statements</b>		
9.6	The First Minister, a Welsh Minister or the Counsel General may make a written statement on any matter relating to his or her responsibilities.	No amendment necessary
9.7	The Commission may make a written statement on any matter relating to the Commission's responsibilities.	No amendment necessary
9.8	Any written statement must be published in the <u>report record</u> of plenary proceedings.	<b>Amend this Standing Order</b>  This has been amended to reflect the provisions of the revised Standing Order 30.
<b>Statements of Opinion</b>		
9.9	A Statement of Opinion not exceeding 100 words on a matter affecting Wales may be tabled by any Member other than a member of the government; and any such Statement may be supported, opposed or otherwise subject to comment in	No amendment necessary

writing by any other Member.	
9.10 If a Statement of Opinion is deemed by the Presiding Officer to be in order it must be published, together with any expression of support or opposition tabled by any other Member.	No amendment necessary

<b>STANDING ORDER 10 - Committees</b>	
<b>STANDING ORDER 10 - <del>Committees</del> <u>Operation of committees</u></b>	<b>Amend this title</b>  Delete 'Committees' and replace with 'Operation of committees' for clarity.
<b>General</b>	
10.1 Standing Order 10 applies to every committee of the Assembly other than where disapplied by another Standing Order.	No amendment necessary
10.2 Any Member may table a motion to give specific or general instructions to any committee.	No amendment necessary
<b>Membership of Committees</b>	
10.3 The Assembly must consider a motion tabled by the	<b>Amend this Standing Order</b>



<p>Business Committee to <del>determine</del> <u>agree</u> the membership <u>and chair</u> of each committee established by <del>any Standing Order or by</del> a resolution of the Assembly <u>on a motion (or motions) tabled by the Business Committee in accordance with Standing Order 12.</u></p>	<ul style="list-style-type: none"> <li>• Replace “determine” with “agree” – this is amended to reflect the different roles of the Business Committee and political groups in relation to committee memberships and chairs. Political groups <i>determine</i> the names they wish to put forward as members of committees or chairs (where they hold the chair) in accordance with SO 10.8. The Business Committee must then put these names forward in the motion tabled in accordance with SO 12 for plenary to <i>agree</i>.</li> <li>• Remove “any Standing Order” - this change reflects the fact that no committees would be named by Standing Orders, in line with the proposed approach.</li> <li>• Insert “and chair” - practice in the Third Assembly has been for the political groups to reach agreements on the allocation of chairs in accordance with party balance and allocate them accordingly. Although the committees themselves have always formally elected a chair, in practice, this mechanism has acted as a means by which committees endorse the Member put forward by the relevant political group for the role of chair. To reflect current practice, it is proposed that the mechanism which permits committees to elect a chair is replaced with a mechanism by which a political group provides the name of the member they wish to appoint as the chair of any committee upon which they hold the chair. This would require an amendment to SO 10.3 to provide that the Business Committee, in tabling a motion to determine the membership of each committee, would also have to include the name of the chair (as put forward by the party group in accordance with SO 10.8) in that motion for approval by the Assembly.</li> </ul>
<p><u>10.3A</u> In tabling a motion under Standing Order 10.3, the Business</p>	<p><b>Insert new Standing Order</b></p>

	<p><u>Committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.</u></p>	<p>Replaces the previous requirement in SO 10.18 for individual committees to have regard to political balance when electing their chair.</p>
<p>10.4 No amendments may be tabled to a motion under Standing Order 10.3.</p>	<p><b>Amend this Standing Order</b></p> <p>Grammatical correction – replace ‘amendments’ with ‘amendment’.</p>	
<p>10.5 <del>No A</del> motion to <del>determine</del> <u>agree</u> the membership of a committee under Standing Order 10.3 <u>can</u> <del>cannot</del> be passed unless:</p> <p>(i) the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and</p> <p>(ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Replace “A” with “No” and “cannot” with “can” - grammatical correction for consistency of drafting.</li> <li>• Replace “determine” with “agree” – explanation as outlined for SO 10.3.</li> </ul>	
<p>10.6 If a motion to <del>determine</del> <u>agree</u> the membership of a committee under Standing Order 10.3 is not passed:</p> <p>(i) the Assembly must consider a motion tabled by the Business Committee to determine:</p> <p style="padding-left: 40px;"><u>(a) the size of the committee; and</u></p> <p style="padding-left: 40px;"><u>(b) the political group from which the chair of the committee will be appointed; and</u></p> <p>(ii) places on that committee must be allocated in accordance with the operation of sections 29(3)</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Replace “determine” with “agree” – explanation as outlined for SO 10.3 and 10.5.</li> <li>• If the mechanism that permits committees to elect a chair is removed, the insertion of new Standing Order 10.6(i)(b) will be necessary. This would provide the mechanism by which committee chairs are appointed in accordance with the balance of political groups in any situation where the D’Hondt formula has to be used to determine the membership of</li> </ul>	

<p>to (7) of the Act as modified in accordance with Standing Order 10.7.</p>	<p>committees.</p>
<p>10.7 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:</p> <p>(i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or</p> <p>(ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is greater than that so produced for any other political group,</p> <p>the Presiding Officer must determine to which political group that place is to be allocated.</p>	<p>No amendment necessary</p>
<p>10.8 If places on any committee are to be allocated to a political group in accordance with Standing Order 10.3 or 10.6, it is for the leader of that political group to determine the names of:</p> <p>(i) the Members allocated from <del>his or her</del> <u>the</u> group; and</p> <p>(ii) <u>the chair, where that political group holds the chair.</u></p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Insert 10.8(ii): if the mechanism that permits committees to elect a chair is removed, provision is required to outline who decides the chair of the committee in the motion tabled by the Business Committee in accordance with either SO 10.3 or 10.6. To reflect current practice, this decision would be taken by the political groups.</li> <li>• Remove “the leader of”: it is proposed that the reference to a group leader is removed to allow political groups the freedom to determine their own internal organisation. This Standing</li> </ul>

	Order, as currently drafted, assumes that all political groups will choose to have a leader, which may not always be the case. The same change is proposed throughout Standing Orders to all references to leaders of political groups.
<p>10.9 Any motion under Standing Order 10.3 or 10.6 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:</p> <ul style="list-style-type: none"> <li>(i) every Member who does not belong to a political group is offered a place on at least one committee; and</li> <li>(ii) the total number of places on committees allocated to Members belonging to each political group is at least as great as the number of Members belonging to the political group.</li> </ul>	No amendment necessary
<p>10.10 A vacancy occurs on a committee when a Member:</p> <ul style="list-style-type: none"> <li>(i) resigns from the committee by notifying the Business Committee;</li> <li>(ii) is removed from the committee by a resolution of the Assembly;</li> <li>(ii) ceases to be a Member; or</li> <li>(iv) ceases to be a member of the committee in accordance with Standing Order 10.11.</li> </ul>	No amendment necessary

<p>10.11 A Member ceases to be a member of a committee if he or she joins or leaves a political group.</p>	<p>No amendment necessary</p>
<p>10.12 When a vacancy occurs on a committee, the Business Committee:</p> <ul style="list-style-type: none"> <li>(i) must consider the effect of that vacancy on the membership of that committee and of any other committee;</li> <li>(ii) must, having regard to that consideration, table a motion under Standing Order 10.3 proposing <u>changes to</u> the membership of the committee on which the vacancy occurred; and</li> <li>(iii) may, having regard to that consideration, also table one or more motions under Standing Order 10.3 proposing <u>changes to</u> the membership of any other committee.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>10.12(ii) and (iii) – when a vacancy occurs on a committee, there is no need to put the whole membership before the Assembly for its agreement again, only the changes to the membership.</p>
<p><u>10.12A If a political group informs the Business Committee that it wishes to change its representation on a committee, the Business Committee must table a motion to give effect to that proposal.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Standing Order 10 does not currently provide clarity on how alterations to a committee’s membership or chair can be made when a group’s representative is being changed, a common occurrence during the course of an Assembly. It is proposed that Standing Orders are amended to reflect the accepted practice by which the Business Committee tables a motion to give effect to a proposal put forward a political group (usually via the group’s Business Manager)</p>

	to change the group's representation on a committee.
10.13 If the effect of a motion referred to in Standing Order 10.12(ii) or <u>10.12A</u> is only to fill the vacancy with a Member from the same political group, then Standing Order 10.5(ii) does not apply.	<b>Amend this Standing Order</b>  Consequential amendment – if 10.12A is agreed, this amendment provides that the requirement that 2/3rds of those voting must support the motion is disapplied, reflecting established practice.
10.14 Any question arising under Standing Orders 10.5 and 10.9 must be determined by the Presiding Officer.	No amendment necessary
<b>Sub-committees</b>	
10.15 Any committee may resolve to establish one or more sub-committees. A resolution to establish a sub-committee must set out its membership, <u>chair</u> , remit and duration.	<b>Amend this Standing Order</b>  Insert “chair” - if the mechanism that permits committees to elect a chair is replaced by political groups naming the chair in accordance with SO 10.3 or 10.6, the insertion of “chair” here would ensure that the chairing of the sub-committee is a matter for the parent committee, not plenary. This would be consistent with arrangements for the parent committee to be responsible for deciding the membership, remit and duration of a sub-committee.
10.16 No sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.	No amendment necessary
<u>10.16A A sub-committee must report to the committee which established it.</u>	<b>Insert new Standing Order</b>  Standing Order 10 does not currently provide clarity on the procedures for sub-committees to report. Accepted practice in most

	western legislatures is for a sub-committee to report to the committee which established it. It is proposed that Standing Orders are amended to reflect this.
10.17 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.	No amendment necessary
<b>Chairs</b>	
10.18 Each committee must, <u>subject to Standing Order 10.19, elect a chair be chaired by the Member appointed to that role in accordance with Standing Orders 10.3, 10.6, 10.8 and 10.12A. In doing so the committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.</u>	<p><b>Amend this Standing Order</b></p> <p>Practice in the Third Assembly has been for the political groups to reach agreements on the allocation of chairs in accordance with party balance and allocate them accordingly. Although the committees themselves have always formally elected a chair, in practice, this mechanism has acted as a means by which committees endorse the Member put forward by the relevant political groups for the role of chair. To reflect current practice, it is proposed that the mechanism which permits committees to elect a chair is replaced with a mechanism by which a political group provides the name of the member they wish to appoint as the chair of any committee upon which they hold the chair.</p> <ul style="list-style-type: none"> <li>• It would then be for the Business Committee to name the chair when tabling the motion under new SO 10.3 that proposes the committee’s membership;</li> <li>• The obligation included in current SO 10.18 to have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong is contained in SO 10.3A</li> <li>• Any change of chair (a fairly regular occurrence during the</li> </ul>

	<p>Third Assembly) would have to go before plenary for the Assembly's approval on a motion tabled by the Business Committee on each occasion.</p> <p>References to SO 10.3, 10.6, 10.8 and 10.12A are included here for clarity. They ensure that SO 10.18 covers situations in which:</p> <ul style="list-style-type: none"> <li>• political groups agree on the allocation of chairs and membership and the size of committees without use of D'Hondt (covered by the reference to SO 10.3 and 10.8);</li> <li>• political groups cannot agree and D'Hondt is invoked (covered by reference to SO 10.6 and 10.8)</li> <li>• a political group wishes to swap its chair on a committee upon which it holds the chair (covered by the reference to SO 10.12A)</li> </ul>
<p>10.19 Each committee has the power to appoint a temporary chair in the absence of its chair.</p>	<p>No amendment necessary</p>
<p>10.20 Except where Standing Orders provide otherwise, the chair of a committee must determine its procedures, having regard to any written guidance which may be issued by the Presiding Officer: <u>in accordance with Standing Order 2.17.</u> <del>after consulting with the Business Committee and the chairs of committees.</del></p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that there should be a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business under SO 2.17.</p> <p>To ensure consistency across SOs, this amendment would ensure that mechanisms for issuing guidance detailed under SO 2.17 are applicable to committees.</p>
<p>10.21 In relation to the business of a sub-committee, the chair of</p>	<p>No amendment necessary</p>



<p>the sub-committee has the powers of the chair of the committee of which it is a sub-committee.</p>	
<p><b>Behaviour in Committees</b></p>	
<p>10.22 The chair is to maintain order in committee meetings and must call to order any Member who:</p> <ul style="list-style-type: none"> <li>(i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;</li> <li>(ii) is obstructing the business of the Assembly;</li> <li>(iii) seeks to raise a matter outside the scope of the issue before the committee;</li> <li>(iv) is guilty of discourteous or unbecoming conduct;</li> <li>(v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;</li> <li>(vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or</li> <li>(vii) disregards the authority of the chair.</li> </ul>	<p>No amendment necessary</p>

<p>10.23 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.</p>	<p>No amendment necessary</p>
<p>10.24 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required to do so, the chair may adjourn the meeting <u>or may suspend the meeting for a specified time</u> and report the matter to the Presiding Officer, <del>and, with the permission of the Presiding Officer obtained in advance, any</del> Member may <u>move a motion without notice in plenary to</u> propose that the Member be excluded from Assembly proceedings for a period in accordance with Standing Order 8.13.</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Insert “or may suspend the meeting for a specified time” – this addition has been made to ensure that the chair’s power to deal with matters relating to conduct are consistent with Standing Order 10.41A. As the chair is able to suspend the meeting for a specified time if deemed appropriate to do so under SO 10.41A, the same power should be available to him or her under SO 10.24.</li> <li>• Insert “move a motion without notice in plenary” – amended to clarify the mechanism by which a Member would propose that another Member be excluded from Assembly proceedings. This reflects the same mechanism provided in Standing Order 8 for a Member to be excluded if a similar situation occurs in plenary.</li> </ul>
<p><del>10.25 In case of grave disorder arising in a committee meeting or in any other circumstance where he or she thinks it appropriate to do so, the chair may adjourn a meeting or may suspend the meeting for a specified time.</del></p>	<p><b>Move this Standing Order to “meetings” sub-heading</b></p> <p>As currently drafted, Standing Orders provide a committee chair with the power to suspend or adjourn a meeting in the case of grave disorder. To provide the necessary flexibility for a chair to organise the flow of business as effectively as possible (and in line with proposed changes to plenary procedures), it is proposed that the Standing Orders are amended to provide a committee chair with the ability to adjourn or suspend a meeting in any circumstance where he or she thinks it appropriate to do so. The amended standing order</p>

	would be 10.41A.
<b>Sub judice</b>	
<p>10.26 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter <u>which relates to active where court proceedings (as defined by Schedule 1 to the Contempt of Court Act 1981) have been initiated or where notice of appeal has been given in the United Kingdom, or where the Children’s Commissioner for Wales, or the Commissioner for Older People in Wales or the Public Services Ombudsman 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 either Commissioner or the Ombudsman, unless the chair is satisfied that:</u></p> <ul style="list-style-type: none"> <li>(i) the matter is clearly related to a matter of general public importance or a ministerial decision is in question;</li> <li>(ii) the matter does not relate to a case which is to be heard, or is being heard, before a criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings; <u>and</u></li> <li>(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.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>As proposed for plenary SOs, this SO does not define when proceedings are “initiated”. The Assembly’s Chief Legal Adviser, Keith Bush, has advised that the same approach should be taken as that in the Contempt of Court Act 1981 (CCA).</p> <p>CCA does not refer to proceedings being “initiated” but to “active proceedings” (and when defining what this means makes it clear that proceedings that have been initiated can cease to be active if for example they are discontinued).</p> <p>“Active proceedings” can include active appellate proceedings so a separate reference to appeals is redundant.</p> <p>It is proposed that the Public Service Ombudsman for Wales should also be listed in this Standing Order for completeness</p> <p><b>An identical change to Standing Order 8.16 (relating to plenary) is proposed.</b></p>
<b>Relations with the Judiciary</b>	

<p>10.27 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; (in Standing Order 10.27 “judge” includes persons holding the position of judge, whether full-time or part-time).</p>	<p><b>Amend this Standing Order</b></p> <p>Syntax change</p>
<p>10.28 Committees must not discuss individual judicial appointments.</p>	<p>No amendment necessary</p>
<p><b>Quorum</b></p>	
<p>10.29 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee’s members, whichever is the <del>higher</del> <u>greater</u>, present.</p>	<p><b>Amend this Standing Order</b></p> <p>Grammatical correction</p>
<p>10.30 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.</p>	<p>No amendment necessary</p>
<p>10.31 On declaring a meeting inquorate under Standing Order 10.29 or 10.30 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within 20 minutes, the meeting will stand adjourned. <u>Where reasonable and appropriate to do so, the chair or, in the absence of the chair the clerk to the committee, may adjourn the meeting before that maximum time if it is clear that the committee will not be quorate within that period.</u></p>	<p><b>Amend this Standing Order</b></p> <p>To allow for greater flexibility in committee proceedings, it is proposed that, where reasonable and appropriate, the chair should be given discretion to adjourn before a maximum time of 20 minutes if it is clear that the committee will not be quorate within that period.</p>

<b>Voting</b>	
<p><u>10.31A Where a vote is necessary to dispose of the business, the chair must invite the committee to agree any motion or amendment. If:</u></p> <p>(i) <u>no Member objects, the motion or amendment is deemed agreed by the committee; or</u></p> <p>(ii) <u>any Member objects, a vote must be taken in accordance with provision in Standing Order 10.32.</u></p>	<p><b>Insert new Standing Order</b></p> <p>To improve the efficiency of committee business, it is proposed that provision is made within Standing Orders for committees to vote ‘on the nod’ unless any Member objects (in which case a vote by show of hands will take place), as is allowed in plenary meetings.</p>
<p>10.32 <u>Subject to Standing Order 10.31A(i),</u> voting in committees is by a show of hands and, when any member of the committee requests that the vote be recorded, the names of those voting (including those recording an abstention) must be recorded in the minutes of the committee’s proceedings.</p>	<p><b>Amend this Standing Order</b></p> <p>This is a consequential amendment if SO 10.31A is adopted.</p>
<p><u>10.32A For the purposes of voting, the chair may propose that votes on motions or amendments are grouped, and that they are subject to a single vote. If any Member objects, each motion and amendment must be voted on separately.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This has been inserted to reflect the established practice of “en bloc” voting in plenary – thereby formally enabling it in committee. It has proved to be useful for legislative proceedings in plenary in particular and could be used by committees examining legislation to dispose of votes “en bloc” where appropriate.</p> <p>This text reflects the same provision for ‘en bloc’ voting which has been introduced under SO 7.33A for plenary.</p>
<p>10.33 Chairs of committees may vote. If there is an equality of votes, the chair must rule as to the disposal of the business in</p>	<p>No amendment necessary</p>

accordance with Standing Order 2.20.	
10.34 No vote in any committee is valid if fewer than one-third of its members vote. Members recording an abstention are to be regarded as having voted.	No amendment necessary
10.35 If a vote is not valid under Standing Order 10.34, the chair must adjourn the item of business of which it formed a part to the next meeting of the committee.	No amendment necessary
<b>Openness of Committees</b>	
10.36 Subject to Standing Order 10.37 and <del>11.9</del> , committees must meet in public and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Commission <del>from time to time</del> agrees.	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• SO 11.9 currently determines when the Business Committee may meet in private. Under this proposal, the Committee would rely instead on the general provision to meet in private under SO 10.37(ix).</li> <li>• Remove “from time to time” – for drafting consistency across Standing Orders</li> </ul>
<p><u>10.36A</u> <u>Written material submitted to a committee by members of the public in relation to proceedings of the committee, including evidence submitted or documents produced in response to an invitation under Standing Order 10.44, published on behalf of the Committee, is to be regarded as published:</u></p> <p>(i) <u>under the authority of the Assembly (for the purpose of section 42(1)(b) of the Act (Defamation); and</u></p>	<p><b>Insert new Standing Order</b></p> <p>It is proposed that a new Standing Order is inserted here to ensure that a specific reference is made to the publication of documents submitted by the public for consideration by a committee.</p> <p>This change is proposed to bolster the legal protection for the contents of what is published.</p> <p>It is proposed that SO 10.36A explicitly states that, where written</p>

<p>(ii) <u>for the purposes of Assembly proceedings (for the purpose of section 43(1)(b) of the Act (Contempt of Court)).</u></p>	<p>material submitted to a committee by the public is published on behalf of that committee, it is covered for the purposes of sections 42 and 43 of the Government of Wales Act 2006. These are the sections of the Act that:</p> <ul style="list-style-type: none"> <li>• confer privilege for the purposes of the law of defamation on any statement made in a publication under the authority of the Assembly; and</li> <li>• disapply the strict liability rule for the purposes of the law of contempt of court to any publication made in, for the purpose of, or for purposes incidental, to Assembly proceedings.</li> </ul>
<p>10.37 A committee may resolve to exclude the public from a meeting or any part of a meeting where:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(ii) a particular item of business cannot be discussed without disclosing personal information relating to <u>specifically</u> identified or identifiable individuals which ought not to be disclosed;</li> <li>(iii) discussion in public of a particular item of business would be likely to cause harm to commercial or economic interests;</li> <li>(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;</li> </ul>	<p><b>Amend this Standing Order - 10.37(ii)</b></p> <p>Grammatical correction</p>

<ul style="list-style-type: none"> <li>(v) a particular item of business cannot be discussed without reference to material which would be likely to be considered defamatory of any person;</li> <li>(vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;</li> <li>(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;</li> <li>(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</li> <li>(ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.</li> </ul>	
<p>10.38 A motion proposed under Standing Order 10.37 must identify the grounds <u>on</u> which the Member proposing it believes should give rise to the exclusion of the public.</p>	<p><b>Amend this Standing Order</b> Grammatical correction</p>



<p>10.39 So far as is appropriate in the circumstances and reasonably practicable, notice of motions and documents relating to business to be taken at any committee must be made available to all members of that committee in English and Welsh at least two working days before the meeting to which they relate.</p>	<p>No amendment necessary</p>
<p>10.40 Members of committees and other persons addressing committees, may speak in English or in Welsh and simultaneous interpretation facilities must be available for proceedings in Welsh. Persons other than Members may address committees in other languages by prior agreement with the chair.</p>	<p>No amendment necessary</p>
<p><b>Meetings</b></p>	
<p>10.41 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is not a sitting week.</p>	<p>No amendment necessary</p>
<p><u>10.41A The chair may adjourn a meeting or may suspend the meeting for a specified time in any circumstance where he or she thinks it appropriate to do so.</u></p>	<p><b>Move from Standing Order 10.25</b></p> <p>As currently drafted, Standing Orders provide a committee chair with the power to suspend or adjourn a meeting in the case of grave disorder. To provide the necessary flexibility for a chair to organise the flow of business as effectively as possible (and in line with proposed changes to plenary procedures), it is proposed that Standing Orders are amended to provide committee chairs with the ability to adjourn or suspend a meeting in any circumstance where he or she thinks it appropriate to do so.</p>
<p><b>Substitutions at Meetings</b></p>	

<p>10.42 A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, 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.</p>	<p>No amendment necessary</p>
<p><b>Attendance at Meetings</b></p>	
<p>10.43 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.</p>	<p>No amendment necessary</p>
<p>10.44 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents.</p>	<p>No amendment necessary</p>
<p>10.45 Any committee may, subject to sections 38 and 40 of the Act, exercise the powers in section 37 of the Act, to require persons to attend their proceedings or to produce documents.</p>	<p>No amendment necessary</p>
<p>10.46 Chairs may require a person who has been required to attend a committee to take an oath (or make an affirmation), to be administered by the clerk to the committee.</p>	<p>No amendment necessary</p>

<b>Meetings with Other Committees</b>		
10.47	Committees may meet concurrently with other committees of the Assembly.	No amendment necessary
10.48	Committees may meet concurrently with any committee of either House of Parliament or any joint committee of both Houses <u>any legislature in the UK.</u>	<p><b>Amend this Standing Order</b></p> <p>Standing Orders currently provide that Assembly committees may meet concurrently with other committees of the Assembly or with any committee or joint committee of the Houses of Parliament. To provide greater flexibility for committees, it is proposed that this Standing Order is expanded to allow Assembly committees to meet concurrently with a committee or joint committee of any legislature in the UK.</p>
<b>Committee Advisers</b>		
10.49	Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice.	No amendment necessary
<b>Committee Reports</b>		
10.50	Any committee may report to the Assembly on matters within its remit.	No amendment necessary
<b>Duration of Committees</b>		
<del>10.51</del>	<del>Subject to Standing Order 12.3, committees established by Standing Orders 11 to 19 must be established for the duration of an Assembly.</del>	<p><b>Move these Standing Orders to new Standing Order 12.6</b></p> <p>It is proposed that a presentational change is made to Standing Orders whereby provisions relating to the duration of committees are</p>

<p><del>10.52 The Assembly must, on a motion tabled by the Business Committee, determine the duration of any other committee.</del></p>	<p>moved from the standing order relating to committee procedures (SO 10) to the standing order relating to their establishment and remits (SO 12).</p> <p>As the duration of a committee is required to be noted on its establishment, it would be clearer to include a standing order relating to committee duration under the revised standing order relating to establishment and remit of committees.</p>
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<b>STANDING ORDER 11 - Business Committee</b>	
	<p><b>Move all the provisions of Standing Order 11 as amended to Standing Order 6: Organisation of Business</b></p> <p>In order to group all the Standing Orders which relate to how Assembly business is organised, it is proposed that the provisions relating to the Business Committee should be moved to be a sub-section of Standing Order 6, under the sub-title “Business Committee”</p>
<p>11.1 <u>There is to be a Business Committee, to facilitate the effective organisation of Assembly proceedings.</u></p>	<p><b>Amend this Standing Order</b></p> <p>This is to clarify that the role of the Business Committee is “to facilitate the effective organisation of Assembly proceedings”: this would capture the wider role that the Business Committee plays, for example, in agreeing additional Committee meetings outside the Assembly timetable</p>
<p>11.2 Standing Orders 10.3 to 10.5 do not apply to the <u>Business</u></p>	<p><b>Amend this Standing Order</b></p>

Committee.	'Business' added for clarity.
<p>11.3 As soon as possible after an Assembly election, the Minister with responsibility for government business must table a motion to appoint as members of the Committee, the Presiding Officer, one Member nominated by each <del>leader of the</del> political group represented in the Assembly and (if any three or more Members who are not members of a political group decide to form a grouping for the purposes of Standing Order 11) a Member nominated by each grouping of Members. No amendments may be tabled to a motion under Standing Order 11.3.</p>	<p><b>Amend this Standing Order</b></p> <p>Reference to leader of political group deleted for consistency.</p>
<p>11.4 A motion under Standing Order 11.3 cannot be passed (if the motion for it is passed on a vote) unless at least two-thirds of the Members voting support it.</p>	<p>No amendment necessary</p>
<p>11.5 If a motion under Standing Order 11.3 is passed:</p> <ul style="list-style-type: none"> <li>(i) the Committee must be chaired by the Presiding Officer (who may vote only in the exercise of a casting vote, <u>subject to Standing Order 11.5(iii)</u>);</li> <li>(ii) each other member of the Committee carries one vote for each member of the political group (or grouping, as the case may be) which he or she represents (including himself or herself and the Presiding Officer and Deputy if they are members of his or her political group or grouping);</li> <li>(iii) where the number of Members who are not</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>11.5(i) - to clarify that, if the Presiding Officer were not a member of a political group, (s)he would be entitled to a substantive vote as provided for under Standing Order 11.5(iii), as well as a casting vote.</p> <p>11.5 (iv) and (v) – no material change. They have been merged to make it simpler to understand.</p> <p>11.5 (vi) - method of voting in the Business Committee: currently Standing Order 11.5(vi) provides that Standing Order 10.32 does not apply to the Business Committee (any Member of the Committee may request that the vote is recorded in the minutes of the meeting, and</p>

<p>members of a political group is such that it is (for that reason only) not possible for them to form a political group or grouping, each such Member is entitled to attend proceedings of the Committee and may vote;</p> <p>(iv) <u>in undertaking the functions under Standing Order 11.7(ii) or 11.7(iii), a member of the Committee representing a political group with an executive role may use the votes he or she carries under Standing Order 11.5(ii), but it shall be reduced by the number equivalent to the number of Members in his or her political group who are also members of the government in determining the organisation of non-government business in plenary under Standing Order 11.7(ii); and</u></p> <p><del>(v) the number of votes that a member of the Committee, referred to in Standing Order 11.5(iv), carries shall be reduced by the number equivalent to the number of Members who are members of the government and who are members of the political group to which that member belongs; and</del></p> <p>(v) Standing Orders 10.18, 10.19 and <del>10.32</del> <u>10.33</u> to 10.35 do not apply to the Committee.</p>	<p>voting would be by show of hands). There is no reason why this should not apply to the Business Committee, it is proposed therefore that SO 10.32 should apply also to the Business Committee.</p>
<p>11.6 If a motion under Standing Order 11.3 is proposed but not passed, then Standing Orders 10.6 to 10.9 apply to the Committee with the substitution of the words “under Standing Order 11.3 to appoint the members of the Business Committee” in <u>Standing Order 10.6</u> for the words “to <u>agree</u></p>	<p><b>Amend this Standing Order</b></p> <p>Drafting changes for clarity and as a consequence of the amendment to Standing Order 10.6.</p>

<p>determine the membership of a committee under Standing Order 10.3”, and of the words “Minister with responsibility for government business” for “Business Committee”.</p>	
<p>11.7 The <del>functions of the</del> Committee <u>must</u>:</p> <ul style="list-style-type: none"> <li>(i) <del>to comment on proposals for the organisation of government business in plenary (which must be determined under Standing Order 6.4) and non-government business in plenary;</del></li> <li>(ii) <del>to determine the organisation of Assembly business in plenary non-government business in plenary, subject to Standing Order 11.5(iv);</del></li> <li><u>(ii)A determine the proposal for the titles and remits of committees under Standing Orders 12.2 or 12.3, subject to Standing Order 11.5(iv);</u></li> <li><del>(iii) to determine the organisation of Assembly business in plenary;</del></li> <li>(iv) <del>to</del> make recommendations on the general practice and procedure of the Assembly in the conduct of its business (including any proposals for the re-making or revision of Standing Orders, or any part thereof);</li> <li>(v) <u>undertake</u> the functions assigned to the Committee in Standing Orders.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>This requires amending as a consequence of creating the new category of “Assembly business”.</p> <p>11.7 (i) – amended as it is unnecessary to specify that the Committee must comment on the organisation of Assembly business in plenary.</p> <p>11.7 (ii) - the organisation of all “Assembly” business" will be subject to qualified weighted voting in the Business Committee as currently applies to “non-government” business.</p> <p>11.7(ii)A – this is a new provision and is part of the proposed new approach to the establishing the Assembly’s committee structure. It is proposed that any decision taken by the Business Committee on the proposal for the titles and remits of committees would be subject to qualified weighted voting in accordance with SO 11.5(iv), as currently applies to the determination of non-government business in plenary, not full weighted voting.</p>

11.8 The Committee must meet at least once every two sitting weeks.	No amendment necessary
<del>11.9 The Committee may meet in private to discuss matters arising under 11.7(i) to (iii) and 11.7(v).</del>	<p><b>Delete this Standing Order</b></p> <p>This determines when the Business Committee may meet in private: the Committee would rely instead on the general provisions to resolve to meet in private under Standing Order 10 .37 (ix) which would give it more flexibility to decide when to meet in private.</p>

<p><b>STANDING ORDER 12 - Establishment and Remits of Committees</b></p> <p>(This incorporates STANDING ORDER 21 - Other Committees)</p>	
<p><b>STANDING ORDER 12 - <u>Scrutiny Establishment and remit of Committees</u></b></p>	<p><b>Amend this title</b></p> <p>Delete ‘Scrutiny’ and replace with ‘Establishment and remit of’.</p> <p>It is proposed that this Standing Order encompasses the establishment of all types of committee, not scrutiny committees alone as is currently the case. The purpose of this proposal is to allow future Assemblies the flexibility to shape a committee structure that best suits any given set of circumstances they may face.</p> <p>This redrafted SO would allow future Assemblies to adopt a structure identical to the current arrangement. Alternatively, if the Assembly so resolves, it could adopt a different structure whereby there are fewer committees, more committees or committees undertaking both legislative and policy scrutiny.</p>



<p><b><u>General</u></b></p>	<p><b>Insert new sub-heading</b> Insert 'general' here to retain consistency of use of sub-headings throughout SOs.</p>
<p>12.1 There <del>Assembly</del> must <u>establish</u> <del>be</del> scrutiny committees with power within their remit to:</p> <ul style="list-style-type: none"> <li>(i) examine the expenditure, administration and policy of the government and associated public bodies;</li> <li>(ii) <u>examine legislation;</u></li> <li>(iii) <u>undertake other functions specified in Standing Orders; and</u></li> <li>(iv) <u>consider any matter affecting Wales.</u></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Current SO 12.1 requires that there must be scrutiny committees with power within their remit to hold the Government to account. It is proposed that this Standing Order is broadened to capture the establishment of all committees. This amended SO would also include the requirement for the Assembly to establish committees that:</p> <ul style="list-style-type: none"> <li>(i) examine legislation (this would include pre-legislative, legislative and post-legislative scrutiny);</li> <li>(ii) undertake the Assembly's duties in relation to representing the people of Wales by: <ul style="list-style-type: none"> <li>• undertaking other statutory and procedural functions outlined in Standing Orders (e.g. Petitions functions, Budget functions, Constitutional and Legislative functions and Standards of Conduct functions); and</li> <li>• considering any matter affecting Wales.</li> </ul> </li> </ul>
<p>12.2 The Business Committee must, as soon as possible after every Assembly election, <del>determine</del> <u>table a motion or motions in accordance with Standing Order 12.1 proposing</u> the titles and remits of <del>the</del> <del>scrutiny</del> committees</p>	<p><b>Amend this Standing Order</b></p> <p>Current Standing Order 12.2 provides that the Business Committee determines the titles and remits of scrutiny committees.</p> <p>It is proposed that this Standing Order is amended to provide that:</p> <ul style="list-style-type: none"> <li>• the Business Committee must table a motion or motions proposing the committee structure following agreement in the Business Committee [subject to qualified weighted voting in</li> </ul>

	<p>accordance with SO 11.5(iv)]; and</p> <ul style="list-style-type: none"> <li>• the proposal is subject to Assembly agreement.</li> </ul>
<p>12.3 If it appears necessary to the Business Committee during the course of an Assembly to alter the number, title or remit of one or more <del>scrutiny</del> committee (including by providing that any existing <del>scrutiny</del> committee should cease to exist), the Business Committee may table a motion proposing that the alteration take place. <del>No amendment may be tabled to the motion. If the motion is agreed, the resolution will constitute a resolution to establish a committee for the purposes of Standing Order 10.3.</del></p>	<p><b>Amend this Standing Order</b></p> <p>References to scrutiny committees should be removed as the revised Standing Order 12 would now apply to all committees.</p> <p>It is proposed that the restriction on Members being able to table an amendment to a motion tabled by the Business Committee to alter the number, title or remit of one or more committee is removed.</p> <p>The final sentence is an unnecessary provision as a consequence of changing the method by which the Business Committee proposes the committee structure.</p>
<p>12.4 <del>In making determinations under Standing Order 12.2, or in</del> tabling any motion under Standing Order <u>12.2 or 12.3</u>, the Business Committee must ensure that:</p> <ul style="list-style-type: none"> <li>(i) every area of responsibility of the government and associated public bodies is subject to the scrutiny of a <del>scrutiny</del> committee <u>or committees</u>;</li> <li>(ii) <u>all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General are subject to the scrutiny of a committee or committees; and</u></li> <li>(iii) <u>where reasonably practicable, there is broad</u></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>The reference to “making determinations” is now redundant given that the Business Committee is required to table a motion or motions by SO 12.2 and 12.3.</p> <p>12.4 (i) replicates the current requirement on the Business committee under SO 12.4, to ensure that all areas of government responsibility are covered by the committee structure the Business Committee proposes.</p> <p>As the revised Standing Order 12 would apply to legislative committees now as well, a similar provision has been inserted regarding legislative scrutiny in SO 12.4 (ii). When proposing the</p>

<p><u>balance between the delivery of responsibilities specified in Standing Orders 12.1(i) and 12.1(ii).</u></p>	<p>committee structure therefore, the Business Committee will be required to ensure that all areas of government responsibility and all legislative matters impacting on Wales may be subject to the scrutiny of a committee or committees.</p> <p>12.4(iii) places a requirement on the Business Committee to ensure that, where reasonably practicable, there is balance between the delivery of responsibilities relating to holding the government to account and responsibilities relating to the scrutiny of legislation.</p>
<p><b>Other Committees</b></p>	
<p><del>21.1</del> <u>12.5</u> The Assembly may establish any <u>other</u> committee; <del>other than those established under the Standing Orders</del>, on a motion tabled by any Member. <u>A motion to establish such a committee must propose its title and remit.</u></p> <p><del>21.2</del> <u>A motion to establish such a committee must propose the remit of the committee</u></p>	<p><b>Move from existing Standing Order 21 and amend the Standing Order</b></p> <p>This Standing Order has been moved from existing SO 21 to ensure that all information about the establishment and remits of committees is contained in one location in Standing Orders.</p> <p>The SO allows any Member to table a motion to establish a committee; the amendments:</p> <ul style="list-style-type: none"> <li>• reflect the fact that no committees would be named by Standing Orders, in line with the proposed approach; and</li> <li>• merge existing 21.1 and 21.2 for clarity.</li> </ul>
<p><b><u>Duration of Committees</u></b></p>	
<p><u>12.6</u> Subject to Standing Order 12.3, all committees established under Standing Order 12 will exist for the <u>duration of the Assembly unless otherwise specified in the motion to establish the committee.</u></p>	<p><b>Move from existing Standing Order 10.51 – 10.52 and amend the Standing Order</b></p> <p>This Standing Orders retains the provision in current Standing Orders for committees to exist for a whole Assembly unless:</p> <ul style="list-style-type: none"> <li>• otherwise specified in the motion to establish the committee; or</li> </ul>

	<ul style="list-style-type: none"> <li>it appears necessary to the Business Committee to table a motion proposing that the committee should cease to exist.</li> </ul>
<b>STANDING ORDER 21 – Other Committees</b>	<b>Delete Standing Order 21 as it is replicated in SO 12.5</b>

<b>STANDING ORDER 13 - Public Accounts Committee:</b>	
<b>STANDING ORDER 13 - <del>Audit</del> <u>Public Accounts</u> Committee</b>	<p><b>Amend this title</b></p> <p>Delete ‘Audit’ and replace with ‘Public Accounts’. This is to reflect the current name of the Committee and is in accordance with section 30 of the Act, which permits the Assembly to change the name of the Audit Committee if the Assembly so determines.</p>
<b><u>Responsibilities-General</u></b>	<p><b>Amend sub-heading</b></p> <p>For drafting consistency.</p>
<u>13.0 In proposing the remits of committees under Standing Order 12.2 or 12.3, the Business Committee must ensure that there is a committee (referred to as “the Public Accounts Committee” in accordance with section 30 of the Act) with responsibility for the functions specified in Standing Order 13.</u>	<p><b>Insert new Standing Order</b></p> <p>This amendment gives effect to the introduction of function-based Standing Orders, in line with the proposed approach. In order to meet the requirements of section 30 of the Government of Wales Act 2006, the Public Accounts Committee must be named here.</p>
<b><u>Functions</u></b>	<b>Insert new sub-title for clarity</b>
<del>13.1 There is to be an Audit Committee to:</del> <u>The Public Accounts</u>	<b>Amend this Standing Order</b>

Committee (“the Committee”) must:

- (i) exercise the functions set out in paragraph 12 of Schedule 8 to the Act relating to the main estimate of income and expenses submitted by the Auditor General for each financial year;
- (ii) consider any supplementary budget motions tabled under section 126 of the Act that seek to amend amounts previously authorised by a budget resolution or supplementary budget resolution in respect of the Auditor General;
- (iii) advise the Assembly in the exercise of its functions under paragraph 14 of Schedule 8 to the Act relating to the appointment of the auditor of the accounts of the Auditor General;
- (iv) present views to the Auditor General from time to time on the Auditor General’s exercise of his or her powers to undertake economy, efficiency and effectiveness examinations; and
- (v) consider and report to the Assembly on any use of resources in excess of that authorised or deemed to be authorised that is recorded in the audited accounts of Welsh Ministers, the Commission, the Auditor General or the Ombudsman, recommending whether the Assembly should authorise the excesses retrospectively by supplementary budget resolution, ~~and~~
- (vi) ~~submit an annual report to the Assembly on the~~

Consequential amendment if SO 13.0 is agreed. Remove reference to the Audit Committee in the first sentence and replace with reference to the Public Accounts Committee.

13.1(vi) The Public Accounts Committee has proposed that the requirement to submit an annual report on its work to the Assembly should be removed as there is no legislative requirement for it to do so, little desire to produce an annual report and no significant benefit in doing so.

work of the Committee:	
<p>13.2 The Committee may:</p> <p>(i) consider and report to the Assembly in accordance with section 143(1) of the Act on documents laid before the Assembly by the Auditor General or that officer's auditor; <del>and</del></p> <p>(ii) <u>consider and report to the Assembly on any other document concerning financial control, accounting and auditing in relation to public expenditure;</u></p> <p>(iii) take evidence and report to the House of Commons Public Accounts Committee if requested by that Committee to do so; <u>and</u></p> <p>(iv) <u>advise the Auditor General's auditor on the examinations to be carried out under Paragraph 15(6) of Schedule 8 to the Act.</u></p>	<p><b>Amend this Standing Order</b></p> <p>This proposal gives effect to the Public Accounts Committee's request (SOR21 - Additional Evidence) that its remit should be extended in line with the Public Account Committee's powers in Scotland so that it may:</p> <ul style="list-style-type: none"> <li>• consider and report on any document concerning financial control, accounting and auditing in relation to public expenditure; and</li> <li>• advise the auditor to the accounts of the Auditor General on examinations into the economy, efficiency and effectiveness with which the Auditor General has used resources in discharging his or her functions.</li> </ul>
<p>13.3 In the performance of its responsibilities under Standing Order 13.2(i) or <u>13.2(ii)</u> the Committee must not question the merits of the policy objectives of the government, or those of any other body or person which is the subject of the Committee's report.</p>	<p><b>Amend this Standing Order</b></p> <p>Consequential change as a result of new SO 13.2(ii).</p>
<b>Membership</b>	
<p>13.4 Standing Orders 10.3 <u>and 10.6</u> <del>applies</del> to the Committee</p>	<p><b>Amend this Standing Order</b></p>

<p>except that it must consist of <u>no fewer than 5 Members and no more than 10 Members</u> and no person specified in section 30(3) of the Act may be proposed as a member of it.</p>	<ul style="list-style-type: none"> <li>• Insert reference to SO 10.6 – this amendment is needed in case the use of the D’Hondt formula is necessary to determine the size of committees.</li> <li>• The Public Accounts Committee has proposed that the requirement for the Committee to have 10 members is reduced to be in line with the number of members on other scrutiny committees. It is proposed, therefore, that this SO is amended to state that the Committee has no fewer than 5 members and no more than 10. This will allow future Assemblies to manage the size of committees subject to capacity and circumstances. This complies with section 30 of the Government of Wales Act which requires the number of members to be specified in Standing Orders but does not specify the actual number.</li> </ul>
<p>13.5 Standing Order 10.18 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.</p>	<p>No amendment necessary</p>
<p>13.6 Standing Order 10.42 applies to the Committee, except that no person specified in section 30(3) of the Act may be nominated as a representative.</p>	<p>No amendment necessary</p>
<p>13.7 No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time a member of the government.</p>	<p>No amendment necessary</p>
<p>13.8 No member of the Committee may participate in its consideration of any matter which was within the responsibility of the House Committee (as constituted</p>	<p>No amendment necessary</p>

between 18 December 2002 and 2 May 2007), or is within the responsibility of the Commission, if he or she was at the relevant time a member of the House Committee or the Commission.	
<b>Auditor General</b>	<b>Delete this sub-heading</b>
<del>13.9</del> The Auditor General may attend private meetings of the Committee, with the permission of or at the request of the chair.	<b>Delete this Standing Order</b> The Public Accounts Committee has proposed that this SO be deleted as it is within the chair's authority to allow individuals to attend committee meetings and does not need to be specified in SOs.
<del>13.10</del> The Committee is to determine its programme of work in consultation with the Auditor General.	<b>Delete this Standing Order</b> The Public Accounts Committee has proposed that this SO be deleted as the Committee believes it places an unnecessary restriction on the PAC and does not reflect the way in which the Committee has developed over the course of the Third Assembly.

<b>STANDING ORDER 14 - Finance</b>	
<b>STANDING ORDER 14 - Finance Committee</b>	<b>Amend this title</b> Delete 'Committee'.
<b><u>Committee</u></b>	<b>Insert new sub-title</b>
<u>14.0</u> In proposing the remits of committees under Standing Order	<b>Insert new Standing Order</b>



<p><u>12.2 or 12.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 14 as “the responsible committee”) with responsibility for the functions specified in Standing Order 14.</u></p>	<p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p> <p>Rather than stating that there must be a specific Finance Committee, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 14 are undertaken by a committee. This committee is referred to throughout the Standing Order as the “responsible committee”.</p> <p>This Committee would also be the “responsible committee” in relation to the functions currently undertaken by the Finance Committee under Standing Order 27, which will be amended accordingly.</p>
<p><b><u>Functions</u></b></p>	<p><b>Insert new sub-title for clarity</b></p>
<p>14.1 <del>There is to be a Finance Committee to</del> <u>The responsible committee must</u> consider and report on :</p> <ul style="list-style-type: none"> <li>(i) <del>any report or other document laid before the Assembly by Welsh Ministers or the Commission containing proposals for the use of resources; including budget motions and supplementary budget motions prepared under sections 125 and 126 of the Act.</del></li> <li>(ii) <del>the estimates of income and expenses prepared by the Ombudsman under paragraph 15 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005; and</del></li> <li>(iii) <del>the use of resources and payments out of the</del></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Consequential amendment if SO 14.0 is agreed – remove reference to specific committee. The overall effect would be to require a committee to exist specifically to report on proposals for the use of resources from the Consolidated Fund and with a broad catch-all capacity to report on other financial matters.</p> <p>14.1(i) - the latter part of this sub-section is an unnecessary elaboration and the consideration of these motions by the responsible committee is already covered by Standing Order 27;</p> <p>14.1(ii) - this is deleted as the consideration of these motions by the responsible committee is already covered by Standing Order 27;</p> <p>14.1(iii) - this is deleted as it would now be covered by the revised catch-all provision of SO 14.2(iii).</p>

<p>Welsh Consolidated Fund reported to the Assembly by Welsh Ministers under section 128 of the Act.</p>	
<p>14.2 The <del>Committee</del> <u>responsible committee</u> may also consider and, where it sees fit, report on:</p> <ul style="list-style-type: none"> <li><del>(i) financial information in explanatory memoranda accompanying proposed Assembly Measures;</del></li> <li><del>(ii) the timetable for the consideration of budget proposals and budget motions and on the handling of financial business; and</del></li> <li><del>(iii) any other matter relating to or affecting the expenditure of the government or other expenditure out of the Welsh Consolidated Fund.</del></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>14.2(i) – this function would be included in Standing Order 23 (Assembly Measures), to be allocated to a responsible committee.</p> <p>14.2(ii) – this would be covered by the revised SO 14.2</p> <p>14.2(iii) – this function has been simplified and is a catch-all provision which ensures the responsible committee would be able to report on any financial matters relating to or affecting the Welsh Consolidated Fund. It also would cover matters previously listed under 14.1 (iii).</p>
<p>14.3 A reference to the use of resources is a reference to their expenditure, consumption or reduction in value and includes expenditure payable out of the Welsh Consolidated Fund and any other expenditure met out of taxes, charges and other sources of revenue.</p>	<p>No amendment necessary.</p>

<p><b>STANDING ORDER 15 - Constitutional and Legislative Affairs</b></p>	
<p><b>STANDING ORDER 15 - Constitutional <u>and Legislative</u> Affairs Committee</b></p>	<p><b>Amend this title</b></p> <p>Delete ‘Committee’ and add ‘and legislative’</p>

<b><u>Committee or Committees</u></b>	<b>Insert new sub-title</b>
<p>15.1 <del>There is to be a Constitutional Affairs Committee. In proposing the remits of committees under Standing Order 12.2 or 12.3, the Business Committee must ensure that responsibility for the functions in Standing Order 15 is assigned to a committee or committees (referred to within Standing Order 15 as “a responsible committee”).</del></p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Constitutional Affairs Committee, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 15 are undertaken by a committee or committees of the Assembly, to be referred to as “a responsible committee”.</p> <p>Although this does not explicitly name the Committee as proposed by the Constitutional Affairs Committee Chair’s response to the review of Standing Orders, other proposals in the response relating to the committees functions have been included.</p>
<b><u>Functions</u></b>	<b>Insert new sub-title</b>
<p>15.2 <del>Subject to Standing Order 15.7, the</del><u>A responsible committee</u> must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Assembly and report on whether the Assembly should pay special attention to the instrument or draft on any of the following grounds:</p> <ul style="list-style-type: none"> <li>(i) that there appears to be doubt as to whether it is intra vires;</li> <li>(ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment</li> </ul>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Remove “Subject to Standing Order 15.7” - consequential amendment if the proposal to delete SO 15.7 is agreed [see below]</li> <li>• Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the</li> </ul>

<p>under which it is made or to be made;</p> <p>(iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;</p> <p>(iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;</p> <p>(v) that for any particular reason its form or meaning needs further explanation;</p> <p>(vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;</p> <p>(vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;</p> <p>(viii) that it uses gender specific language;</p> <p>(ix) that it is not made or to be made in both English and Welsh;</p> <p>(x) that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly; or</p> <p>(xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified).</p>	<p>Constitutional Affairs Committee.</p> <ul style="list-style-type: none"> <li>The committee responsible for the delivery of the functions in SO 15.2 (and 15.3) would also be the “responsible committee” in relation to the functions currently undertaken by the Constitutional Affairs Committee under Standing Order 24, which would be amended accordingly.</li> </ul>
<p>15.3 <del>Subject to Standing Order 15.7, the</del> <u>A responsible committee</u></p>	<p><b>Amend this Standing Order</b></p>

<p>may consider and report on whether the Assembly should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Assembly on any of the following grounds:</p> <ul style="list-style-type: none"> <li>(i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;</li> <li>(ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;</li> <li>(iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made;</li> <li>(iv) that it inappropriately implements European Union legislation; or</li> <li>(v) that it imperfectly achieves its policy objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• Remove “Subject to Standing Order 15.7” - consequential amendment if the proposal to delete SO 15.7 is agreed [see below]</li> <li>• Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.</li> <li>• The committee responsible for the delivery of the functions in SO 15.3 (and 15.2) would also be the “responsible committee” in relation to the functions currently undertaken by the Constitutional Affairs Committee under Standing Order 24, which would be amended accordingly.</li> </ul>
<p>15.4 <del>The CA responsible committee</del> must make any report under Standing Order 15.2 or 15.3 in respect of any statutory instrument or draft statutory instrument no later than 20 days after the instrument or draft has been laid.</p>	<p><b>Amend this Standing Order</b></p> <p>Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of a responsible committee, in line with the proposed</p>

	approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.
15.5 In calculating for the purposes of Standing Order 15.4 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.	No amendment necessary
15.5A <u>Standing Orders 15.2 and 15.3 do not apply to proposed or draft Legislative Competence Orders under Standing Order 22 or subordinate legislation subject to Special Assembly Procedure under Standing Order 25.</u>	<p><b>Insert new Standing Order</b></p> <p>This proposed SO ensures that a responsible committee:</p> <ul style="list-style-type: none"> <li>• would not be required to consider technical / merits aspects of all proposed or draft LCOs but, if the proposal to delete SO 15.7 is agreed, SO 15.5A would not preclude a responsible committee from reporting on a proposed or draft LCO;</li> <li>• would not consider subordinate legislation subject to Special Assembly Procedure.</li> </ul>
<p>15.6 <del>Subject to 15.7, the</del> <u>A responsible committee may also consider and report on:</u></p> <p>(i) any other subordinate legislation laid before the Assembly <u>other than that subject to Special Assembly Procedure under Standing Order 25;</u></p> <p>(ii) the appropriateness of provisions in proposed Assembly Measures and in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General;</p> <p>(iii) consequences for legislation subject to the</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of a responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.</li> <li>• 15.6(i) - it is proposed that “other than that subject to Special Assembly Procedure under Standing Order 25” is added here to make clear that subordinate legislation subject to that procedure must be considered under procedures outlined in Standing Order 25 due to its quasi-judicial nature.</li> </ul>

<p>consideration of the Assembly of draft orders under Part 1 of the Legislative and Regulatory Reform Act 2006;</p> <p>(iv) the exercise of commencement powers by the Welsh Ministers; <del>or</del></p> <p>(v) any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers; <u>or</u></p> <p>(vi) <u>draft legislation which is the subject of consultation.</u></p>	<ul style="list-style-type: none"> <li>• 15.6(vi) - this new provision would effect the Constitutional Affairs Committee’s proposal that a responsible committee should be able to consider draft statutory instruments (and any other draft legislation which is the subject to consultation) before they are laid.</li> </ul>
<p><del>15.7—The Committee may not consider:</del></p> <p>(i) <del>any draft legislative competence order; or</del></p> <p>(ii) <del>any statutory instrument or draft statutory instrument that is required to be laid before Parliament.</del></p>	<p><b>Delete this Standing Order</b></p> <p>The Constitutional Affairs Committee has proposed that SO 15.7 be removed to ensure that there is nothing to prevent a responsible committee considering:</p> <ul style="list-style-type: none"> <li>• SIs which are required to be laid before Parliament. These would now be subject to scrutiny under SO 15.2 and 15.3 in the same way as all other SIs.</li> <li>• Draft LCOs where valuable to do so. It would be for the Business Committee to determine which committee(s) could consider draft LCOs.</li> </ul>
<p><u>15.8 A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Assembly or to the functions of the Welsh Ministers or of the Counsel General in order to consider whether it complies with the principle of subsidiarity.</u></p>	<p><b>Add new Standing Order</b></p> <p>15.8 - This new provision would effect the European and External Affairs Committee’s proposal that provision should be made in Standing Orders to acknowledge the role of the Assembly in considering the application of the principle of subsidiarity as set out</p>

<p><u>15.9 If a responsible committee considers that draft European Union legislation does not comply with the principle of subsidiarity it may make written representations, on behalf of the Assembly, to the relevant committee of the House of Commons or the House of Lords with a view to having those representations incorporated into a reasoned opinion to be submitted by that committee to the relevant European Union authorities.</u></p>	<p>in the Lisbon Treaty Protocol on the application of the principles of subsidiarity and proportionality. It is drafted in broad terms to allow future Assemblies to agree the detail of procedures subject to any given set of circumstances.</p>
<p><u>15.10 If a responsible committee makes written representations in accordance with Standing Order 15.9, it must lay a copy of those written representations before the Assembly.</u></p>	<p>Article 6 of the Lisbon Treaty Subsidiarity Protocol allows any national Parliament to, within eight weeks from the date of publication of a draft legislative act, send to the European Union institutions a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. It also provides that it is for each national Parliament to consult, where appropriate, regional parliaments with legislative powers.</p>
<p><u>15.11 A responsible committee may, to enable its functions under Standing Order 15.9 to be exercised during any non-sitting week, delegate those functions to the chair of the responsible committee who must, if they are exercised, report that fact to the responsible committee as soon as possible.</u></p>	<p>The European and External Affairs Committee's (EEAC) response to the review included a request for a formal mechanism for the Committee to submit its views to the House of Parliament if EU legislation does not comply with the principles of subsidiarity.</p> <p>New SO 15.9 and SO 15.10 are proposed in response to this request.</p>
	<p>Should the Business Committee agree in principle to the Committee's request, further consideration of the detailed mechanism by which representations would be made by the Assembly may be required.</p> <p>15.9 - Proposed SO 15.9 would allow a responsible committee to make written representations on behalf of the Assembly to the Houses of Parliament for them to be incorporated into a reasoned opinion to the relevant European Union authorities, in accordance with the protocol.</p> <p>15.11 - The EEAC also requested detail on how the written representations referred to in SO 15.9 would be handled during recess periods. Proposed SO 15.11 outlines an option whereby a responsible committee could delegate the functions relating to</p>



	making written representations on behalf of the Assembly to the chair of the responsible committee during recess periods.
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STANDING ORDER 16 - Standards of Conduct	
STANDING ORDER 16 - <del>Committee on</del> Standards of Conduct	<p><b>Amend this title</b></p> <p>Delete 'Committee on'.</p>
<del>Title and terms of reference</del> <u>Committee</u>	<p><b>Amend this sub-title</b></p> <p>Delete 'Title and terms of reference' and replace with 'Committee'.</p>
<p><u>16.0 In proposing the remits of committees under Standing Order 12.2 or 12.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 16 as "the responsible committee") with responsibility for the functions specified in Standing Order 16.</u></p>	<p><b>Add new Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Committee on Standards of Conduct, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in</p>

	Standing Order 16 are undertaken by a committee. This committee is referred to throughout the Standing Order as “the responsible committee”.
<b>Functions</b>	<b>Insert new sub-title</b>
<p>16.1 <del>There is to be a Committee on Standards of Conduct which</del>  <u>The responsible committee must:</u></p> <ul style="list-style-type: none"> <li>(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: <ul style="list-style-type: none"> <li>(a) Standing Order 31;</li> <li>(b) any Assembly resolution relating to the financial or other interests of Members;</li> <li>(c) Standing Order 32;</li> <li>(d) any Assembly resolution relating to Members’ standards of conduct;</li> <li>(e) any code or protocol made under Standing Order 1.13 and in accordance with section 36(6) of the Act; <del>or</del></li> <li>(f) Standing Order 31A; <u>or</u></li> <li>(g) <u>Standing Order 31B;</u></li> </ul> </li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Insert “the responsible Committee” - consequential amendment if SO 16.0 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee to deliver the functions currently delivered by the Committee on Standards of Conduct.</p> <p>16.1(i) and (iii) – the responsible committee should also be responsible for reporting on compliance with the new Standing Order 31B, and supervising the arrangements for the new Records (Employment of Family Members, Time Involved in Registrable Activities).</p> <p>16.1(iv) - it is proposed that this provision is removed on the basis that the Committee is able to report on its conclusions in respect of ethical standards in the conduct of the Assembly’s business when it so wishes and deems it necessary to do so. In addition, the Standards Commissioner now has a duty to produce an annual report.</p>

<ul style="list-style-type: none"> <li>(ii) consider any matters of principle relating to the conduct of Members generally;</li> <li>(iii) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests, <del>the Record of the Employment of Family Members with the Support of Commission Funds, the Record of Members' Time Involved in Registrable Activities</del> and the Record of Membership of Societies and the form and content of the Register and the Records; <u>and</u></li> <li><del>(iv) present an annual report to the Assembly on the complaints made under Standing Order 16.1(i); and the action taken in consequence, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business; and</del></li> <li>(iv) establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 16.1(i).</li> </ul>	
<p><b>Membership</b></p>	
<p>16.2 The Presiding Officer must not be a member of the <del>Committee</del> <u>responsible committee</u>, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.</p>	<p><b>Amend this Standing Order</b></p> <p>Insert "the responsible committee" - consequential amendment if SO 16.0 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an</p>

		Assembly committee to deliver the functions currently delivered by the Committee on Standards of Conduct
16.3	Subject to Standing Order 16.4, Standing Order 10.42 <del>shall</del> <u>must</u> not apply to the <del>Committee on Standards of Conduct</del> <u>responsible committee</u> .	<p><b>Amend this Standing Order</b></p> <p>Insert “the responsible committee” - as above.</p> <p>Replace “shall” with “must” – drafting change to ensure consistency throughout Standing Orders.</p>
16.4	Where a member of the <del>Committee</del> <u>responsible committee</u> is subject to a complaint under Standing Order 16.1(i), he or she may take no part in any consideration of the complaint by the <del>Committee</del> <u>responsible committee</u> . 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 <del>the leader of</del> that group, may replace that member. The nominated Member may participate in the meetings of the <del>Committee</del> <u>responsible committee</u> to consider the complaint as if he or she were a member of it. No Member may replace more than one <del>Committee</del> member of the <u>responsible committee</u> at a meeting.	<p><b>Amend this Standing Order</b></p> <p>Insert “the responsible Committee” - consequential amendment if SO 16.0 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee to deliver the functions currently delivered by the Committee on Standards of Conduct.</p> <p>Remove “the leader of” - it is proposed that the reference to a group leader is removed to allow political groups the freedom to determine their own internal organisation. This Standing Order, as currently drafted, assumes that all political groups will choose to have a leader, which may not always be the case. The same change is proposed throughout Standing Orders to all references to leaders of political groups.</p>
<b>Meetings</b>		
16.5	The <del>Committee</del> <u>responsible committee</u> must meet as soon as possible after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.	<p><b>Amend this Standing Order</b></p> <p>As above</p>
16.6	The <del>Committee</del> <u>responsible committee</u> may meet in public	<b>Amend this Standing Order</b>

	or in private, but when deliberating upon a complaint, the <del>Committee</del> <u>responsible committee</u> must meet in private unless it resolves otherwise.	As above
16.7	Any Member who is the subject of an investigation by the <del>Committee</del> <u>responsible committee</u> must 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, but may not vote).	<b>Amend this Standing Order</b> As above
<b>Reports</b>		
16.8	If the <del>Committee</del> <u>responsible committee</u> has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Assembly as soon as possible after completion of the investigation.	<b>Amend this Standing Order</b> As above
16.9	A report under Standing Order 16.8 may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 16.1(i).	No amendment necessary
16.10	If a motion to consider a report under Standing Order 16.8 is tabled by a member of the <del>Committee</del> <u>responsible committee</u> , time must be made available as soon as possible for the motion to be debated. No amendment may be tabled to such a motion.	<b>Amend this Standing Order</b> As above

STANDING ORDERS 17 – 20 - Consequential changes	
<b>STANDING ORDER 17 – Equality of Opportunity Committee</b>	<b>Remove this Standing Order in its entirety</b>
<p><del>17.1 There is to be a Committee on Equality of Opportunity to consider and report on the relevant duties contained in the Act placed on the Assembly, the First Minister, Welsh Ministers or the Commission</del></p>	<p><b>Remove this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Equality of Opportunity Committee, revised Standing Order 12 places a duty on the Assembly to establish committees with power within their remit to:</p> <ul style="list-style-type: none"> <li>• examine the administration of the government and any associated public bodies;</li> <li>• consider any matter affecting Wales.</li> </ul> <p>These areas would include statutory duties in relation to equality of opportunity.</p> <p>This would still permit the Assembly to establish an Equality of Opportunity Committee in the next Assembly if it so wishes. Alternatively, the Assembly could resolve to allocate responsibilities relating to scrutiny of equality of opportunities to multiple committees in relation to their specific policy area.</p>
<b>STANDING ORDER 18 – Committee on European and External Affairs</b>	<b>Remove this Standing Order in its entirety</b>
<p><del>18.1 There is to be a Committee on European and External Affairs to consider and report on any matters relevant to the exercise by the First Minister, Welsh Ministers, the Counsel General or the Assembly of any of their functions relating to the European</del></p>	<p><b>Remove this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders,</p>

<p><del>Union or external affairs.</del></p>	<p>in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Committee on European and External Affairs, revised Standing Order 12 places a duty on the Assembly to establish committees with power within their remit to:</p> <ul style="list-style-type: none"> <li>• examine the expenditure, administration, statutory duties and policy of the government and associated public bodies;</li> <li>• consider any matter affecting Wales.</li> </ul> <p>This would include any matters relevant to the exercise by the First Minister, Welsh Ministers, the Counsel General or the Assembly of any of their functions relating to the European Union or external affairs.</p> <p>This would still permit the Assembly to establish a Committee on European and External Affairs in the next Assembly if it so wishes. Alternatively, the Assembly could resolve to allocate responsibilities relating to European and External Affairs to another committee or committees of the Assembly</p> <p>The Committee on European and External Affairs' response to the review of Standing Orders included a request to ensure a formal mechanism for dealing with matters relating to EU subsidiarity. Provision has been made under new SO 15.8 - 15.11 (Constitutional and Legislative Affairs) which would require the Business Committee, in proposing a committee structure, to ensure that a committee of the Assembly is able to consider draft EU legislation relating to matters within the legislative competence of the Assembly or to the functions of Welsh Ministers in order to consider whether it complies with the principle of subsidiarity.</p>
<p><del>18.2 Members of the European Parliament representing Wales and</del></p>	<p><b>Remove this Standing Order</b></p>

<p><del>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, but they may not vote.</del></p>	<p>This Standing Order is not necessary as it is within the authority of the chair to determine the responsible committee's procedures in accordance with SO 10.20. This could include allowing individuals to attend and participate in committee meetings and does not need to be specified in Standing Orders.</p>
<p><b><del>STANDING ORDER 19 – Committee for the Scrutiny of the First Minister</del></b></p>	<p><b>Remove this Standing Order in its entirety</b></p>
<p><del>19.1 There is to be a Committee for the Scrutiny of the First Minister which must take evidence from the First Minister on any matter relevant to the exercise by the Welsh Ministers and the Counsel General of any of their functions (other than in relation to the organisation of Government business in plenary).</del></p>	<p><b>Remove this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Committee for the Scrutiny of the First Minister, revised Standing Order 12 places a duty on the Assembly to establish committees with the power within their remit to examine the expenditure, administration, statutory duties and policy of the government. This would include any matter relevant to the exercise by the Welsh Ministers and the Counsel General of any of their functions (other than in relation to the organisation of Government business in plenary).</p> <p>This proposal would permit the Assembly to establish a Committee for the Scrutiny of the First Minister if it so wishes but would not require it to do so.</p>
<p><b>Meetings</b></p>	<p><b>Remove this sub-heading</b></p>
<p><del>19.2 For the purposes of taking evidence from the First Minister the Committee is not normally to meet more than twice in an Assembly year.</del></p>	<p><b>Remove this Standing Order</b></p> <p>Should the Assembly resolve to establish a committee of this kind, a</p>



	requirement akin to SO 19.2 could be set out in the committee's remit if deemed necessary.
<b>Chair</b>	<b>Remove this sub-heading</b>
<del>19.3 Standing Order 10.18 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.</del>	<b>Remove this Standing Order</b>  Should the Assembly resolve to establish a committee of this kind, a requirement akin to SO 19.3 could be set out in the committee's remit if it deemed necessary.
<b>Procedure in the Committee</b>	<b>Remove this sub-heading</b>
<del>19.4 The provisions of Standing Orders 10.15, 10.44 and 10.49 do not apply to the Committee.</del>	<b>Remove this Standing Order</b>  Should the Assembly resolve to establish a committee of this kind, a requirement akin to SO 19.4 could be set out in the committee's remit if deemed necessary.
<b>STANDING ORDER 20 – Regional Committees</b>	<b>Remove this Standing Order in its entirety</b>
<del>20.1 If a majority of constituency and regional Members representing an electoral region give notice in the Table Office that they wish a Regional Committee to be established for the electoral region, the Business Committee must table a motion to establish a committee for the purposes of Standing Order 10.3 comprising the Members representing that region and the constituencies within it.</del>	<b>Remove this Standing Order</b>  Revised Standing Order 12.1 would permit the Assembly to establish Regional Committee(s) if it so wished.  If the proposed change is made, the requirement for a majority of constituency and regional Member representing an electoral region to give notice to the Table Office that they wish a Regional Committee to be established for the region would be removed. Instead, the proposal would either have to be made by the Business Committee under revised SO 12.2 or via a motion tabled by any Member under revised SO 12.5.
<del>20.2 A motion tabled under Standing Order 20.1 cannot be passed unless (if the motion is passed on a vote) at least two-thirds of</del>	<b>Remove this Standing Order</b>

<p><del>the Members voting support it.</del></p>	<p>If the proposed change is made, the requirement for two-thirds of Members voting to support the establishment of the Committee would be removed.</p>
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**STANDING ORDER 21A - Definition of Member in Charge of Legislation (replacing SO 22.4 – 22.12, 22.22 – 22.30, 23.1 – 23.12)**

**Standing Order 21A – Definition of Member in Charge of Legislation**

<p><u>21A.1 Standing Order 21A defines the “Member in charge” of an item of legislation.</u></p> <p><u>21A.2 In Standing Order 21A “legislation” means:</u></p> <p><u>(i) proposed Orders under Standing Order 22; or</u></p> <p><u>(ii) draft Orders under Standing Order 22;or</u></p> <p><u>(ii) proposed Measures under Standing Order 23.</u></p>	<p><b>Insert New Standing Order to replace Standing Orders 22.4 – 22.12, 22.22 – 22.30, 23.1 – 23.12</b></p> <p>Proposed new Standing Order 21A to merge Standing Orders 22.4 – 22.12 with similar provisions in SO 22.22 – 22.30 and SO 23.1 – 23.12.</p> <p>The definition of what is / who can be a “member in charge” is repeated in three different areas of Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone Standing Order to encompass them all.</p> <p>It is proposed that the new Standing Order would also include a provision to enable Member and Committee proposed legislation to be transferred to the Welsh Government (See new suggested Standing Orders 21A.9 and 21A.16).</p> <p>The current Standing Order does not allow the Government to take over a Committee or Member proposed legislation should that approach be the wish of the Committee or Member respectively.</p>
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	<p>In relation to Committee proposed legislation, the unanimous agreement of the Committee would be required to allow the Government to take it over.</p>
<p><b><u>Government Legislation</u></b></p> <p><u>21A.3 Legislation laid or introduced by a member of the government is referred to as “government legislation”.</u></p> <p><u>21A.4 The Member in charge of an item of government legislation is:</u></p> <ul style="list-style-type: none"> <li><u>(i) the member of the government who laid or introduced the legislation (or, in the case of a draft Order, the Member of the government who introduced the proposed Order to which the draft Order relates);</u></li> <li><u>(ii) a member of the government who is authorised by the First Minister; or</u></li> <li><u>(iii) a member of the government who is authorised by virtue of Standing Order 21A.9 or 21A.16.</u></li> </ul> <p><u>21A.5 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of government legislation.</u></p>	<p><b>Insert new Standing Orders</b></p> <p>There is no substantive change to the definitions of what is referred to as “government legislation”, they replicate the provisions in relation to proposed Orders (SO 22.4-22.5 and 22.11), draft Orders (SO 22.22-22.23 and 22.29), proposed Measures (SO 23.1-23.2 and 23.10).</p> <p>The only new provision is SO 21A.4 (iii), which relates to a new provisions in 21A.9 and 21A.16 to allow committee proposed legislation and Member proposed legislation to be transferred to the Welsh Government.</p>

<p><b><u>Committee Legislation</u></b></p> <p><u>21A.6 Legislation laid or introduced by a committee is referred to as “committee legislation”.</u></p> <p><u>21A.7 The Member in charge of an item of committee legislation is:</u></p> <ul style="list-style-type: none"> <li><u>(i) the member of the committee authorised by the committee that laid or introduced the legislation (or, in the case of a draft Order, the member of the committee authorised by the committee that introduced the proposed Order to which the draft Order relates); or</u></li> <li><u>(ii) if that committee no longer exists and another committee is specified by the Business Committee as being responsible for the item of committee legislation, a member of that other committee authorised by that other committee.</u></li> </ul> <p><u>21A.8 An authorisation under Standing Order 21A.7 (i) or (ii) no longer has effect if the Member so authorised ceases to be a member of the committee.</u></p>	<p><b>Insert new Standing Orders</b></p> <p>There is no substantive change to the definitions of what is referred to as “committee legislation”, they replicate the provisions in relation to proposed Orders (SO 22.6—22.7 and 22.12), draft Orders (SO 22.24-22.25 and 22.30), proposed Measures (SO 23.3-23.4 and 23.11).</p>
<p><u>21A.9 A committee may, with the agreement of the government, transfer an item of committee legislation to a member of the government authorised by the First Minister, but only with the agreement (by unanimous resolution of those voting) of the committee referred to in Standing Order 21A.7(i) or, if that committee no longer exists, of the committee specified by the Business Committee under Standing Order 21A.7(ii).</u></p> <p><u>21A.10 When a committee transfers an item of committee legislation</u></p>	<p><b>Insert new Standing Orders</b></p> <p>These are new provisions to enable Committee proposed legislation to be transferred to the Welsh Government with their agreement.</p> <p>21A.9 - this makes provision for committee legislation to be transferred to the government and includes a requirement for this to be by unanimous agreement of the committee.</p>

<p><u>to a Member of the government (in accordance with Standing Order 21A.9), that item of legislation is to be regarded, from then on, as an item of government legislation.</u></p>	<p>21A.10 – once transferred to the Government, it would be referred to as “government legislation”.</p>
<p><b><u>Commission legislation</u></b></p>	
<p><u>21A.11 Legislation laid or introduced by the Commission is referred to as “Commission legislation”.</u></p> <p><u>21A.12 The Member in charge of an item of Commission legislation is the member of the Commission authorised by the Commission.</u></p> <p><u>21A.13 An authorisation under Standing Order 21A.12 no longer has effect if the Member so authorised ceases to be a member of the Commission.</u></p>	<p><b>Insert new Standing Orders</b></p> <p>Existing Standing Orders only define Commission proposed Legislation in terms of Commission proposed Measures. The proposals are broader to bring the definition of commission legislation in line with drafting for Member, Government and Committee proposed legislation.</p>
<p><b><u>Member legislation</u></b></p>	
<p><u>21A.14 Legislation, which is neither government legislation, committee legislation nor Commission legislation, is referred to as “Member legislation”.</u></p> <p><u>21A.15 The Member in charge of an item of Member legislation is:</u></p> <p style="padding-left: 40px;">(i) <u>the Member who laid or introduced the legislation, or who has had agreement to introduce or lay the legislation under Standing Order 22.50 or 23.103 (or, in the case of a draft Order, the Member who introduced the proposed Order to which the draft Order relates);</u></p> <p style="padding-left: 40px;">(ii) <u>another Member authorised by the Member under</u></p>	<p><b>Insert new Standing Orders</b></p> <p>There is no substantive change to the definitions of what is referred to as “Member legislation”, they replicate the provisions in relation to proposed Orders (SO 22.8—22.10), draft Orders (SO 22.26-22.28), proposed Measures (SO 23.7-23.9).</p>

<p><u>Standing Order 21A.15(i), by means of a statement to that effect laid by that Member; or</u></p> <p><u>(iii) if no such authorisation is made, any Member authorised by the Assembly.</u></p>	
<p><u>21A.16 A Member may transfer an item of Member legislation to a member of the government authorised by the First Minister, by means of a statement to that effect laid by that Member.</u></p> <p><u>21A.17 When a Member transfers an item of Member legislation to a member of the government (in accordance with Standing Order 21A.16), that item of legislation is to be regarded, from then on, as an item of government legislation.</u></p>	<p>These are new provisions to enable Member proposed legislation to be transferred to the Welsh Government.</p>

<b>STANDING ORDER 22: Legislative Competence Orders</b>	
<b>STANDING ORDER 22 - Legislative Competence Orders</b>	No amendment to heading necessary
22.1 Standing Order 22 applies only to Orders in Council within the meaning of section 95 of the Act.	No amendment necessary
22.2 A “proposed Order” is a proposal for an Order in Council that is to be subject to <del>pre-legislative</del> scrutiny under Standing Order 22.13 to 22.21.	<p><b>Amend this Standing Order</b></p> <p>This Standing Order refers to “pre-legislative scrutiny” and in practice use of this term has been avoided as it is not strictly accurate, since the proposed Order will already have been laid.</p> <p>Propose the deletion of the words ‘pre-legislative’.</p>
22.3 A “draft Order” is a draft Order in Council that is to be subject to approval by the Assembly under Standing Order 22.34.	No amendment necessary

<b>Proposed Orders</b>	<b>Delete sub heading</b> (See suggested amendment below)
<p><del>22.4— A proposed Order laid by a member of the government is referred to as a “government proposed Order”.</del></p> <p><del>22.5— The “Member in charge” of a government proposed Order is:</del></p> <p style="padding-left: 40px;"><del>(i) — the member of the government who laid the proposed Order; or</del></p> <p style="padding-left: 40px;"><del>(ii) — a member of the government who is authorised by the First Minister.</del></p> <p><del>22.6— A proposed Order laid by a committee is referred to as a “committee proposed Order”.</del></p> <p><del>22.7— The “Member in charge” of a committee proposed Order is:</del></p> <p style="padding-left: 40px;"><del>(i) — the member of the committee authorised by the committee which laid the proposed Order; or</del></p> <p style="padding-left: 40px;"><del>(ii) — if that committee no longer exists and another committee is, for the purposes of Standing Order 22, specified by the Business Committee, a member of that other committee authorised by that other committee.</del></p> <p><del>22.8— A proposed Order laid by a Member, which is not a government proposed Order or a committee proposed Order, is referred to as a “Member proposed Order”.</del></p>	<p><b>Merge Standing Orders 22.4 – 22.12 with similar provisions in SO 22.22 – 22.30 and SO 23.1 – 23.12 and replace with new Standing Order 21A (see above)</b></p> <p>The definition of what is / who can be a “member in charge” is repeated in three different areas of Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone Standing Order to encompass them all.</p> <p>The new Standing Order would also include a new provision to enable Member and Committee proposed legislation to be transferred to the Welsh Government.</p>

<p><del>22.9 The “Member in charge” of a Member proposed Order is:</del></p> <ul style="list-style-type: none"> <li><del>(i) the Member who laid the proposed Order;</del></li> <li><del>(ii) another Member authorised by that Member; or</del></li> <li><del>(iii) if no such authorisation is made, any Member authorised by the Assembly.</del></li> </ul> <p><del>22.10 A member of the government cannot be the Member in charge of a committee proposed Order or a Member proposed Order.</del></p> <p><del>22.11 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government proposed Order.</del></p> <p><del>22.12 An authorisation under Standing Order 22.7 no longer has effect if the Member so authorised ceases to be a member of the committee.</del></p>	
<p><b>Form and Laying of Proposed Orders</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.13 Subject to Standing Orders 22.42 to 22.54, a proposed Order may be laid on any working day in a sitting week.</p>	<p>No amendment necessary</p>
<p>22.14 At the same time as a <u>the Member in charge</u> lays a proposed Order under Standing Order 22.13, he or she must lay an Explanatory Memorandum.</p>	<p><b>Amend this Standing Order</b> Drafting amendment for clarity.</p>



<p>22.15 A proposed Order must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.</p>	<p>No amendments necessary</p>
<p><b>Detailed Consideration of a Proposed Order</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.16 The Business Committee must either:</p> <ul style="list-style-type: none"> <li>(i) refer the proposed Order for detailed consideration to a <u>responsible committee</u> to be established in accordance with Standing Order <del>21</del><u>22.1</u> (referred to within Standing Order 22 as <u>“the responsible committee”</u>); or</li> <li>(ii) by motion in plenary propose that there should be no detailed consideration of the proposed Order.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>22.16(i) - The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.</p> <p>The legislative committee would already be established under Standing Order 12.1 i.e. a committee with responsibility for delivering functions under Standing Order 22 and 23. There would be no need to establish a new committee as a consequence of Standing Order 22.16 or 22.18.</p> <p>This legislative committee would be referred to as the “responsible committee” within Standing Order 22.</p>
<p><del>22.17 If a motion under Standing Order 22.16 (ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which relates to the proposed Order, under Standing Order 22.31.</del></p>	<p><b>Move and amend Standing Orders to 22.21A</b></p> <p>Propose re-ordering of these Standing Orders (see below for further detail)</p>
<p><del>22.18 If a motion under Standing Order 22.16 (ii) is proposed but not agreed, the Business Committee must refer the proposed</del></p>	<p><b>Move and amend Standing Order to 22.21B</b></p>

<p><del>Order for detailed consideration by a committee to be established in accordance with Standing Order 21.</del></p>	<p>Propose re-ordering of these Standing Orders (see below for further detail)</p>
<p>22.19 <del>A committee set up as a consequence of Standing Order 22.16(i) or 22.18</del><u>The responsible</u> committee must consider and report on the proposed Order.</p> <p>22.20 The Business Committee must establish <u>and publish</u> a timetable for the <u>responsible</u> committee's consideration of a proposed Order and may make subsequent changes to that timetable as it considers appropriate but must give reasons for such changes.</p>	<p><b>Amend these Standing Orders</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees, as explained in SO22.16 above.</p> <p>22.20 - the requirement to publish the timetable reflects current practice and mirrors the requirement for proposed Measures in SO23.19</p>
<p><del>22.21 In preparing its report on the proposed Order, the <u>responsible</u> committee must, so far as is reasonably practicable, take into account:</del></p> <p style="padding-left: 40px;"><del>(i) any recommendation on the proposed Order that has been made by any other committee of the Assembly; and</del></p> <p style="padding-left: 40px;"><del>(ii) any recommendation on the proposed Order that has been made by any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament.</del></p>	<p><b>Delete this Standing Order</b></p> <p>It is proposed that these Standing Orders are deleted as they no longer remain necessary given practice to date.</p> <p>For example, in relation to paragraph (i) there has been no desire in the Third Assembly for any Committee, other than a legislation committee, to report on a proposed Order. In relation to paragraph (ii), these committees rarely report before the Assembly Committee. In instances where they may report before the Assembly committee there is nothing in Standing Orders, which would prevent the Assembly committee from taking such reports into account.</p>
<p><del>22.17</del><u>22.21A</u> If a motion under Standing Order 22.16(ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which, <u>in the view of the Presiding Officer</u>, relates</p>	<p><b>Move from existing Standing Order 22.17 and amend</b></p> <p>Proposed re-ordering of standing orders to create a more logical sequence. The Standing Orders now deal with the effect of Standing</p>

<p>to the proposed Order, under Standing Order 22.31.</p>	<p>Order 22.16(i) firstly and Standing Order 22.16 (ii) secondly.</p> <p>Additional text inserted to define who makes the decision on whether the proposed Order relates to the draft Order. This reflects practice that has been established in the third Assembly.</p>
<p><del>22.18</del> <u>22.21B</u> If a motion under Standing Order 22.16(ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration to a <u>responsible committee established in accordance with Standing Order 12.1 (referred to within Standing Order 22 as “the responsible committee”)</u>.</p>	<p><b>Move from existing Standing Order 22.18 and amend</b></p> <p>Proposed re-ordering of standing orders to create a more logical sequence. The Standing Orders now deal with the effect of Standing Order 22.16(i) firstly and Standing Order 22.16 (ii) secondly.</p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees, as explained in SO22.16 above.</p>
<p><b>Member in Charge of a Draft Order</b></p>	<p><b>Delete Sub Heading</b> (See suggested amendment below)</p>
<p><del>22.22</del> A draft Order introduced by a member of the government is referred to as a “government draft Order”.</p> <p><del>22.23</del> The “Member in charge” of a government draft Order is:</p> <ul style="list-style-type: none"> <li><del>(i) the member of the government in charge of the proposed Order to which the draft Order relates; or</del></li> <li><del>(ii) a member of the government who is authorised by the First Minister.</del></li> </ul>	<p><b>Merge Standing Orders 22.22 – 22.30 with similar provisions in SO 22.4 – 22.12 and SO 23.1 – 23.12 and move to a new Standing Order 21A (see above)</b></p> <p>The definition of what is / who can be a “member in charge” is (almost) replicated in three different areas of standing orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone standing order to encompass them all.</p>

~~22.24 A draft Order introduced by a committee is referred to as a “committee draft Order.”~~

~~22.25 The “Member in charge” of a committee draft Order is:~~

~~(i) the member of the committee authorised by the committee which laid the proposed Order to which the draft Order relates; or~~

~~(ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 22, specified by the Business Committee, a member of that other committee authorised by that other committee.~~

~~22.26 A draft Order introduced by a Member, which is not a government draft Order or a committee draft Order, is referred to as a “Member draft Order”.~~

~~22.27 The “Member in charge” of a Member draft Order is:~~

~~(i) the Member who laid the proposed Order to which the draft Order relates;~~

~~(ii) the Member in charge of the proposed Order to which the draft Order relates;~~

~~(iii) another Member authorised by the Member referred to in Standing Order 22.27(i) or 22.27(ii); or~~

~~(iv) if no such authorisation is made, any Member~~

<p style="text-align: center;">authorised by the Assembly:</p> <p><del>22.28 A member of the government cannot be the Member in charge of a committee draft Order or a Member draft Order.</del></p> <p><del>22.29 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government draft Order.</del></p> <p><del>22.30 An authorisation under Standing Order 22.25 no longer has effect if the Member so authorised ceases to be a member of the committee.</del></p>	
<p><b>Introduction of a Draft Order</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.31 A draft Order may be introduced by being laid on a working day in a sitting week, provided that:</p> <ul style="list-style-type: none"> <li>(i) the draft Order is introduced in accordance with Standing Order <del>22.17</del> <u>22.21A</u>;</li> <li>(ii) a committee has reported on a proposed Order to which the draft Order relates in accordance with Standing Order 22.19; or</li> <li>(iii) a committee has not so reported within the timetable set by the Business Committee in accordance with Standing Order 22.20.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>This is a consequential amendment as a result of moving SO 22.17.</p>

<b>Explanatory Memorandum to Accompany a Draft Order</b>	No amendment to sub heading necessary
22.32 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.	No amendment necessary
<p>22.33 The Explanatory Memorandum must include:</p> <p>(i) an explanation of how account has been taken of <del>any the recommendations made by any of the committees referred to in Standing Order 22.21; Assembly committee, any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament;</del> and</p> <p>(ii) the reasons for any significant differences between the draft Order and the proposed Order to which it relates.</p>	<p><b>Amend Standing Order</b></p> <p>It is proposed that this standing order be strengthened in terms of the provisions relating to responses by the Member in charge to committee recommendations. This amendment aims to ensure the Member in charge responds to all recommendations made by a relevant committee.</p> <p>22.33(i) – this is a consequential change as a result of deleting Standing Order 22.21.</p>
<b>Final Consideration</b>	No amendment to sub heading necessary
22.34 Not later than 40 working days after a draft Order has been introduced, the Assembly must consider a motion proposed by the Member in charge that the draft Order be approved.	No amendment necessary
<u>22.34A A motion proposed under Standing Order 22.34 may be considered no earlier than ten working days after the draft Order has been introduced (not counting working days in a non-sitting week) unless, having consulted with the responsible committee, the Business Committee agrees</u>	<p><b>Insert new Standing Order</b></p> <p>Legislation Committee Chairs and consultation responses have raised concerns regarding the apparent gap in the Assembly’s scrutiny processes in relation to draft Legislative Competence Orders.</p>

<p><u>otherwise.</u></p>	<p>There is a view, supported by the legislation committee chairs, that there should be time available between the laying of a draft Order and a plenary debate.</p> <p>The proposed new Standing Order would address these concerns by allowing any appropriate committee to consider and report on the draft Order to inform the Assembly's debate, as happened with the Environment LCO.</p> <p>The Chairs of Legislation Committees highlighted the need to find a balance between allowing sufficient time to consider a draft order without unduly delaying the process.</p> <p>It is therefore proposed that a new standing order be inserted to allow for a 2 week period between the laying of a draft Order and a plenary debate, unless having consulted with the responsible committee, the Business Committee agrees otherwise.</p>
<p>22.35 No amendment to a motion under Standing Order 22.34 may be tabled if:</p> <ul style="list-style-type: none"> <li>(i) it would not be clear from a resolution of the Assembly approving the motion as amended by such an amendment that the Assembly has approved the draft Order; or</li> <li>(ii) it seeks to amend the draft Order.</li> </ul> <p>22.36 A draft Order cannot be amended.</p>	<p>No amendments necessary.</p>
<p><b>Publication of Notice of Refusal</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.37 The Presiding Officer must, as soon as reasonably practicable, publish any notice laid in accordance with section 95(8) of the</p>	<p>No amendment necessary</p>

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<b>Withdrawal of a Proposed or Draft Order</b>	No amendment to sub heading necessary
22.38 A proposed or draft Order may be withdrawn at any time by the Member in charge, except in the case of a committee proposed or draft Order, when the Member in charge must first obtain the <del>consent</del> <u>agreement (by unanimous resolution of those voting)</u> of the committee before withdrawing the Order.	<b>Amend Standing Order</b> Amended to ensure consistency with SO 21A.9
<b>Fall of a Proposed or Draft Order</b>	No amendment to sub heading necessary
22.39 A proposed or draft Order falls at dissolution.	No amendment necessary
<u>22.39A Agreement to lay a proposed Order in accordance with Standing Order 22.50 ceases at dissolution.</u>	<b>Insert new Standing Order</b> Proposed new Standing Order to improve clarity. Since a proposed or draft Order falls at dissolution this Standing Order would make the same provision for ballot proposals that had won the support of the Assembly but had not progressed further.  It supports the principle that a new assembly should not be bound by decisions made by the last.
22.40 A proposed Order falls if the draft Order to which it relates is	No amendment necessary



approved or falls.	
22.41 A draft Order falls if it is not approved by the Assembly.	No amendment necessary
<b>Committee Proposed and Draft Orders</b>	No amendment to sub heading necessary
<del>22.42 Standing Orders 22.43 to 22.45 apply only to committee proposed and draft Orders.</del>	<b>Delete this Standing Order</b>  This Standing Order is no longer necessary now that SO 22.44 and 22.45 have been deleted.
22.43 Any committee <del>other than a committee set up as a consequence of Standing Order 22.16(i), 22.18, 23.22 or 23.31(ii)</del> may: <ul style="list-style-type: none"> <li>(i) lay a committee proposed Order relating to its remit; or</li> <li>(ii) subject to Standing Order 22.31, introduce a draft Order relating to its remit.</li> </ul>	<b>Amend Standing Order</b>  The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees, as explained in SO22.16 above.  This amendment would mean that all committees would, in theory, be able to introduce legislation. However, if the 4th Assembly adopts the same model for legislation committees then those committees could be prevented from introducing legislation by virtue of the remit set out when they were established.
<del>22.44 A committee may only have one committee proposed Order or</del>	<b>Delete Standing Order</b>

<del>committee draft Order in progress at any one time.</del>	It is proposed that this be deleted as it seems unnecessary to place a limit on the number of committee proposed/draft Orders in progress at any one time.
<del>22.45 For the purposes of Standing Order 22.44 a committee proposed Order or committee draft Order is in progress from the time it has been laid or introduced, as the case may be, until it falls, is withdrawn or, in the case of a draft Order, is approved.</del>	<b>Delete Standing Order</b>  The deletion of this Standing Order is a consequential amendment if the proposed deletion of Standing Order 22.44, as explained above, is agreed.
<b>Member Proposed and Draft Orders</b>	No amendment to sub heading necessary
22.46 Standing Orders 22.47 to 22.54 apply only to Member proposed and draft Orders.	No amendment necessary
22.47 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek <del>leave</del> <u>agreement</u> to lay a Member proposed Order under Standing Order 22.50.	<b>Amend Standing Order</b>  The motion in SO 22.50 also asks the Assembly 'to agree' that the Member may lay a proposed Order.  It is proposed that 'leave' be amended to 'agreement' to ensure consistency of wording of SO 22.47 and SO 22.50.
22.48 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have provided an outline proposed Order and an Explanatory Memorandum.	No amendment necessary
22.49 No Member who has previously <del>won the ballot</del> <u>had agreement to lay a proposed Order</u> in that Assembly may <del>so</del> <u>apply to be included in the ballot.</u>	<b>Amend Standing Order</b>  It is suggested that this Standing Order be amended to remove the restriction on Members who have not previously had agreement to

	<p>proceed with a proposed Order from re-entering the ballot.</p> <p>Where a Member has been successful in a ballot and has had agreement to proceed, they would not be allowed to re-enter the ballot, as is the case under the current Standing Orders.</p>
<p>22.50 A Member who is successful in a ballot <del>must</del> may, within 25 working days of the date of the ballot, table a motion that the Assembly agrees that the Member may lay a proposed Order, to give effect to the outline proposed Order to which it relates, and an Explanatory Memorandum.</p>	<p><b>Amend Standing Order</b></p> <p>Amending the word ‘must’ to ‘may’ to enable a Member not to proceed with a debate if they wish. If they did not table the motion within 10 days they would have lost their opportunity to do so.</p>
<p>22.51 A motion under Standing Order 22.50 is not amendable.</p>	<p>No amendments necessary</p>
<p>22.52 Time must be made available for a motion tabled under Standing Order 22.50 to be debated within 35 working days of the date of the ballot (not counting working days in a <u>non-sitting</u> week <del>when there is no plenary meeting of the Assembly</del>).</p>	<p><b>Amend Standing Order</b></p> <p>This has been amended for clarity, following the addition of “non-sitting” week to the interpretation section of the Standing Orders.</p>
<p>22.53 Unless a motion under Standing Order 22.50 is agreed to, no further proceedings are to be taken on the proposed Order.</p>	<p>No amendment necessary</p>
<p>22.54 If a motion under Standing Order 22.50 is disagreed to, then no Member may enter any ballot held under Standing Order 22.47 for a period of six months after the motion has been disagreed to if, in the opinion of the Presiding Officer, the proposed Order which he or she is intending to lay seeks to confer the same, or substantially the same, legislative competence as the proposed Order referred to in the motion which has been disagreed to.</p>	<p>No amendment necessary</p>

STANDING ORDER 23: Assembly Measures	
STANDING ORDER 23 - Assembly Measures	
General	Delete Sub Heading (See suggested Amendment below)
<p><del>23.1—A proposed Measure introduced by a member of the government is referred to as a “government proposed Measure”.</del></p> <p><del>23.2—The Member in charge of a government proposed Measure is:</del></p> <p style="padding-left: 40px;"><del>(i) the member of the government who introduced the proposed Measure; or</del></p> <p style="padding-left: 40px;"><del>(ii) a member of the government who is authorised by the First Minister.</del></p> <p><del>23.3—A proposed Measure introduced by a committee is referred to as a “committee proposed Measure”.</del></p> <p><del>23.4—The Member in charge of a committee proposed Measure is:</del></p> <p style="padding-left: 40px;"><del>(i) the member of the committee authorised by the committee which made the proposal for the</del></p>	<p><b>Merge Standing Orders 23.1 – 23.12 with similar provisions in SO 22.4 -22.12 and 22.22 - 22.30 and move to a new Standing Order 21A (see above)</b></p> <p>The definition of what is / who can be a “member in charge” is repeated in three different areas of Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone Standing Order to encompass them all.</p> <p>The new Standing Order will also include a provision to enable Member and Committee proposed Measures to be transferred to the Welsh Government (See new suggested standing orders 21A.9 and 21A.16 above).</p>

~~proposed Measure; or~~

- ~~(ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 23, specified by the Business Committee, a member of that other committee authorised by that other committee.~~

~~23.5 A proposed Measure introduced by the Commission is referred to as a "Commission proposed Measure".~~

~~23.6 The Member in charge of a Commission proposed Measure is the member of the Commission authorised by the Commission.~~

~~23.7 A proposed Measure which is not a government proposed Measure, a committee proposed Measure or a Commission proposed Measure is referred to as a "Member proposed Measure".~~

~~23.8 The Member in charge of a Member proposed Measure is:~~

- ~~(i) the Member who introduced the proposed Measure;~~
- ~~(ii) another Member authorised by that Member; or~~
- ~~(iii) if no such authorisation is made, any Member authorised by the Assembly.~~

~~23.9 A member of the government cannot be the Member in charge of a committee proposed Measure, a Commission proposed~~

<p><del>Measure or a Member proposed Measure:</del></p> <p><del>23.10 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government proposed Measure.</del></p> <p><del>23.11 An authorisation under Standing Order 23.4 no longer has effect if the Member so authorised ceases to be a member of the committee.</del></p> <p><del>23.12 An authorisation under Standing Order 23.6 no longer has effect if the Member so authorised ceases to be a member of the Commission.</del></p>	
<p><b>Form and Introduction of Proposed Measures</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.13 Subject to Standing Orders 23.90 to 23.106, a proposed Measure may be introduced on a working day in a sitting week.</p> <p>23.14 A proposed Measure must be introduced by being laid.</p> <p>23.15 A proposed Measure must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.</p> <p>23.16 A proposed Measure must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:</p> <p style="padding-left: 40px;">(i) indicate whether or not the provisions of the proposed Measure would be, in his or her</p>	<p>No amendments necessary</p>

<p>opinion, within the legislative competence of the Assembly; and</p> <p>(ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.</p> <p>23.17 A proposed Measure must be introduced in both English and Welsh except in the following cases:</p> <p>(i) when, in respect of a government proposed Measure, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the proposed Measure to be introduced in both languages; or</p> <p>(ii) when not doing so is in accordance with determinations issued by the Presiding Officer under Standing Order 23.15.</p>	
<p><b>Documentation to Accompany a Proposed Measure</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.18 At the same time as a <u>the Member in charge</u> introduces a proposed Measure, he or she must also lay an Explanatory Memorandum which must:</p> <p>(i) state that in his or her view the provisions of the proposed Measure would be within the legislative competence of the Assembly;</p>	<p><b>Amend Standing Order</b></p> <p>23.18 (vi) - In their consultation response the Finance Committee suggested that financial information contained in Explanatory Memorandums (EMs) could be improved. This is a view shared by legislation committee chairs.</p> <p>The weakness in the financial information provided in EMs has related mainly to the lack of information of the ‘total costs’ of the</p>

<ul style="list-style-type: none"> <li>(ii) set out the policy objectives of the proposed Measure;</li> <li>(iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the proposed Measure was adopted;</li> <li>(iv) set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> <li>(a) the policy objectives of the proposed Measure and the ways of meeting them; and</li> <li>(b) the detail of the proposed Measure, together with a summary of the outcome of that consultation;</li> </ul> </li> <li>(v) summarise objectively what each of the provisions of the proposed Measure is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the proposed Measure;</li> <li>(vi) set out the best estimates of: <ul style="list-style-type: none"> <li>(a) <del>any</del> <u>the gross</u> administrative, compliance and other costs to which the provisions of the proposed Measure</li> </ul> </li> </ul>	<p>proposed Measure. Many EMs have only set out the additional costs, over and above costs spent on existing policy initiatives or services.</p> <p>23.18 (vi) (a) - amendments are proposed to improve clarity on estimated costs involved and to address the point above.</p>
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<p>would give rise;</p> <p>(b) the timescales over which such costs would be expected to arise; and</p> <p>(c) <del>where</del> <u>on whom</u> the costs would fall;</p> <p>(vii) where the proposed Measure contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure); and</p> <p>(viii) where the proposed Measure contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.</p>	
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<b>Timetable for Consideration of a Proposed Measure</b>	No amendment to sub heading necessary
<p>23.19 The Business Committee must establish and publish a timetable for the consideration of a proposed Measure, except for any stage taken in plenary (which must be arranged under the provisions of Standing Orders 6.4 or 11.7(ii), as the case may be).</p> <p>23.20 The Business Committee may make such subsequent changes to a timetable established under Standing Order 23.19 as it considers appropriate but must give reasons for such changes.</p>	No amendments necessary
<b>Stage 1: Consideration of General Principles</b>	No amendment to sub heading necessary
<p>23.21 Once a proposed Measure has been introduced, the Business Committee must decide whether or not to refer consideration of the general principles to a <u>responsible committee established under Standing Order 12.1 (referred to within Standing Order 23 as “the responsible committee”)</u>.</p>	<p><b>Amend this Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.</p> <p>The legislative committee would already be established under Standing Order 12.1 i.e. a committee with responsibility for delivering functions under Standing Order 23. There would be no need to have a separate Standing Order to establish a committee.</p> <p>This committee would be referred to as the “responsible committee” within Standing Order 23.</p>
<p><del>23.22 If the Business Committee decides to refer consideration of the general principles to a committee, such a committee must be established in accordance with Standing Order 21.</del></p>	<p><b>Amend these Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the</p>

<p>23.23 <u>If the Business Committee agrees under Standing Order 23.21 to refer the proposed Measure to a responsible committee, the that responsible committee established as a consequence of Standing Order 23.22</u> must consider and report on the general principles of the proposed Measure.</p>	<p>Standing Orders on committees.</p>
<p>23.24 Not earlier than five working days after either:</p> <ul style="list-style-type: none"> <li>(i) <u>the responsible</u> committee has reported on the general principles of the Measure; or</li> <li>(ii) the deadline by which <u>the responsible a</u> committee is required to report has been reached,</li> </ul> <p>the Member in charge of the proposed Measure may propose that the Assembly agree to the general principles of the proposed Measure.</p> <p>23.25 If the Business Committee decides not to refer consideration of the general principles to a <u>responsible</u> committee, the Member in charge may propose that the Assembly agree to the general principles of the proposed Measure.</p> <p>23.26 If the Assembly agrees to the general principles of the proposed Measure under Standing Orders 23.24, 23.25, 23.95 or 23.114, the proposed Measure proceeds to Stage 2.</p> <p>23.27 If the Assembly does not agree to the general principles of the proposed Measure under Standing Orders 23.24, 23.25, 23.95 or 23.114, the proposed Measure falls.</p> <p>23.28 Stage 1 is completed when the general principles of the</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.</p>

<p>proposed Measure have been agreed to or the Measure falls under Stage 1.</p>	
<p><b>Stage 2: Detailed Consideration by Committee</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.29 Stage 2 starts on the first working day after Stage 1 is completed.</p>	<p>No amendment necessary.</p>
<p>23.30 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting <u>at which of the responsible committee that considers Stage 2 proceedings amendments to the proposed Measure.</u></p>	<p><b>Amend Standing Order</b></p> <p>Currently this Standing Order is restrictive in preventing a committee considering stage 2 from meeting until after 15 days have elapsed from the start of stage 2.</p> <p>The proposed re-wording would remove this restriction and provide greater flexibility.</p> <p>Also, there is one consequential amendment to this Standing Order in accordance with the proposed changes to the Standing Orders on committees.</p>
<p>23.31 If the Assembly has agreed to the proposed Measure’s general principles, the Business Committee must:</p> <p>(i) refer the proposed Measure back to the <u>responsible committee established as a consequence of Standing Order 23.22</u> for Stage 2</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.</p>

<p>proceedings;</p> <p>(ii) refer the proposed Measure to a <u>responsible committee for Stage 2 proceedings if the Business Committee agreed under Standing Order 23.21 not to refer consideration of the general principles to a responsible committee</u>; or</p> <p>(iii) by motion in plenary propose that Stage 2 proceedings be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 2.20.</p>	
<p>23.32 A proposed Measure may be amended in Stage 2 proceedings.</p> <p>23.33 Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.</p>	<p>No amendment necessary.</p>
<p>23.34 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the committee considering Stage 2 proceedings has decided otherwise.</p>	<p>No amendment necessary.</p>
<p>23.35 Only a Member who is a member of a the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:</p> <p>(i) moving or seeking agreement to withdraw an</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.</p>

<p style="text-align: center;">amendment; or</p> <p style="text-align: center;">(ii) voting.</p>	
<p>23.36 An amendment tabled by a Member who is not a member of a the committee considering Stage 2 proceedings, may be moved by a member of the committee.</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.</p> <p>To note, provisions for ‘en bloc’ voting and voting ‘on the nod’; will be provided for in a new general Standing Order relating to voting in committees.</p>
<p>23.37 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.</p>	<p>No amendment necessary</p>
<p>23.38 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.</p>	<p>No amendment necessary</p>

<p>23.39 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.</p> <p>23.40 If a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.</p> <p>23.41 Any revised Explanatory Memorandum requested under Standing Order 23.40 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.</p>	<p>No amendments necessary</p>
<p><b>Stage 3: Detailed Consideration by the Assembly</b></p>	<p>No amendment to sub heading necessary.</p>
<p>23.42 Stage 3 starts on the first working day after Stage 2 is completed.</p> <p>23.43 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.</p> <p>23.44 Stage 3 proceedings of a proposed Measure must be considered by the Assembly in plenary.</p> <p>23.45 A proposed Measure may be amended in Stage 3 proceedings.</p> <p>23.46 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.</p>	<p>No amendments necessary.</p>

<p>23.47 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.</p> <p>23.48 The Presiding Officer may in exceptional circumstances accept an amendment at Stage 3 proceedings of which less notice has been given than is required under Standing Order 23.70. Such an amendment is referred to as a “late amendment”.</p>	
<p>23.49 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the Assembly has decided otherwise on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 6.4 or 11.7(ii) as the case may be).</p>	<p>No amendment necessary</p>
<p>23.50 The Assembly may, on a motion <u>without notice</u> of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 6.4 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).</p>	<p><b>Amend Standing Order</b></p> <p>Insert ‘without notice’ to reflect the practice that has been followed and to provide clarity of intention.</p>
<p>23.51 If a motion under Standing Order 23.50 is agreed to, debates on those groups of amendments <u>must</u> <del>shall</del> be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <ul style="list-style-type: none"> <li>(i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or</li> <li>(ii) to prevent any debate on a group of amendments that has already begun when a time-limit is</li> </ul>	<p><b>Amend Standing Order</b></p> <p>Replace ‘shall’ with ‘must’ to ensure consistent use of language across standing orders. No material change.</p>



reached from being unreasonably curtailed.	
<p>23.52 When all amendments selected at Stage 3 proceedings have been disposed of, the Member in charge, or any member of the government, may without notice move that the Assembly consider further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.</p> <p>23.53 If a motion under Standing Order 23.52 is agreed to, the Member in charge of the proposed Measure, or any member of the government, may table amendments to the proposed Measure to be moved at the further Stage 3 proceedings.</p>	No amendment necessary
<p>23.54 Amendments under Standing Order 23.53 are only admissible if, in addition to the criteria in Standing Order 23.72, they are for the purpose of clarifying a provision of a proposed Measure (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.</p>	No amendment necessary.
<p>23.55 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.</p> <p>23.56 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.</p>	No amendment necessary.

<p>23.57 Stage 3 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.</p>	
<p><b><u>Report Stage</u></b></p>	<p><b>Insert new sub-section</b></p> <p>A new scrutiny stage is proposed, which would be referred to as “Report Stage”. It would be a mechanism to enable the Assembly in plenary to consider and dispose of further substantive amendments to a proposed Measure following the disposal of all amendments at Stage 3.</p> <p>This is proposed in response to consultation evidence from external organisations and legislation committee Chairs.</p> <p>Report Stage would not take place routinely, and would only do so with the agreement of the Assembly.</p>
<p><u>23.57A Once Stage 3 is completed in accordance with Standing Order 23.57, the Member in charge may, without notice, move that the Assembly consider amendments at Report Stage. Such a motion may be debated but not amended.</u></p>	<p><b>New Standing Order</b></p> <p>New Standing Order 23.57A, to be inserted provides for an optional further amending stage, ‘Report stage’.</p> <p>This enables the Member in Charge to propose a motion without notice that the Assembly considers amendments at Report Stage.</p>
<p><u>23.57B Standing Orders 23.42 to 23.57 apply to Report Stage proceedings. References to “Stage 3” and “further Stage 3” should be construed as references to “Report Stage” and “further Report Stage” accordingly.</u></p>	<p><b>New Standing Order</b></p> <p>New Standing Order to be inserted to make provision for optional Report Stage.</p>

	<p>This Standing Order applies the provisions of Standing Orders 23.42 to 23.57 to the optional Report Stage, noting that references to ‘Stage 3’ and ‘further Stage 3’ should be read as ‘Report Stage’ and ‘further Report Stage’.</p> <p>This would mean that, if the Assembly agrees the motion under SO 23.57A, Report Stage would begin and the same procedures and deadlines would apply to the tabling, debating and disposal of amendments at Report Stage as apply to Stage 3 proceedings.</p>
<p><b>Stage 4 – Final Stage</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.58 Subject to Standing Order 23.61, immediately after the completion of Stage 3 proceedings, <u>or Report Stage proceedings where undertaken</u>, any Member may without notice move that the proposed Measure be passed.</p>	<p><b>Amend this Standing Order</b></p> <p>This is a consequential amendment, as a result of the proposal to introduce a new “Report Stage” under Standing Orders 23.57A and 23.57B.</p>
<p>23.59 If no motion is moved under Standing Order 23.58, or if a motion is moved under that Standing Order but no decision is taken upon it, the government or the Business Committee must determine (under Standing Orders 6.4 or 11.7(ii) as the case may be) when the motion that the proposed Measure be passed is to be considered in plenary.</p> <p>23.60 A motion that a proposed Measure be passed may not be amended.</p> <p>23.61 No motion that a proposed Measure be passed may be moved unless the text of the proposed Measure is available in both</p>	<p>No amendments necessary.</p>

<p>English and Welsh.</p> <p>23.62 No motion under Standing Order 7.25(ii) may be moved in any Stage 4 proceedings.</p>	
<p><b>Reconsideration of Proposed Measures Passed</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.63 Any Member may, after the proposed Measure is passed, by motion propose that the Assembly reconsider the proposed Measure, or any provision of it, if:</p> <ul style="list-style-type: none"> <li>(i) a question has been referred to the Supreme Court under section 99 of the Act;</li> <li>(ii) a reference for a preliminary ruling (within the meaning of section <del>100(1)(b)</del> of the Act) has been made by the Supreme Court in connection with that reference; and</li> <li>(iii) neither of those references has been decided or otherwise disposed of.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>23.63(ii) - amend to correct an incorrect reference to the relevant provision of the Government of Wales Act 2006.</p>
<p>23.64 Any Member may by motion propose that the Assembly reconsider the proposed Measure if:</p> <ul style="list-style-type: none"> <li>(i) the Supreme Court decides that the proposed Measure or any provision of it would not be within the legislative competence of the</li> </ul>	<p>No amendments necessary.</p>

<p style="text-align: center;">Assembly; or</p> <p style="text-align: center;">(ii) an order is made in relation to the proposed Measure under section 101 of the Act.</p> <p>23.65 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.</p>	
<p>23.66 A proposed Measure may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 23.72, and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:</p> <p style="text-align: center;">(i) the reference to the Supreme Court for a preliminary ruling;</p> <p style="text-align: center;">(ii) the decision of the Supreme Court; or</p> <p style="text-align: center;">(iii) the Order under section 101 of the Act.</p>	No amendment necessary
<p>23.67 Any Member may propose that the Assembly approves a proposed Measure amended on reconsideration. Such a motion may not be amended.</p>	No amendment necessary
<p><b>General Provisions in Relation to Amendments to Proposed Measures</b></p>	No amendment to sub heading necessary
<p>23.68 Standing Orders 23.69 to 23.77 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, <u>Report Stage proceedings</u></p>	<b>Amend Standing Order</b>

<p>or on Reconsideration.</p> <p>23.69 The Presiding Officer must determine the proper form of amendments to a proposed Measure.</p> <p>23.70 No amendment, other than a late amendment, may be considered unless it has been tabled five working days before it is considered.</p>	<p>Consequential amendment as a result of introducing “Report Stage”</p>
<p>23.71 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the <u>Clerk Table Office</u> at any time until the end of the working day before the amendment is due to be considered.</p>	<p><b>Amend Standing Order</b></p> <p>Amendments are tabled to Legislation Office, therefore the reference to “Table Office” here does not reflect current practice.</p> <p>It is proposed that any references to “Table Office” in Standing Orders will be replaced with “Clerk” to achieve a consistent approach throughout. In practice, the Legislation Office will still be responsible for receiving notifications. Any guidance to Members would make it clear that they should be sent to the “Legislation Office” and that it can be submitted by electronic means or in hard copy.</p> <p>This would be explained further in guidance to Members.</p>
<p>23.72 An amendment is not admissible if:</p> <p>(i) it is not in its proper form in accordance with Standing Order 23.69;</p>	<p>No amendments necessary.</p>

<ul style="list-style-type: none"> <li>(ii) it is not relevant to the proposed Measure or the provisions of the proposed Measure which it would amend;</li> <li>(iii) it is inconsistent with the general principles of the proposed Measure as agreed by the Assembly; or</li> <li>(iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.</li> </ul> <p>23.73 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 23.68 to 23.77 must apply accordingly.</p> <p>23.74 Subject to Standing Order 23.35, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.</p>	
<p>23.75 The chair of a committee considering Stage 2 proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.</p>	<p>No amendment necessary.</p>

<p>23.76 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:</p> <ul style="list-style-type: none"> <li>(i) in a committee considering Stage 2 proceedings, by a member of that committee; or</li> <li>(ii) in Stage 3 proceedings, <u>Report Stage proceedings</u> or on Reconsideration, by any other Member.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>This is a consequential amendment as a result of introducing “Report Stage”</p>
<p>23.77 An amendment which has been moved may be withdrawn by the Member who moved it, but only:</p> <ul style="list-style-type: none"> <li>(i) in a committee considering Stage 2 proceedings, <del>by leave of that committee</del> <u>if no member of that committee objects</u>; or</li> <li>(ii) in Stage 3 proceedings, <u>Report Stage proceedings</u> or on Reconsideration, <del>by leave of the Assembly if no Member objects.</del></li> </ul>	<p><b>Amend Standing Order</b></p> <p>It is proposed that this Standing Order be amended to be consistent with the new Standing Order 7.22A , which clarifies how a motion or amendment may be withdrawn once moved and reflects established practice.</p> <p>23.77(ii) - This is a consequential amendment as a result of introducing “Report Stage”</p>
<p><b>Her Majesty’s and Duke of Cornwall’s Consent</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.78 If a proposed Measure contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the proposed Measure be passed <u>(or approved following Reconsideration)</u> unless such consent to such a provision has been signified by a</p>	<p><b>Amend Standing Order</b></p> <p>Existing Standing Order 23.78 only refers to the ‘passing’ of a proposed Measure, which does not include the situation where the Assembly ‘approves’ a proposed Measure following Reconsideration Stage.</p>



<p>member of the government during proceedings on the proposed Measure at a meeting of the Assembly.</p>	<p>It is proposed that additional wording be inserted to address this.</p>
<p><b>Financial Resolutions</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.79 The Presiding Officer must decide in every case whether a financial resolution is required for a proposed Measure under Standing Orders 23.80 to 23.85.</p>	<p>No amendment necessary.</p>
<p>23.80 If a proposed Measure contains a provision:</p> <ul style="list-style-type: none"> <li>(i) which charges expenditure on the Welsh Consolidated Fund; or</li> <li>(ii) the likely effect of which would be to: <ul style="list-style-type: none"> <li>(a) increase significantly expenditure charged on that Fund;</li> <li>(b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or</li> <li>(c) increase significantly expenditure payable out of that Fund for an existing service or purpose,</li> </ul> </li> </ul> <p>no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable</p>	<p>No amendments necessary.</p>

out of that Fund.

23.81 If:

- (i) a proposed Measure contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and
- (ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made under section 120(2)),

no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.

23.82 Standing Order 23.81:

- (i) applies only where the charge, increase in charge or payment is significant; and
- (ii) does not apply where the charge, increase in charge or payment is:
  - (a) in respect of the provision of goods and is reasonable in relation to the goods provided; or

<p>(b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.</p>	
<p>23.83 Where the effect of an amendment (or amendments) to a proposed Measure, if agreed to, would be that the proposed Measure would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.</p> <p>23.84 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.</p> <p>23.85 Unless:</p> <p style="padding-left: 40px;">(i) notice of a motion for any financial resolution required in relation to a proposed Measure by Standing Orders 23.80 or 23.81 is tabled within 6 months of the completion of Stage 1; and</p> <p style="padding-left: 40px;">(ii) the motion is agreed to,</p> <p>the proposed Measure falls.</p>	<p>No amendments necessary</p>
<p><b>Notification of Approved Measures</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.86 The Clerk must notify the Assembly of the date of the approval of an Assembly Measure by Her Majesty in Council.</p>	<p>No amendment necessary</p>
<p><b>Fall, Rejection or Withdrawal of Proposed Measures</b></p>	<p>No amendment to sub heading necessary</p>

<p>23.87 If a proposed Measure falls or is rejected by the Assembly, no further proceedings may be taken on that proposed Measure and a proposed Measure which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the proposed Measure fell or was rejected.</p>	<p>No amendment necessary</p>
<p>23.88 A proposed Measure falls if it has not been passed or approved <u>by the Assembly</u> before the end of the Assembly in which it was introduced <del>but a proposed Measure in the same or similar terms may be introduced in any subsequent Assembly.</del></p>	<p><b>Amend this Standing Order</b></p> <p>Proposed including ‘by the Assembly’ to clarify that this means Assembly approval following reconsideration and not Privy Council approval following passing by the Assembly. (See similar amendment to Standing Order 23.78)</p> <p>Proposed removal of the final phrase which is unnecessary.</p>
<p><u>23.88A Approval to introduce a proposed Measure in accordance with Standing Order 23.103 ceases at dissolution</u></p>	<p><b>Insert new Standing Order</b></p> <p>A new Standing order is proposed for clarity.</p> <p>Since a proposed Measure falls at dissolution this Standing Order would make the same provision for ballot proposals that had won the support of the Assembly but had not progressed further. It supports the principle that a new Assembly should not be bound by decisions made by the last. (See similar proposal for a new Standing Order 22.39A in relation to proposed and draft Orders).</p>
<p>23.89 A proposed Measure may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Stage 1 except with the agreement of the Assembly.</p>	<p>No amendment necessary.</p>

<b>Committee Proposed Measures</b>	No amendment to sub heading necessary
23.90 Standing Orders 23.91 to 23.95 apply only to committee proposed Measures.	No amendment necessary.
23.91 Any committee <del>other than a committee set up as a consequence of Standing Orders 23.22, 23.31(ii), 22.16(i) or 22.18</del> may introduce a committee proposed Measure relating to the committee's remit.	<b>Amend this Standing Order.</b> The amendments to this Standing Order are consequential amendments in accordance with the proposed changes to the Standing Orders on committees.
<del>23.92 A committee may only have one committee proposed Measure in progress at any one time.</del>	<b>Amend this Standing Order.</b> It is proposed that this Standing Order be deleted to remove the limitations on the number of committee proposed Measures a committee may have in progress at any one time. This would be less restrictive. (See similar suggested deletion of SO 22.44 relating to Legislative Competence Orders).
23.93 For the purposes of Standing Order 23.92, a committee proposed Measure introduced is in progress until it is agreed, falls or is withdrawn.	No amendment necessary.
23.94 Standing Orders 23.21 to 23.25 do not apply to committee proposed Measures.	No amendment necessary.
23.95 At Stage 1, the Member in charge of a committee proposed Measure may table a motion proposing that the Assembly agree to the general principles of the proposed Measure.	No amendment necessary.
<b>Commission Proposed Measures</b>	No amendment to sub heading necessary
23.96 The Commission may introduce a proposed Measure relating	No amendment necessary.

to the Commission's functions.	
<b>Member Proposed Measures</b>	No amendment to sub heading necessary
23.97 Standing Orders 23.98 to 23.106 apply only to Member proposed Measures.	No amendment necessary
23.98 Where a Member was the Member in charge of a Member proposed Order which became an Order in Council made by Her Majesty under section 95 of the Act, that Member may introduce one Member proposed Measure relating to that Order within <del>six</del> <u>nine</u> months of the Order being made. This does not affect a Member's right to enter a ballot held under Standing Order 23.99.	<b>Amend Standing Order</b>  It is proposed to change the deadline for introduction of a proposed Measure from six months to nine months to allow Members more time to consider the scope of the Measure and gain support for it.
23.99 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek <del>leave</del> <u>agreement</u> to introduce a Member proposed Measure.	<b>Amend Standing Order</b>  It is proposed that 'leave' be amended to 'agreement' to ensure consistency of wording in Standing Orders. (See similar amendment to SO 22.47).
23.100 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 23.102.	No amendment necessary
23.101 No Member who has previously <del>won the ballot</del> <u>had agreement to introduce a Member proposed Measure</u> in that Assembly may <del>so</del> apply <u>to be included in the ballot</u> .	<b>Amend Standing Order</b>  It is suggested that this Standing Order be amended to remove the restriction on Members who have previously been refused permission to introduce a Member proposed Measure from re-entering the ballot.  Where a Member has been successful in a ballot and has had

	<p>agreement to introduce a Member proposed Measure, they would not be allowed to re-enter the ballot, as is the case under the current Standing Orders.</p> <p>This change reflects the similar amendment to Standing Order 22.49 relating to LCOs.</p>
<p>23.102 The required pre-ballot information is:</p> <ul style="list-style-type: none"> <li>(i) the proposed title of the proposed Measure; and</li> <li>(ii) an Explanatory Memorandum which must contain: <ul style="list-style-type: none"> <li>(a) the policy objectives of the proposed Measure; and</li> <li>(b) details of any support received for the proposed Measure, including details of any consultation carried out.</li> </ul> </li> </ul>	<p>No amendment necessary</p>
<p>23.103 A Member who is successful in a ballot may within <del>10</del> <u>25</u> working days of the date of the ballot table a motion seeking the Assembly's <del>leave</del> <u>agreement</u> to introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 23.102.</p>	<p><b>Amend Standing Order</b></p> <p>It is proposed that the period within which a member may table a motion after being selected in a ballot be amended from 10 to 25 days to bring timings in line with the LCO process (see Standing Order 22.50)</p> <p>It is proposed that 'leave' be amended to 'agreement' to ensure consistency of wording in Standing Orders. (See similar amendment to SO 22.47).</p>

<p>23.104 Time must be made available for a motion tabled under Standing Order 23.103 to be debated within <del>20</del> <u>35</u> working days of the date of the ballot (not counting working days in a <u>non-sitting</u> week <del>when there is no plenary meeting of the Assembly</del>).</p>	<p><b>Amend Standing Order</b></p> <p>It is proposed that the period following the ballot within which the debate on the motion seeking the Assembly's agreement to introduce a proposed Measure has to take place be amended from 20 to 35 days to bring timings in line with the LCO process (see Standing Order 22.52)</p>
<p>23.105 If a motion under Standing Order 23.103 is agreed to, then the Member who has <u>had agreement received</u> <del>leave</del> to introduce a proposed Measure may within <del>six</del> <u>nine</u> months of the motion being agreed introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 23.102.</p>	<p><b>Amend Standing Order</b></p> <p>It is proposed to change the deadline for introduction of a proposed Measure from six months to nine months to allow Members more time to consider the scope of the Measure and gain support for it.</p> <p>It is proposed that 'leave' be amended to 'agreement' to ensure consistency of wording in Standing Orders. (See similar amendment to SO 22.47).</p>
<p>23.106 If a motion under Standing Order 23.103 is disagreed to, then no Member may enter any ballot held under Standing Order 23.99 for a period of six months after the motion has been disagreed to if the policy objectives of the proposed Measure which he or she seeks <del>leave</del> <u>agreement</u> to introduce are substantially the same as those of the proposed Measure referred to in the motion which has been disagreed to.</p>	<p><b>Amend Standing Order</b></p> <p>It is proposed that 'leave' be amended to 'agreement' to ensure consistency of wording in Standing Orders. (See similar amendment to SO 22.47).</p>
<p><b>Government Proposed Emergency Measures</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.107 If it appears to a member of the government that an Emergency Measure is required, he or she may by motion propose that a government proposed Measure, to be introduced in the Assembly, be treated as a government proposed Emergency Measure.</p> <p>23.108 A motion under Standing Order 23.107 may also propose that</p>	<p>No amendments necessary</p>



<p>a government proposed Emergency Measure may be introduced without the Explanatory Memorandum required by Standing Order 23.18.</p> <p>23.109 A government proposed Emergency Measure must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the proposed Measure would be within the legislative competence of the Assembly.</p> <p>23.110 If the Assembly agrees to a motion under Standing Order 23.107:</p> <ul style="list-style-type: none"> <li>(i) the provisions of Standing Orders 23.111 to 23.116 must apply to such a proposed Measure; and</li> <li>(ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government proposed Emergency Measure.</li> </ul> <p>23.111 A motion under Standing Order 23.110(ii) may propose that all stages be taken on a single working day in a sitting week.</p> <p>23.112 The Member in charge may make such subsequent changes to a timetable established under Standing Order 23.110(ii) as he or she considers appropriate, but must give reasons for such changes.</p>	
<p>23.113 Standing Orders 23.19 to 23.25, 23.29 to 23.31, 23.41 to</p>	<p><b>Amend Standing Order</b></p>

<p>23.43, <u>23.57A and 23.57B</u>, 23.61 and 23.70 do not apply in relation to government proposed Emergency Measures.</p>	<p>This is a consequential change as a result of introducing a “Report Stage”.</p>
<p>23.114 At Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government proposed Emergency Measure.</p> <p>23.115 Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 2.20.</p> <p>23.116 When a Member intends to table an amendment to a government proposed Emergency Measure, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.</p>	

<b>STANDING ORDER 24 - Subordinate Legislation (Other than Subordinate Legislation Subject to Special Assembly Procedure)</b>	
<p><b>Explanatory Memoranda</b></p>	<p>No amendment to sub-heading necessary</p>
<p>24.1 Any statutory instrument or draft statutory instrument laid before the Assembly <del>and which is not subject to a parliamentary procedure</del> must be accompanied by an Explanatory Memorandum, which must include any Regulatory</p>	<p><b>Amend this Standing Order</b></p> <p>Remove “and which is not subject to a parliamentary procedure” from this Standing Order. This is a consequential change if Standing Order 15.7 is removed, as the committee responsible for functions</p>

<p>Impact Assessment prepared in relation to the instrument.</p>	<p>specified under Standing Order 15 would be permitted to scrutinise any statutory instrument or draft statutory instrument laid before the Assembly and which could also be subject to a parliamentary procedure. It would be necessary, therefore, for any such statutory instrument or draft statutory instrument to be accompanied by an Explanatory Memorandum to inform the responsible committee's scrutiny.</p> <p>Current Standing Order 15.7 prohibits the Constitutional Affairs Committee from scrutinising SIs laid before the UK Parliament. It is proposed that this restriction is lifted, allowing a committee or committees of the Assembly to consider SIs subject to parliamentary procedure. If this proposal is agreed, an EM would be required for <i>all</i> SIs or draft SIs laid before the Assembly, <i>including</i> those subject to a parliamentary procedure. This would be necessary to enable scrutiny of all SIs by the committee responsible for the delivery of functions under SO 15.2 and 15.3.</p>
<p><b>Motion for Annulment (Negative Resolution Procedure)</b></p>	<p>No amendment to sub-heading necessary</p>
<p>24.2 In the case of any statutory instrument which:</p> <ul style="list-style-type: none"> <li>(i) is subject to annulment in pursuance of a resolution of the Assembly; or</li> <li>(ii) is laid in draft but cannot be made if the draft is disapproved,</li> </ul> <p><del>the Assembly any Member</del> may, not later than 40 days after the instrument is laid, <del>table a motion under Standing Order 24.2</del> <u>resolve</u> that the instrument be annulled or, as the case</p>	<p><b>Amend this Standing Order</b></p> <p>Replace “any Member” with “the Assembly” and replace “table a motion under Standing Order 24.2” with “resolve”.</p> <p>In accordance with current Standing Order 24.2, where an SI is laid under the Negative Resolution Procedure, Members have 40 days in which to table a motion calling for that SI to be annulled.</p> <p>This does not comply with the requirements in the Statutory</p>

<p>may be, that the draft be disapproved.</p>	<p>Instruments Act 1946. The Act demands that the resolution to annul (and not the tabling of a motion to annul) has to take place within 40 days of the SI being laid. In practice, the provisions of current SO 24.2 mean that any Member may consider that a motion to annul could be tabled on the 40th day after the SI was laid, and that motion could be debated at a later date. However, this would not meet the requirements of the Act.</p> <p>The proposed amendments to this Standing Order address this problem by stating that the Assembly may, not later than 40 days after the instrument is laid, resolve that the instrument be annulled or the draft be disapproved. The Member would have to table the motion to annul at least five days before this in order to have the debate within the 40 days. This would be explained in Table Office guidance for Members.</p>
<p><u>24.2A</u> Any Member may table a motion for resolution under Standing Order 24.2.</p>	<p><b>Insert new Standing Order</b></p> <p>The insertion of a new Standing Order here is a consequential change if proposed changes to SO 24.2 are agreed.</p> <p>Any Member can currently table a motion for annulment via SO 24.2. The proposed changes to SO 24.2 ensure that it complies with the Statutory Instruments Act 1946 but removes the explicit provision for <i>any</i> Member to table a motion that the instrument be annulled or the draft be disapproved. This new Standing Order would ensure that this provision is retained within Standing Orders.</p>
<p>24.3 A motion <u>for resolution</u> under Standing Order 24.2 is not</p>	<p><b>Amend this Standing Order</b></p>

amendable.	Insert “for resolution” for clarity and consistency with SO 24.2 and SO24.2A.
<b>Motion for Approval (Affirmative Resolution Procedure)</b>	No amendment to sub-heading necessary
<p>24.4 In the case of any statutory instrument or draft statutory instrument laid before the Assembly which, unless the Assembly by resolution approves it, cannot:</p> <p>(i) be made;</p> <p>(ii) come into force; or</p> <p>(iii) remain in force beyond the period specified in the enactment conferring the power to make the instrument,</p> <p>any member of the government may table a motion under Standing Order 24.4 that the instrument or draft instrument be approved.</p>	No amendment necessary
24.5 A motion under Standing Order 24.4 is not amendable.	No amendment necessary
<p>24.6 No motion under Standing Order 24.4 may be considered in plenary until either:</p> <p>(i) <del>the Constitutional Affairs Committee</del> <u>the committee responsible for the functions specified in Standing Orders 15.2 and 15.3 or</u> and any other committee, which has given the notice mentioned in Standing Order 24.7, has reported</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>24.6 (i) - Replace the reference to Constitutional Affairs Committee with reference to the responsible committee under Standing Orders 15.2 and 15.3.</li> </ul> <p>The amendment to this Standing Order is a consequential amendment following the Business Committee’s agreement to</p>

<p>on the instrument or draft; or</p> <p>(ii) 20 days have elapsed since the instrument or draft instrument was laid,</p> <p>whichever is the earlier.</p>	<p>replace named committees with function-based Standing Orders.</p> <ul style="list-style-type: none"> <li>• 24.6(i) - Replace “or” with “and”</li> </ul> <p>This is a technical correction to the current Standing Orders. Standing Order 24.7 provides that <u>any</u> committee other than the Constitutional Affairs Committee may report on an instrument or draft subject to notice being given to the government. As such, “or” should be replaced with “and” in this Standing Order to ensure that both Committees are given the opportunity to report within 20 days.</p>
<p>24.7 If any committee, other than the <del>Constitutional Affairs Committee</del> <u>committee responsible for the functions specified in Standing Orders 15.2 and 15.3</u>, intends to report on an instrument or draft instrument to which Standing Order 24.4 applies, it must give notice to the government of its intention to do so no later than seven days after the instrument or draft has been laid.</p>	<p><b>Amend this Standing Order</b></p> <p>Replace the reference to Constitutional Affairs Committee with reference to the responsible committee under Standing Orders 15.2 and 15.3.</p> <p>The amendment to this Standing Order is a consequential amendment following the Business Committee’s agreement to replace named committees with function-based Standing Orders.</p>
<p>24.8 If any committee considers any instrument or draft instrument to which Standing Order 24.4 applies, the member of the government who laid it (or another member of the government nominated by the First Minister to have responsibility for it) may attend the committee and participate in its proceedings relating to the instrument or draft but may not vote.</p>	<p>No amendment necessary</p>

<b>No Amendment of Instruments</b>	No amendment to sub-heading necessary
24.9 A statutory instrument or draft statutory instrument, to which Standing Orders 24.2 or 24.4 apply, cannot be amended.	No amendment necessary
<b>Withdrawal of Instruments</b>	No amendment to sub-heading necessary
24.10 A statutory instrument or draft statutory instrument laid before the Assembly may be withdrawn at any time by the member of the government with responsibility for that instrument.	No amendment necessary
<b>Calculation of Days</b>	No amendment to sub-heading necessary
24.11 In calculating for the purposes of Standing Order 24 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days.	No amendment necessary
<b>Other Motions in Respect of Instruments or Draft Instruments</b>	No amendment to sub-heading necessary
24.12 Standing Orders 24.1 to 24.8 are without prejudice to the right of any Member to table any other motion in respect of an instrument or draft instrument.	No amendment necessary
<b>Application to Other Subordinate Legislation</b>	No amendment to sub-heading necessary

<p>24.13 Standing Orders 24.1 to 24.12 also apply with such modifications as are necessary, to any other subordinate legislation <u>(other than that subject to Special Assembly Procedure under Standing Order 25)</u> in the form of a report, guidance, code of practice or other document that is required by any enactment to be:</p> <ul style="list-style-type: none"> <li>(i) laid before the Assembly; and</li> <li>(ii) subject to any form of Assembly procedure having the same or equivalent effect to those mentioned in Standing Orders 24.2 or 24.4.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that “other than that subject to Special Assembly Procedure under Standing Order 25” is added here to make clear that subordinate legislation subject to that procedure must be considered under procedures outlined in Standing Order 25 due to its quasi-judicial nature.</p>
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<b>STANDING ORDER 26 – Consent in relation to UK Parliament Bills</b>	
<b>UK Parliament Bills Making Provision Requiring the Assembly’s Consent</b>	
<p>26.1 In Standing Order 26, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales:</p> <ul style="list-style-type: none"> <li>(i) for any purpose within the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly); or</li> <li>(ii) which has a negative impact on the legislative</li> </ul>	<p>No amendment necessary</p>



<p>competence of the Assembly.</p>	
<p><b>Legislative Consent Memorandum</b></p>	<p>No amendment to sub-heading necessary</p>
<p>26.2 A member of the government must lay a memorandum (“a legislative consent memorandum”) in relation to:</p> <ul style="list-style-type: none"> <li>(i) any UK Government Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction;</li> <li>(ii) any UK Private Member’s Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;</li> <li>(iii) any Bill introduced into the UK Parliament that, by virtue of amendments: <ul style="list-style-type: none"> <li>(a) agreed to; or</li> <li>(b) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support,</li> </ul> </li> </ul> <p>in either House, makes (or would make) relevant provision for the first time or beyond the limits of any consent previously given by the Assembly, normally no later than two weeks after the amendments are tabled or agreed to.</p>	<p>No amendment necessary</p>

<p>26.3 A legislative consent memorandum must:</p> <ul style="list-style-type: none"> <li>(i) summarise the policy objectives of the Bill;</li> <li>(ii) specify the extent to which the Bill makes (or would make) relevant provision; <u>and</u></li> <li>(iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Technical correction – insert “and” after point (ii).</p>
<p><u>26.3A The Business Committee may refer any legislative consent memorandum to a committee or committees for consideration.</u></p>	<p><b>Insert new Standing Order</b></p> <p>In accordance with the Constitutional Affairs Committee response to the review (SOR18) and responses to the public consultation as referred to above, it is proposed that Standing Orders are amended to include a mechanism by which legislative consent memoranda which relate to provisions requiring the Assembly’s consent may be referred for committee scrutiny by the Business Committee. The Business Committee would be able to refer memoranda relating to relevant provisions as defined under 26.1 (i) and (ii) for committee scrutiny but would have the discretion to decide:</p> <ul style="list-style-type: none"> <li>• whether consideration by a committee or committees is necessary;</li> <li>• to whom a legislative consent memorandum would be referred if necessary; and</li> <li>• the timescale for committee consideration (see SO 26.3B below).</li> </ul>

	The purpose of this proposal is to allow opportunity for committee consideration, where deemed appropriate by the Business Committee, to inform any subsequent debate on the related legislative consent motion.
<p><u>26.3B If a legislative consent memorandum is referred to a committee or committees for consideration in accordance with Standing Order 26.3A, the Business Committee must establish and publish a timetable for the committee or committees to consider and report on it.</u></p>	<p><b>Insert new Standing Order</b></p> <p>If SO 26.3A is agreed, it is proposed that the Business Committee should be required to set a deadline by which a committee must report if it chooses to refer a legislative consent memorandum for consideration. Such a deadline could consider factors such as the Westminster timetable for the passage of the Bill.</p> <p>If the Business Committee refers a memorandum for committee consideration, it is proposed that no associated legislative consent motion could be debated until after the deadline for the committee to report. This would be done through inserting new SO 26.6 below.</p>
<b>Legislative Consent Motion</b>	No amendment to sub-heading necessary
<p>26.4 When a legislative consent memorandum is laid, the government must <del>at the same time</del> table a motion (“a legislative consent motion”); which must seek the Assembly’s agreement to the inclusion of a relevant provision in a relevant Bill.</p>	<p><b>Amend this Standing Order</b></p> <p>If the Business Committee agrees to new SO 26.3A (the option to refer legislative consent memoranda to committees) this Standing Order would require amendment to remove the requirement on the Government to table a legislative consent motion at the same time they lay the legislative consent memorandum. This would allow the Government to decide when to table the motion, taking account of any reporting deadlines the Business Committee may set if it chooses</p>

		to refer the memorandum for committee consideration.
26.5	The Assembly must consider a legislative consent motion which has been tabled.	<b>No amendment necessary</b>
26.6	<p>If a legislative consent memorandum is referred by the <u>Business Committee for consideration by a committee or committees in accordance with Standing Order 26.3A, the related legislative consent motion must not be debated until either:</u></p> <p>(i) <u>the committee has reported in accordance with Standing Order 26.3A; or</u></p> <p>(ii) <u>the deadline by which a committee is required to report in accordance with Standing Order 26.3B has been reached.</u></p>	<p><b>Insert new Standing Order</b></p> <p>As proposed above (SO26.3A and 26.3B), this new Standing Order introduces a requirement that no legislative consent motion can be debated until either the deadline for a committee to report on the relevant legislative consent memorandum has been reached or, if the relevant committee has reported before the deadline, once that committee has reported.</p>

<b>STANDING ORDER 26A - Notification in relation to UK Parliament Bills</b>		
	<b><u>Standing Order 26A – Notification in relation to UK Parliament Bills</u></b>	<p><b>Insert new Standing Order</b></p> <p>It is proposed that a new Standing Order is introduced to build on the provision of Standing Order 26. This new Standing Order would provide a systematic mechanism for the Assembly to be <u>notified</u> of any UK Bill which has a <u>significant</u> impact on the functions of the Welsh Ministers (including the First Minister) and of the Counsel</p>

	<p>General and any UK Bill which has an impact on the legislative competence of the Assembly (other than those covered under Standing Order 26). This would include any changes to Schedule 5 conferring Measure making powers on the Assembly, referred to as “framework powers”.</p> <p>This is proposed to address the points made in responses to the review of Standing Orders, as outlined below:</p> <ul style="list-style-type: none"><li>• <i>Constitutional Affairs Committee</i> stated their view that there is a scrutiny gap which relates to Westminster Bills that grant powers to the Assembly. They have requested that Standing Orders are amended to require Welsh Ministers to inform Committees when Westminster Bills have implications for the powers of Welsh Ministers or the Assembly (SOR18);</li><li>• the <i>WLGA</i> note that there is limited scope for scrutiny of framework powers (i.e. Measure making powers) included in Westminster legislation and call on the Business Committee to consider providing mechanisms for the Assembly to better scrutinise Bills which either give the Assembly legislative powers or give executive powers to Welsh Ministers (SOR 12);</li><li>• <i>Public Affairs Cymru</i> state that “there should be a mechanism for the National Assembly for Wales to scrutinise and contribute to the process of framework powers being given to Wales via Acts of Parliament. It is inconsistent that, despite the sometime lengthy scrutiny of LCOs, framework provisions which provide the same legislative transfers can avoid any specific scrutiny” (SOR 7);</li></ul>
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	<ul style="list-style-type: none"> <li>• <i>the WCVA</i> note that “there should be more opportunity for the National Assembly for Wales to scrutinise framework powers being given to Wales via UK Bills” (SOR 10); and</li> <li>• <i>the Wales Governance Centre’s</i> written evidence which expresses the view that the Assembly is not able to be fully effective in holding the government to account without scrutiny of executive powers sought in UK Bills (SOR 5).</li> </ul>
<p><b><u>UK Parliament Bills Making Provision Requiring Notification to the Assembly</u></b></p>	<p><b>Insert new sub-heading</b></p>
<p><u>26A.1</u> In Standing Order 26A, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales (other than a provision which is a relevant provision within Standing Order 26.1):</p> <ul style="list-style-type: none"> <li>(i) <u>which has a significant impact on the functions of the Welsh Ministers or of the Counsel General; or</u></li> <li>(ii) <u>which has an impact on the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions).</u></li> </ul>	<p><b>Insert new Standing Order</b></p> <p>This Standing Order mirrors the wording used in current Standing Order 26. Under this proposal the Government would be required to lay a written statement before the Assembly providing notification of UK Bills which either include provisions (other than those defined as “relevant provisions” under Standing Order 26.1 which require the consent of the Assembly) that :</p> <ul style="list-style-type: none"> <li>(i) have a significant impact on the Welsh Ministers’ (including the First Minister) or on the Counsel General’s functions ; or</li> <li>(ii) have an impact on the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions).This would mainly, therefore, cover provisions in UK Bills conferring Measure making powers on the</li> </ul>

	<p>Assembly, referred to as “framework powers”.</p> <p>In contrast to Standing Order 26, under this proposal, a statement relating to relevant provisions in a UK Bill would:</p> <ul style="list-style-type: none"> <li>• be laid for information only, not as a basis for a decision, on a motion, by the Assembly;</li> <li>• not be subject to committee consideration.</li> </ul>
<p><b>Written Statements in relation to relevant UK Bills</b></p>	<p><b>Insert new sub-heading</b></p>
<p><u>26A.2 A member of the government must lay a written statement in relation to:</u></p> <p>(i) <u>any UK Government Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction;</u></p> <p>(ii) <u>any UK Private Member’s Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;</u></p> <p>(iii) <u>any Bill introduced into the UK Parliament that, by virtue of amendments:</u></p> <p style="padding-left: 40px;">(a) <u>agreed to; or</u></p> <p style="padding-left: 40px;">(b) <u>tabled by a Minister of the Crown or published with the name of a Minister</u></p>	<p><b>Insert new Standing Order</b></p> <p>This Standing Order mirrors wording used in current SO 26.2 and outlines when the government would be required to lay a written statement.</p>

<p style="text-align: center;"><u>of the Crown in support,</u></p> <p style="text-align: center;"><u>in either House, makes (or would make) relevant provision, normally no later than two weeks after the amendments are tabled or agreed to.</u></p>	
<p><u>26A.3</u> The written statement must:</p> <ul style="list-style-type: none"> <li>(i) <u>summarise the policy objectives of the Bill;</u></li> <li>(ii) <u>specify the extent to which the Bill makes (or would make) relevant provision; and</u></li> <li>(iii) <u>explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill.</u></li> </ul>	<p><b>Insert new Standing Order</b></p> <p>This Standing Order mirrors wording used in current SO 26.3 and outlines what information would be required within a written statement.</p>

<p><b>STANDING ORDER 27 - Finance Procedures</b></p>	
<p><u>General</u></p>	<p><b>Insert new sub-title</b></p>



<p>27.0A <u>References to “the responsible committee” within Standing Order 27 means the committee with responsibility for the functions specified in Standing Order 14.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p> <p>Rather than stating that there must be a specific Finance Committee, the Business Committee must ensure that functions specified in Standing Order 14 (Finance) are undertaken by a committee.</p> <p>The Committee with responsibility for delivering the functions under Standing Order 14 would also be the “responsible committee” in relation to the functions currently undertaken by the Finance Committee under Standing Order 27, and is referred to as the “responsible committee” here.</p>
<p><b>Welsh Assembly Government</b></p>	
<p>27.0 B <u>In each year, the Minister with responsibility for government business must notify the Business Committee of the following:</u></p> <p>(i) <u>the date by which a Welsh Minister will lay the draft budget for the government, in accordance with Standing Order 27.1; and</u></p> <p>(ii) <u>the date by which a Welsh Minister will table the annual budget motion in accordance with Standing Order 27.17, and taking account of Standing Order 27.0E.</u></p>	<p><b>Insert new Standing Order</b></p> <p>It has been necessary to suspend Standing Orders or agree a temporary Standing Order to adjust the timings, in three of the past four years of this Assembly. It is proposed therefore that Standing Orders should set out the principles that apply to the budget scrutiny process and the time allowed for each part of the scrutiny process, rather than having all dates enshrined in Standing Orders. This is proposed following the recommendation made by the Finance Committee.</p> <p>Any required dates would be removed from Standing Orders. The Welsh Government would retain control over the budget timetable, and would be required to notify the Business Committee of the two key dates – the date by which it intends to lay the draft budget and the date by which they will table the annual budget motion.</p>

	<p>It is anticipated that the Government would usually notify the Business Committee of specific dates on which they would lay the draft budget or table the motion.</p> <p>In exceptional circumstances, if the Government is unable to provide exact dates, for example due to a spending review, the Standing Order provides sufficient flexibility for the Government to provide indicative dates “by which” the Government would lay the draft budget or table the motion. Once the Government was able to confirm more precise dates, a revised timetable could be published under SO 27.0F below.</p> <p>In setting these two key dates, the Government would have to take account of the need to allow sufficient time for the responsible committee to report, in accordance with the time allowed in SO 27.0E. In practice, we anticipate that the Government would consult the responsible committee beforehand to ensure an agreed approach to the timetable.</p>
<p><u>27.0C</u>      <u>The Minister must make the notification required under Standing Order 27.0B at least two weeks before the summer recess in each year.</u></p>	<p><b>Insert new Standing Order</b></p> <p>If as proposed above, the key dates are no longer set out in Standing Orders, the responsible committee would nonetheless need sufficient notice and certainty about the timetable for scrutiny of the budget each year to allow them to plan their budget scrutiny process.</p> <p>In its response, the Finance Committee recommended that the dates should be published in the summer term each year.</p>
<p><u>27.0D</u>      <u>Having been notified under Standing Order 27.0B and consulted the responsible committee, the Business</u></p>	<p><b>Insert new Standing Order</b></p>

<p><u>Committee must establish and publish a timetable for the consideration of the budget, which must include:</u></p> <p><u>(i) the dates notified in accordance with Standing Order 27.0B;</u></p> <p><u>(ii) the deadline by which the responsible committee must report to the Assembly on the draft budget for the government.</u></p>	<p>The Business Committee would be responsible for publishing the budget scrutiny timetable. This would consist of the date notified to it by the Welsh Government under SO 27.0B. The Business Committee would have no say over the dates the Government propose to lay the budget, nor the debate on the draft budget, nor the date for tabling the annual budget motion. This is in line with the principle that the Government determines its own business.</p> <p>In agreeing the deadline for the responsible committee to report, the Business Committee would have to consult the responsible committee; take into account the dates notified to it by the government; and the minimum period the responsible committee must be given in accordance with Standing Order 27.0E.</p> <p>In practice, we anticipate that the Government would consult the responsible committee beforehand to ensure an agreed approach to the timetable and that the committee would be in a position to advise the Business Committee of the agreed date for them to report.</p>
<p><u>27.0E In determining the deadline under Standing Order 27.0D(ii) or 27.0F, the responsible committee must be given at least five weeks to report on the draft budget for the government.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This new provision would ensure that the timetable allows the responsible committee a minimum time of at least five weeks to report under SO 27.0D.</p>
<p><u>27.0F At the request of the Minister with responsibility for government business, the Business Committee may make subsequent changes to the timetable published under Standing Order 27.0D, subject to Standing Order 27.0E. The Business Committee must publish the revised timetable.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This enables the Business Committee to publish a revised timetable only at the Government's request. It would not give the Business Committee the right to change the Government's timetable for consideration of the budget.</p> <p>Again, the role of the Business Committee would be to publish the</p>

	<p>revised dates notified to it by the Government, as per Standing Order 27.0B.</p> <p>If for some reason the Government had to postpone the laying of its draft budget or the debate on the annual budget motion, it follows that the deadline for the responsible committee to report may also have to be reconsidered. This Standing Order enables the Business Committee to determine that revised deadline.</p>
<p>27.1 <del>Not later than 7 October in</del> <u>In accordance with Standing Order 27.0B (or Standing Order 27.0F), a Welsh Minister must lay before the Assembly a draft budget setting out the amounts of resources and cash which the government proposes to use for the following financial year and provisional amounts for the subsequent two years or for such other period as the Minister considers appropriate.</u></p>	<p><b>Amend this Standing Order</b></p> <p>The relevant date by which the Government has to lay its draft budget would be the date notified to the Business Committee by the Minister.</p>
<p>27.1A <u>A Welsh Minister may make a statement in plenary on the draft budget as soon as possible after the draft budget is laid in accordance with Standing Order 27.1.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This enables the responsible Minister to start the budget scrutiny process with an oral statement in Plenary, once the draft budget is laid.</p>
<p>27.2 <del>No motion may be moved in plenary in respect of the draft budget for the government until the Finance Committee has made its report the deadline by which the responsible committee is required to report on the draft budget under Standing Order 27.4 27.0D(ii) (or Standing Order 27.0F) has been reached.</del></p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed to remove the requirement that the responsible committee has to have reported before the Government may move the motion on the draft budget.</p> <p>The Government could not move the motion before the deadline for the committee to report. However, if the responsible committee has not reported by the deadline, there would be nothing preventing the debate on the Government's draft budget going ahead as planned.</p>

<p>27.3 <del>Committees</del> <u>Any committee, other than the Finance Committee responsible committee,</u> may consider and make <u>recommendations report</u> to the <u>responsible committee</u> <del>Finance Committee</del> on the draft budget for the government <del>no later than two weeks after it has been laid before the Assembly.</del></p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that the requirements here are simplified: it is not necessary to specify “make recommendations” – this is covered by “report”.</p> <p>It is proposed that there would be no deadlines for the other committees to report on the Government’s draft budget, as the tight deadlines have caused problems for scrutiny committees in the past.</p> <p>It would be a matter for the committees themselves to manage the timeliness of their report having regard to the timetable published by the Business Committee, and to ensure that they publish their report before the deadline for the responsible committee to report if they wish it to be considered by the responsible committee.</p>
<p><del>27.4 The Finance Committee must consider and report to the Assembly on the draft budget no later than four weeks after it has been laid before the Assembly. The Finance Committee’s report must append any recommendations which the Finance Committee has received from other committees.</del></p>	<p><b>Delete this Standing Order</b></p> <p>This would be covered by SO27.0D and by SO 27.3.</p>
<p>27.5 The Finance Committee’s <u>responsible committee’s</u> report may recommend changes to the amounts proposed in the draft budget provided that the net effect of those changes would not increase or decrease the aggregate amounts of resources or cash proposed in the draft budget for the government.</p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p>
<p>27.6 <del>No later than two weeks after the Finance Committee has made the report required under Standing Order 27.4,</del> <u>In accordance with the timetable established and published by the Business Committee under Standing Order 27.0D or</u></p>	<p><b>Amend this Standing Order</b></p> <p>The date of the debate on the draft budget would be determined by the Government. In deciding this, they would need to take account of</p>

<p><u>Standing Order 27.0F</u>, the Assembly must consider a motion tabled by a Welsh Minister that the Assembly takes note of the draft budget for the government. Any amendment to such a motion may only be tabled provided that the net effect of any changes would not increase or decrease the aggregate amounts of resources or cash proposed in the draft budget for the government.</p>	<p>the deadline for the responsible committee to report as published by the Business Committee in accordance with either 27.0D or 27.0F.</p> <p>It is anticipated that the Government would allow for at least one week between the deadline for the responsible committee to report and the debate on the draft budget, to allow the Government sufficient time to consider the recommendations.</p> <p>The Government would not be required to notify the Business Committee of the date of the debate on the draft budget under SO27.0B, this allows them flexibility to determine the most appropriate date in light of the progress of the budget scrutiny. However, the Government may wish to inform the Business Committee of their indicative date for the debate along with the other dates required before the beginning of the summer recess. This could also be published as part of the budget scrutiny timetable, but would not be a requirement.</p>
<p><b>The Commission</b></p>	<p>It is proposed to amend the deadline for laying the Commission budget to the 1 October.</p> <p>To allow the same amount of time for the consideration of the Commission's budget, the end date in SO27.11 and SO27.12 should therefore also be extended by 1 week to 27 November.</p> <p>The responsible committee would be given 3 weeks to report. In its response, the Finance Committee has indicated that this is sufficient time to report.</p> <p>After the responsible committee has reported, the Commission may lay its budget at any time, bearing in mind it has to get it agreed before 27 November.</p>

<p>27.7 Not later than <del>24 September</del> <u>1 October</u> in each financial year, a member of the Commission must lay before the Assembly a draft budget for the Commission setting out the amounts of resources and cash which the Commission proposes to use for the following financial year and provisional amounts for the subsequent two years or for such other period as the Commission has agreed with the Welsh Ministers.</p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed to amend the deadline for laying the Commission budget to the 1 October. This allows the Commission more leeway to decide when to lay its draft budget after the summer recess.</p>
<p>27.8 The <del>Finance Committee</del> <u>responsible committee</u> must consider and report to the Assembly on the draft budget for the Commission no later than three weeks after it has been laid before the Assembly. The <del>Finance Committee's</del> <u>responsible committee's</u> report may recommend variations in the amounts proposed in the draft budget provided that the net effect of those variations would not increase the aggregate amounts of resources or cash proposed in the draft budget for the Commission.</p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p>
<p>27.9 <del>No later than 30 October, a</del> <u>A</u> member of the Commission must lay before the Assembly a budget for the Commission; <del>together with a motion that the budget be agreed and incorporated in the annual budget motion under Standing Order 27.17(ii). No amendment to the motion may be tabled and the motion must be debated within seven days of it being tabled. The budget may not be laid until the deadline by which the responsible committee is required to report on the draft budget for the Commission has been reached.</del></p>	<p><b>Amend this Standing Order</b></p> <p>Remove date. It will be for the Commission to decide when to lay its budget and when to have the debate, bearing in mind that it has to get it agreed before 27 November (and allow time to agree any revised budgets if necessary).</p>
<p><u>27.9A A member of the Commission must table a motion that the budget laid under Standing Order 27.9 be agreed and incorporated in the annual budget motion under Standing Order 27.17(ii). No amendment to the motion may be tabled</u></p>	<p><b>Insert new Standing Order</b></p> <p>The requirement to lay the budget and the tabling of the motion have been separated. I.e. the Commission could, if it wished, lay its</p>

<p><u>and the motion must be debated within five working days of it being tabled (not counting working days in a non-sitting week).</u></p>	<p>budget in advance of the motion (to give Members longer to consider if appropriate). The motion would be laid five days before the Commission wishes to have the debate. This gives provides more flexibility.</p> <p>The requirement to debate the motion within five working days is retained to ensure the Commission has plenary time to debate the budget. This ensures the Commission has control over the date of the debate.</p>
<p>27.10 If the final budget for the Commission is not agreed, then a member of the Commission must lay before the Assembly a revised budget for the Commission, together with a motion that it be agreed and incorporated in the annual budget motion under Standing Order 27.17A(ii). No amendment to the motion may be tabled and the motion must be debated within <del>five working seven</del> days of it being tabled (<u>not counting working days in a non-sitting week</u>).</p>	<p><b>Amend this Standing Order</b></p> <p>This is amended to make it clear that any days falling within recess would not count.</p>
<p>27.11 Further motions under Standing Order 27.10 may be tabled until such time as agreement has been reached but no such motion may be considered by the Assembly after <del>2027</del> November.</p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that the deadline for laying the Commission budget is amended to the 1 October.</p> <p>To allow the same amount of time for the consideration of the Commission's budget, the end date specified in this Standing Order and SO27.12 below should therefore also be amended by 1 week to 27 November.</p>
<p>27.12 If the budget for the Commission has not been agreed by <del>2027</del> November, then the budget for the Commission to be incorporated in the annual budget motion under Standing Order 27.17A(ii) is to comprise, for each service or purpose for which resources or cash were authorised to be used by the Commission in the previous financial year, 95% of the amount</p>	<p><b>Amend this Standing Order</b></p> <p>See SO 27.11 above.</p>



so authorised.	
<p><u>27.12A When a UK Government or Welsh Assembly Government Spending Review takes place, a member of the Commission may, with the agreement of the Business Committee, specify different dates from those within Standing Order 27.7 by which he or she must lay the draft budget for the Commission and consequently the date referred to in Standing Order 27.11 and Standing Order 27.12. If the Business Committee agrees, it must notify the Assembly by laying a report.</u></p>	<p><b>Insert new Standing Order</b></p> <p>In a year in which a UK Government or Welsh Government spending review was taking place, the Commission may propose to change the dates by which they must lay the draft budget in Standing Order 27.7 and consequently the date referred to in 27.11 and 27.12.</p> <p>This would require the agreement of the Business Committee, which would then notify the Assembly by laying a report.</p> <p>This introduces some flexibility to change the usual dates for the Commission’s budget timetable and should avoid the need to agree a temporary Standing Order as has happened this year.</p>
<p><b>Auditor General</b></p>	
<p>27.13 The Auditor General must submit the estimate of income and expenses required under paragraph 12 of Schedule 8 to the Act to the <del>Audit Committee</del> <u>Public Accounts Committee</u> as soon as practicable but in any event no later than 1 November in each financial year.</p>	<p><b>Amend this Standing Order</b></p> <p>This is a consequential amendment, following amendments to SO 13.</p>
<p>27.14 The <del>Audit Committee</del> <u>Public Accounts Committee</u> must consider and lay before the Assembly, no later than 22 November, the estimate, with any modifications which the Committee, having consulted and taken into account any representations made by the Auditor General, considers appropriate.</p>	<p><b>Amend this Standing Order</b></p> <p>This is a consequential amendment reflecting the agreement to amend Standing Order 13.</p>
<p><b>Ombudsman</b></p>	

<p>27.15 The Ombudsman must submit the estimate of income and expenses required under paragraph 15 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 to the <u>responsible committee</u> <del>Finance Committee</del> as soon as practicable but in any event no later than 1 November in each financial year.</p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p>
<p>27.16 The <u>responsible committee</u> <del>Finance Committee</del> must consider and lay before the Assembly, no later than 22 November, the estimate, with any modifications which the Committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.</p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p>
<p><b>Annual Budget Motions</b></p>	
<p>27.17 An annual budget motion as required under section 125 of the Act must be tabled by a Welsh Minister, <u>in accordance with Standing Order 27.0B (or Standing Order 27.0F) on or before 3 December</u>. <del>An annual budget motion must incorporate:</del></p> <ul style="list-style-type: none"> <li><del>(i) the final budget for the government;</del></li> <li><del>(ii) the final budget for the Commission as agreed by the Assembly under Standing Order 27.9 or 27.10, or as determined under Standing Order 27.12;</del></li> <li><del>(iii) the estimate for the Auditor General, as laid before the Assembly under Standing Order 27.14; and</del></li> <li><del>(iv) the estimate for the Ombudsman as laid before the Assembly under Standing Order 27.16.</del></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>It is proposed to remove the date by which the Government have to table the annual budget motion from Standing Orders and allow the Government to decide on the appropriate date and notify Business Committee accordingly under SO 27.0B.</p> <p>This date would appear in the timetable as published under SO 27.0D or 27.0F.</p> <p>This Standing Order has been separated into two separate provisions - the second half of the Standing Order which states what must be incorporated in an annual budget motion now appears in SO 27.17A below, with no changes.</p>

<p><u>27.17A</u> An annual budget motion must incorporate:</p> <ul style="list-style-type: none"> <li>(i) the final budget for the government;</li> <li>(ii) the final budget for the Commission as agreed by the Assembly under Standing Order <del>27.9</del><u>27.9A</u> or 27.10, or as determined under Standing Order 27.12;</li> <li>(iii) the estimate for the Auditor General, as laid before the Assembly under Standing Order 27.14; and</li> <li>(iv) the estimate for the Ombudsman as laid before the Assembly under Standing Order 27.16.</li> </ul>	<p><b>Insert new Standing Order</b></p> <p>To improve the presentation of the Standing Orders, it is proposed that the second part of 27.17 is presented as a separate Standing Order. There is no change to the drafting.</p>
<p>27.18 An annual budget motion may also incorporate any motion for a resolution to be made for the relevant financial year under section 120(2)(a) of the Act.</p>	<p>No amendment necessary</p>
<p>27.19 The information produced in support of an annual budget motion must include as a minimum:</p> <ul style="list-style-type: none"> <li>(i) the written statement required under section 125(3) of the Act;</li> <li>(ii) the resources agreed by the Treasury for the Welsh block budget for the financial year covered by the motion;</li> </ul>	<p>No amendment necessary</p>

<ul style="list-style-type: none"> <li>(iii) a reconciliation between the resources allocated to the Welsh block budget by the Treasury and the resources to be authorised for use in the motion;</li> <li>(iv) a reconciliation between the estimated amounts to be paid into the Welsh Consolidated Fund by the Secretary of State and the amounts to be authorised for payment out of the Fund in the motion; and</li> <li>(v) a reconciliation between the resources to be authorised under section 125(1)(a) and (b) of the Act and the amounts to be authorised for payment out of the Welsh Consolidated Fund under section 125(1)(c).</li> </ul>	
<p>27.20 An annual budget motion may only be moved by a Welsh Minister. No amendment to an annual budget motion may be tabled.</p>	<p>No amendment necessary</p>

<p><b>Supplementary Budget Motions</b></p>	
<p>27.21 A Welsh Minister may table a supplementary budget motion under section 126 at any time after the annual budget resolution has been passed.</p>	<p>No amendment necessary</p>

<p>27.22 The information provided in support of a supplementary budget motion must include any variations to that provided in accordance with Standing Order 27.19.</p>	<p>No amendment necessary</p>
<p><u>27.22A If the supplementary budget motion proposes a variation to the budget of the Commission, a member of the Commission must lay an explanatory memorandum stating why it is required.</u></p>	<p><b>Insert new Standing Order</b></p> <p>The Finance Committee examines the draft budgets for the Assembly Commission and the Ombudsman.</p> <p>However, if one of these requests a supplementary budget, the motion for this has to be laid by the Government – and, in turn, the duty to provide supporting information falls on Welsh Ministers. There is currently no duty on the Commission nor the Ombudsman to provide an explanation to the Finance Committee (or publicly) if they need a supplementary budget.</p> <p>Thus, if the Commission requires a supplementary budget motion, it is proposed that there should be a duty on the Commission to lay an explanatory memorandum explaining why. This would then be considered by the responsible committee when they report on the supplementary budget motion under 27.23.</p> <p>The same principle should apply to the Ombudsman (amended 27.26) and the Auditor General and Public Accounts Committee (amended 27.25).</p>
<p>27.23 A supplementary budget motion tabled under Standing Order 27.21 may not be moved until either:</p> <ul style="list-style-type: none"> <li>(i) the <del>Finance Committee</del> <u>responsible committee</u> has reported on the motion; or</li> <li>(ii) if the <del>Finance Committee</del> <u>responsible committee</u></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>These amendments give effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p> <p>NB The Finance Committee has noted in its response that three weeks is sufficient time for it to report on supplementary budget</p>

<p>has not reported on the motion, three weeks have elapsed after it has been tabled.</p>	<p>motions.</p>
<p>27.24 <del>The Finance Committee</del> <u>responsible committee's</u> report may recommend changes to the amounts proposed in the supplementary budget motion provided that the net effect of those variations would not increase or decrease the aggregate amounts of resources or cash proposed in the supplementary budget motion.</p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.</p>
<p>27.25 If the supplementary budget motion proposes a variation to the budget for the Auditor General:</p> <p><u>(i) the Auditor General must provide an explanatory memorandum to the Public Accounts Committee stating why the variation to the budget is required;</u></p> <p><u>(ii) the Public Accounts Committee</u> <del>Audit Committee</del> may report on the proposed variation within three weeks of the supplementary budget motion being tabled. The report may propose any modifications to the proposed variation which the <u>Public Accounts Committee</u> <del>Audit Committee</del>, having consulted and taken into account any representations made by the Auditor General, considers appropriate.</p>	<p><b>Amend this Standing Order</b></p> <p>27.25 (i) - it is proposed that where the supplementary budget motion proposes a variation to the budget for the Auditor General, they must provide an explanation to the Public Accounts Committee so that they may consider it as they report under SO 27.25.</p> <p>This would be in line with the proposals in relation to supplementary budgets requested by the Commission or Ombudsman (new 27.22A and amended 27.26).</p> <p>27.25 (ii) - These are consequential amendments reflecting the agreement to amend Standing Order 13.</p>
<p>27.26 If the supplementary budget motion proposes a variation to the budget for the Ombudsman:</p> <p><u>(i) the Ombudsman must provide an explanatory memorandum to the responsible committee stating why the variation to the budget- is required;</u></p> <p><u>(ii) the Finance Committee</u> <del>responsible committee</del> may lay</p>	<p><b>Amend this Standing Order</b></p> <p>If the supplementary budget motion varies the budget of the Ombudsman, it is proposed that there should be a duty on the Ombudsman to submit an explanation to the responsible committee. This would then be considered by the responsible committee when they report on the supplementary budget motion under 27.26.</p>

<p>before the Assembly a report on the proposed variation within three weeks of the supplementary budget motion being tabled. The report may propose any modifications to the proposed variation which the Finance Committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.</p>	<p>This would be in line with the proposals in relation to supplementary budgets requested by the Commission (new 27.22A) or the Auditor General (amended 27.25).</p>
<p>27.27 A supplementary budget motion may only be moved by a Welsh Minister. <del>Any amendment to such a motion may only be tabled to vary the supplementary budget motion.</del> No amendment may be tabled or moved except by a Welsh Minister.</p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that to simplify this provision, as the restriction is unnecessary.</p>
<p><b>Excess Use of Resources</b></p>	
<p>27.28 Standing Order 27.29 applies if the audited accounts of the Commission, the Auditor General or the Ombudsman for any financial year record an excess of resources used to the amounts authorised or deemed under the Act to be authorised by Assembly budget resolutions.</p>	<p>No amendment necessary</p>
<p>27.29 A Welsh Minister must, if requested to do so by the Commission, the Auditor General or the Ombudsman, table a supplementary budget motion seeking retrospective authorisation for excesses recorded in that person's audited accounts.</p>	<p>No amendment necessary</p>
<p>27.30 A supplementary budget motion tabled under Standing Order 27.29 may not be moved until either:</p> <p>(i) the <del>Audit Committee</del> <u>Public Accounts Committee</u></p>	<p><b>Amend this Standing Order</b></p> <p>This is a consequential amendment reflecting the agreement to amend Standing Order 13.</p>

<p>has reported on the motion; or</p> <p>(ii) if the <del>Audit Committee</del> <u>Public Accounts Committee</u> has not reported on the motion, 6 months have elapsed after it has been tabled.</p>	
<p>27.31 Standing Orders 27.21 to 27.26 do not apply to motions tabled under Standing Order 27.29.</p>	<p>No amendment necessary</p>

<p><b>STANDING ORDER 28 - Public Petitions</b></p>	
<p><b>STANDING ORDER 28 - Public Petitions</b></p>	<p>No amendment necessary</p>
<p><b><u>Committee or Committees</u></b></p>	<p><b>Insert new sub-title</b></p>
<p>28.1 <del>The Assembly must consider, in accordance with the provisions of Standing Orders 28.2 to 28.12, any admissible petition. In proposing the remits of committees under Standing Order 12.2 or 12.3, the Business Committee must ensure that responsibility for the functions in Standing Order 28 is assigned to a committee or committees (referred to within Standing Order 28 as “a responsible committee”).</del></p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>In line with evidence received as part of the public consultation and the Petitions Committee, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 28.1 are undertaken by a committee or committees to be referred to as “a responsible committee”.</p> <p>To ensure that the requirement for the Assembly to consider any</p>



	admissible petition is not lost as a result of this change, a consequential amendment to SO 28.9 is required whereby a responsible committee <u>must</u> take some form of action on a petition.
<b>Form of Petitions</b>	<b>Insert new sub-title for clarity</b>
28.2 A petition must clearly indicate: <ul style="list-style-type: none"> <li>(i) the name of the petitioner, who may be an individual person (other than a Member), a body corporate or an unincorporated association of persons;</li> <li>(ii) an address of the petitioner to which all communications concerning the petition should be sent; and</li> <li>(iii) the names and addresses of any person supporting the petition.</li> </ul>	No amendment necessary
28.3 The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.	No amendment necessary
<b>Admissibility of Petitions</b>	
28.4 A petition is not admissible if it: <ul style="list-style-type: none"> <li>(i) contains fewer than 10 signatures;</li> <li>(ii) fails to comply with Standing Order 28.2 or is</li> </ul>	<b>Amend this Standing Order</b> An internal review of the petitions process conducted by the Petitions Committee has proposed that the change to (v) is made to: <ul style="list-style-type: none"> <li>• manage petitioners expectations</li> </ul>

<p>otherwise not in proper form;</p> <p>(iii) contains language which is offensive;</p> <p>(iv) requests the Assembly to do anything which the Assembly clearly has no power to do; or</p> <p>(v) is the same as, or in substantially similar terms to, a petition which was <u>closed less than a year earlier</u>;</p> <p style="padding-left: 40px;"><del>(a) presented by or on behalf of the same person, body corporate or unincorporated association during the same Assembly; and</del></p>	<ul style="list-style-type: none"> <li>• ensure the best use of a responsible committee's time.</li> </ul> <p>If a petition has been submitted and closed within the past year, accepting another petition which is the same but has a different lead petitioner is unlikely to lead to a vastly different outcome. However, it may raise a petitioner's hopes that a different outcome will be achieved. This may also limit the likelihood of repeat petitions on the same subject being submitted.</p>
<p>28.5 Standing Order 28.4(i) does not apply if the petitioner is a body corporate or an unincorporated association of persons.</p>	<p>No amendment necessary</p>
<p>28.6 The Presiding Officer must consider and decide in a case of dispute whether a petition is admissible and must notify the petitioner, as soon as is reasonably practicable, of his or her decision and the reasons for it.</p>	<p>No amendment necessary</p>
<p>28.7 The Presiding Officer must publish a register of decisions made under Standing Order 28.6.</p>	<p>No amendment necessary</p>
<p><b>Action on a Petition</b></p>	
<p>28.8 If a petition is admissible, the Presiding Officer must refer that</p>	<p><b>Amend this Standing Order</b></p>

<p>petition to the relevant Assembly committee (<del>“the committee”</del>) <u>a responsible committee.</u></p>	<p>Insert “a responsible committee” - consequential amendment if SO 28.1 is agreed: remove reference to specific committee and refer to the functions of a responsible committee, in line with the proposed approach. This would ensure that there is a requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Petitions Committee.</p>
<p>28.9 The <u>responsible</u> committee <del>may</del> <u>must</u>:</p> <ul style="list-style-type: none"> <li>(i) refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;</li> <li>(ii) report to the Assembly; or</li> <li>(iii) take any other action which the committee considers appropriate.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>To ensure that the requirement for the Assembly to consider any admissible petition is not lost as a result of the proposed change to SO 28.1, a consequential amendment to SO 28.9 is required whereby the responsible committee to which the petition has been referred <u>must</u> take some form of action on a petition.</p>
<p>28.10 The <u>responsible</u> committee must notify the petitioner of any action taken under Standing Order 28.9.</p>	<p><b>Amend this Standing Order</b></p> <p>Insert “the responsible committee” - consequential amendment if SO 28.1 is agreed: remove reference to specific committee and refer to the functions of a responsible committee, in line with the proposed approach. This would ensure that there is a requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Petitions Committee.</p>
<p><b>Closing Petitions</b></p>	
<p>28.11 The <u>responsible</u> committee may close a petition at any time.</p>	<p><b>Amend this Standing Order</b> As above</p>
<p>28.12 When the <u>responsible</u> committee closes a petition, it must</p>	<p><b>Amend this Standing Order</b></p>

notify the petitioner that the petition is closed and of the reasons for closing it.	As above
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<b>STANDING ORDER 29 - Laying and Tabling Procedures</b>	
<p>29.1 The following documents or categories of document may be laid before the Assembly:</p> <ul style="list-style-type: none"> <li>(i) a document specified in any enactment as one which must or may be laid before the Assembly or a document which falls within the terms of section 86 of, or paragraphs 36 or 37 of Schedule 11 to, the Act;</li> <li>(ii) legislation or proposed or draft legislation required to be laid under Standing Orders 22, 23, 24 or 25;</li> <li>(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;</li> <li><del>(iv) any report specified in Standing Orders 7.61 and 7.62 other than any to which paragraph (v) below applies;</del></li> <li><u>(iv)</u> any other document specified elsewhere in</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>29.1(iii) and (iv) – there are consequential changes as a result of amendments to Standing Orders 7.61 and 7.62.</p>

<p>Standing Orders which is required to be laid in accordance with the specific requirements in a Standing Order; and</p> <p>(vi) any other document, or category of document, that the Assembly, by resolution in plenary, requires should be laid.</p>	
<p>29.2 A member of the government <u>or Presiding Officer</u> may lay other appropriate documents</p>	<p><b>Amend this Standing Order</b></p> <p>This enables the Presiding Officer to lay appropriate documents as well.</p>
<p>29.3 Where any document is laid, or any motion, amendment, question or other business is tabled under Standing Order 29 or any other Standing Order, it must be laid or tabled in compliance with written guidance issued by the Presiding Officer, <u>in accordance with Standing Order 2.17</u>.</p>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that there should be a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business, which would require that the Presiding Officer must consult the Business Committee before issuing the guidance rather than the current mixed system where some guidance requires the endorsement of the Assembly and some not.</p>
<p>29.4 Any document laid or business tabled by the Presiding Officer, the Commission, the government, any committee or the Clerk, must be laid or tabled in both English and Welsh, so far as is appropriate in the circumstances and reasonably practicable.</p>	<p>No amendment necessary</p>
<p>29.5 The receipt, by the <u>Clerk Table Office</u>, of any document or business on a working day during <del>its agreed office hours</del> <u>agreed by the Business Committee (including receipt by electronic means)</u> constitutes (as the case may be) the laying</p>	<p><b>Amend this Standing Order</b></p> <p>These changes would not effect any change to the current tabling practice, they are mainly style / presentational changes.</p>

<p>of the document or the tabling of the business.</p>	<p>Any references to “Table Office” in Standing Orders will be replaced with “Clerk” to achieve a consistent approach throughout. In practice, the Table Office will still be responsible for receiving documents to be laid or business to be tabled. Any guidance to Members would make it clear that they should be sent to the “Table Office” and that it can be submitted by electronic means or in hard copy.</p> <p>This would also apply to Standing Order 23.71, in relation to legislative amendments. Amendments are tabled to Legislation Office, therefore the current reference to “Table Office” in SO23.71 does not reflect our practice.</p>
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<b>STANDING ORDER 30 - Reports of Proceedings</b>	
<p><del>Minutes of Proceedings</del></p>	<p><b>Delete this Title</b></p>
<p><del>30.1 — As soon as reasonably practicable after each plenary meeting, the minutes of the proceedings must be published in English and Welsh.</del></p>	<p><b>Delete this Standing Order</b></p> <p>It is proposed that this is replaced by Standing Order 30.1A.</p>
<p><del>30.2 — As soon as reasonably practicable after each public committee or sub-committee meeting, the minutes of the proceedings must be published in English and Welsh.</del></p>	<p><b>Delete this Standing Order</b></p> <p>It is proposed that this is replaced by Standing Order 30.1A.</p>
<p><del>Verbatim Record of Plenary Meetings</del></p>	
<p><del>30.3 — As soon as reasonably practicable after each plenary meeting,</del></p>	<p><b>Delete this Standing Order</b></p>

<p>an edited verbatim record of proceedings must be published in English and Welsh.</p>	<p>It is proposed that this is replaced by 30.1A.</p>
<p><b>Verbatim Record of Committee and Sub-committee Meetings</b></p>	<p><b>Delete this Title</b></p>
<p><del>30.4 — As soon as reasonably practicable after each public committee or sub-committee meeting, an edited verbatim record of proceedings must be published in the language spoken in the committee, which must include an edited record of any simultaneous translation.</del></p>	<p><b>Delete this Standing Order</b></p> <p>It is proposed that this is replaced by 30.1A.</p>
<p><u>30.1A The Commission must make arrangements, in accordance with the requirements of section 31(6) of the Act where applicable, for:</u></p> <ul style="list-style-type: none"> <li><u>(i) recording the decisions of the Assembly, including the decisions of committees and sub-committees;</u></li> <li><u>(ii) reporting Assembly proceedings, including those proceedings of committees and sub-committees which are held in public; and</u></li> <li><u>(iii) publishing that record of decisions and report of proceedings.</u></li> </ul>	<p><b>Insert new Standing Order</b></p> <p>This would replace the current standing orders in Standing Order 30 and is based on the requirement in section 31(6) of the Government of Wales Act.</p> <p>30.1A(i) - this requires the Commission to make arrangements to record the decisions of the Assembly and its committees – these are effectively minutes of meetings. This provision is required in addition to reporting proceedings, to ensure that decisions taken both in public and in private are recorded and published.</p> <p>30.1A(ii) – this requires all public proceedings of the Assembly to be reported. The arrangements would be determined by the Commission.</p> <p>30.1A(iii) – this requires the Commission to make arrangements for publishing the record of decisions and report. In accordance with section 31(6)(b) of the Act, these would have to be published as soon as reasonably practicable after the proceedings take place.</p>

<b>Standing Order 31B - Recording of Members' Time Involved in Registrable Activities</b>	
<b><u>STANDING ORDER 31B – Recording Time Involved in Registrable Activities</u></b>	<p><b>Add new Standing Order</b> Insert new title to reflect content of the new Standing Order.</p> <p>New Standing Order 31B would require Members to provide notification of the estimated time involved in registrable activities within broad time bands. Standing Order 31B would also specify what information must be contained in the notification, the deadlines within which it must be provided and how this information would be published.</p> <p>The proposed Standing Order meets:</p> <ul style="list-style-type: none"> <li>• recommendation 15 of the Independent Panel’s report, <a href="#">Getting it Right for Wales</a>, which states that “in addition to recording information on other employment on the Register of Interests, Assembly Members should also be required to detail the time involved in this additional employment”.</li> <li>• the recommendation made by the Committee on Standards of Conduct in its response to the Review of Standing Orders that a new, stand-alone Standing Order should be drafted instead of extending the coverage of Standing Order 31.</li> </ul> <p>This proposal ensures that no Member would be unwittingly guilty of committing a criminal offence should they fail to record their time involved in registrable activities correctly.</p>
<b><u>General</u></b>	<b>Insert new sub-title</b>
<b><u>31B.1 Where a Member is required to register an interest, in</u></b>	<b>Add new Standing Order</b>



<p><u>accordance with Standing Order 31.2, that Member must at the same time, where that interest is also a registrable activity, make a notification under Standing Order 31B.</u></p>	<p>This would require Members to provide notification of the estimated time involved in a registrable activity at the same time that they register the interest in accordance with Standing Order 31.2.</p>
<p><u>31B.2 For the purposes of Standing Order 31B, a “registrable activity” is a registrable interest which falls within either:</u>  <u>(i) sub-paragraph (i) of paragraph 5 of the Annex to Standing Order 31 (remunerated directorships);</u>  <u>or</u>  <u>(ii) sub-paragraph (ii) of that paragraph (employments, offices, trades, professions or vocations).</u>  <u>and relates to the Member himself or herself (rather than to a partner or dependent child of the Member).</u></p>	<p><b>Add new Standing Order</b>  Members would be required to record the estimate of time involved in a “registrable activity” which is defined here. It would be any activity a Member has registered on the Register of Interest, in accordance with Standing Order 31.2, under paragraph 5(i) or 5(ii) of the Annex to Standing Order 31.</p> <p>In both cases, the requirement to record time involved in these activities relates to the Member himself or herself (rather than to a partner or dependent child of the Member).</p>
<p><b>Notification</b></p>	<p><b>Insert sub-heading</b></p>
<p><u>31B.3 Notification is to be by reference to the following bands:</u>  <u>Band 1: Less than 5 hours per week;</u>  <u>Band 2: Between 5 and 20 hours per week;</u>  <u>Band 3: More than 20 hours per week.</u></p>	<p><b>Add new Standing Order</b>  It is proposed that there are three bands into which Members must register their estimated registrable activity.</p>
<p><u>31B.4 Notification must state into which of those bands the average number of hours which the Member devotes (or expects to devote) to each registrable activity each week will fall.</u></p>	<p><b>Add new Standing Order</b></p> <p>Self-explanatory.</p> <p>When completing the necessary notification form (SO 31B.6) Members could, at their discretion, annotate precise information on the exact time spent undertaking the registrable activity within a</p>

	specific band (e.g if a Member writes a column for a quarterly publication – falling under Band 1 – but wishes to note that only two hours is spent every three months on this registrable activity, space could be provided for this).
<u>31B.5 If (whether as a result of a change of circumstances or for any other reason) the notification which a Member has given in relation to a registrable activity is no longer correct, the Member must, within four weeks, make a further notification under Standing Order 31B.</u>	<b>Add new Standing Order</b> Members would be under a continuing duty to ensure that the record of the notifications of estimated time made by Members (a requirement under Standing Order 31.B7) contains the correct information. If a Member’s notification of a registrable activity is no longer correct, the Member is required to make a further notification of estimated time under this new Standing Order within four weeks. This would be done by submitting the form in accordance with SO 31B.6.
<u>31B.6 Notification must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.</u>	<b>Add new Standing Order</b> Self-explanatory.  Reference to delivering the form to “the Clerk” in this Standing Order is consistent with proposed wording in other Standing Orders where business is to be tabled, documents are to be laid, or forms are required to be submitted. In practice, the Table Office will still be responsible for receiving forms relating to registrable interests and activities. Any guidance to Members would make it clear that they should be submitted to the Table Office.
<b><u>Publication</u></b>	<b>Insert sub-heading</b>
<u>31B.7 The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 31B and</u>	<b>Add new Standing Order</b> This requires that a record of notifications made under Standing

<p><u>must publish the record and make a copy available for inspection by Members and by the public.</u></p>	<p>Order 31B be maintained and published. This reflects arrangements elsewhere in Standing Orders for the publication of documents relating to, for example, the Register of Interests, the record of notification made relating to the recording of the employment of family members and the recording of membership of societies.</p>
<p><b>Form of notification and record</b></p>	<p><b>Insert sub-heading</b></p>
<p><u>31B.8 The form prescribed by the Presiding Officer under Standing Order 31B.6 may be combined with the form prescribed by the Presiding Officer under Standing Order 31.2.</u></p>	<p><b>Add new Standing Order</b>  For simplicity, this would allow the Presiding Officer to combine the form for notification of estimated time involved in registrable activities with the form prescribed under Standing Order 31.2 for the registration of interests. This would allow Members to register interests and give notification of the estimated time involved in a registrable activity at the same time.</p>
<p><u>31B.9 The record of notifications maintained by the Presiding Officer under Standing Order 31B.7 may be combined with the Register of Interests maintained by the Presiding Officer under Standing Order 31.1.</u></p>	<p><b>Add new Standing Order</b>  Self-explanatory. This would mean that any Member or the general public could inspect both the records of notifications and the Register of Interest via the same source.</p>

<b>STANDING ORDER 33A – Appointments</b>	
<b><u>STANDING ORDER 33A – Appointments etc. to Public Office</u></b>	<p><b>Insert new Standing Order 33A</b></p> <p>It is proposed that there should be one Standing Order to set out a consistent procedure for appointments of external offices (and their removal) which are not otherwise covered by Standing Orders. The Standing Order would be subject to any statutory conditions, such as any requirement relating to the majority by which a resolution must be passed.</p>
<b><u>Application</u></b>	<p><b>Insert new subtitle</b></p>
<p><b><u>33A.1 Standing Order 33A applies (subject to Standing Order 33A.2) in relation to a public office if appointment to that office is required, by or under any enactment, to be made:</u></b></p> <p><b><u>(i) by the Assembly, or</u></b></p> <p><b><u>(ii) on the nomination or recommendation of the Assembly, or</u></b></p> <p><b><u>(iii) with the approval of the Assembly.</u></b></p>	<p><b>Insert new Standing Order</b></p> <p>This provides for which public appointments would be covered by this new Standing Order. It applies to any appointments which the Assembly is required to under any Assembly Measure or Act of Parliament. It also clarifies that this would apply to all regardless of whether the Assembly’s duty is to make the appointment, or to make a nomination or recommendation to another person who is responsible for making the appointment, or to approve an appointment.</p> <p>Currently this would apply to the Standards Commissioner, the Auditor General for Wales, the auditor of the accounts of the Auditor General and the Public Service Ombudsman.</p>

<p><u>33A.2 Standing Order 33A does not apply to an office if provision for appointment to that office is made elsewhere in the Standing Orders.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This provides that this Standing Order would not apply where they are already covered elsewhere in the Standing Orders i.e. it would not apply to the appointment of: the Presiding Officer and Deputy; the First Minister; Counsel General; and Trustees to the National Assembly for Wales Members' Pension Scheme.</p>
<p><u>33A.3 An office to which Standing Order 33A applies is referred to as a "relevant office".</u></p>	<p><b>Insert new Standing Order</b></p> <p>Self-explanatory.</p>
<p><u>33A.4 Standing Order 33A takes effect subject to any statutory requirements relating to the appointment.</u></p>	<p><b>Insert new Standing Order</b></p> <p>The Measure or Act which confers the duty to make an appointment on the Assembly, may provide that the appointment or removal from office is subject to certain requirements. For example, the Assembly may only recommend that the Auditor General is removed from office if the resolution is passed by 40 out of the 60 Assembly Members (Schedule 8 of GoWA).</p> <p>This makes it clear that the processes set out in the Standing Order would be subject to these types of requirements.</p>
<p><b><u>Method of appointment</u></b></p>	<p><b>Insert new subtitle</b></p>
<p><u>33A.5 Appointment to a relevant office (or a nomination or recommendation for, or approval of, appointment to a relevant office) is to be made by resolution of the Assembly.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Self-explanatory.</p>
<p><b><u>Committee consideration</u></b></p>	
<p><u>33A.6 A committee whose remit relates to the functions of a relevant</u></p>	<p><b>Insert new Standing Order</b></p>

<p><u>office may meet to take evidence from a candidate for appointment to that office in order to consider whether the committee supports the appointment of that candidate.</u></p>	<p>This would enable Committees to hold a pre-appointment hearing, prior to the Assembly being formally asked to make the appointment. This would offer open and transparent scrutiny of the candidate and make an important contribution to the process and offer the Assembly additional confidence in the preferred candidate.</p>
<p><b><u>Removal from Office</u></b></p>	<p><b>Insert new subtitle</b></p>
<p><u>33A.7 Where the Assembly may, under any enactment, remove from office the holder of a relevant office, that removal from office is (subject to any conditions imposed by that enactment) to be made by resolution of the Assembly.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This provides that the Assembly may also remove a person from office by resolution, subject to any statutory requirements.</p>
<p><u>33A.8 If a motion to remove from office the holder of a relevant office is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Any Member could table a motion to remove a person from office. It would be a matter for Business Committee to decide whether to allocate time for that motion to be debated in Plenary.</p> <p>However, this Standing Order provides that if at least six Members table a motion, the Business Committee would have to make time available for it to be debated within five working days. This is the same approach as applies to any motion to remove from office the Presiding Officer or Deputy or a motion of no-confidence in Welsh Ministers (SO 7.42 and 7.43).</p>
<p><b><u>No amendments to motions</u></b></p>	<p><b>Insert new subtitle</b></p>
<p><u>33A.9 No amendments may be tabled to motions under Standing Orders 33A.5 and 33A.8.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Self-explanatory.</p>

## Annex 3 – Standing Order Conversion Table

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Old Standing Order	New Standing Order
1. Members	1. Members
1. Members: Annex	1. Members: Annex
2. Presiding Officer and Deputy	6. Presiding Officer and Deputy
3. The Assembly Commission	7. The Assembly Commission
4. Welsh Ministers and Deputy Welsh Ministers	8. Welsh Ministers and Deputy Welsh Ministers
5. Counsel General to the Welsh Assembly Government	9. Counsel General to the Welsh Assembly Government
6. Organisation of Business	11. Organisation of Business
7. Business in Plenary Meetings	12. Business in Plenary Meetings
8. Order in Plenary Meetings	13. Order in Plenary Meetings
9. Written Questions, Written Statements, and Statements of Opinion	14. Written Questions, Written Statements, and Statements of Opinion
10. Committees	17. Operation of Committees
11. Business Committee	Merged into SO 11: Organisation of Business
12. Scrutiny Committees	16. Establishment and Remit of Committees
13. Audit Committee	18. Public Accounts Committee
14. Finance Committee	19. Finance
15. Constitutional Affairs Committee	21. Constitutional and Legislative Affairs
16. Committee on Standards of Conduct	22. Standards of Conduct
17. Equality of Opportunity Committee	N/A

18. Committee on European and External Affairs	N/A
19. Committee for the Scrutiny of the First Minister	N/A
20. Regional Committees	N/A
21. Other Committees	Merged into SO 16: Establishment and Remit of Committees
21A. Definition of Member in charge of Legislation	24. Definition of Member in charge of Legislation
22. Legislative Competence Orders	25. Legislative Competence Orders
23. Assembly Measures	26. Assembly Measures
24. Subordinate Legislation (Other than Subordinate Legislation subject to Special Assembly Procedure)	27. Subordinate Legislation (Other than Subordinate Legislation subject to Special Assembly Procedure)
25. Special Assembly Procedure	28. Special Assembly Procedure
26. Consent in Relation to UK Parliament Bills	29. Consent in Relation to UK Parliament Bills
26A. Notification in Relation to UK Parliament Bills	30. Notification in Relation to UK Parliament Bills
27. Finance Procedures	20. Finance Procedures
28. Public Petitions	23. Public Petitions
29. Laying and Tabling Procedures	15. Laying and Tabling Procedures
30. Reports of Proceedings	31. Reports of Proceedings
31. Financial and Other Interests of Members	2. Financial and Other Interests of Members
31. Financial and Other Interests of Members: Annex	2. Financial and Other Interests of Members: Annex
31A. Recording of the Employment of Family members with the Support of Commission Funds	3. Recording of the Employment of Family members with the Support of Commission Funds



31B. Recording Time involved in Registrable Activities	4. Recording Time involved in Registrable Activities
32. Recording of Membership of Societies	5. Recording of Membership of Societies
33. Commissioner for Standards	N/A
33A. Appointment etc. to Public Office	10. Appointment etc. to Public Office
34. Conduct of the Public	32. Conduct of the Public
35. Remaking, Revision and Suspension of Standing Orders	33. Remaking, Revision and Suspension of Standing Orders

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## INTERPRETATION

In these Standing Orders:

**“the Act”** means the Government of Wales Act 2006;

**“an Assembly”** means the period from an Assembly election to dissolution;

**“Assembly election”** means a general election held under the Act;

**“Assembly proceedings”** means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee;

**“Assembly year”** means the period from 1 May in one year to 30 April in the following year;

**“Auditor General”** means the Auditor General for Wales appointed under paragraph 1 of Schedule 8 to the Act;

**“Clerk”** means the Clerk of the Assembly appointed under section 26(1) of the Act;

**“the Commission”** means the Assembly Commission as defined in section 27 of the Act;

**“Counsel General”** means the Counsel General to the government appointed under section 49 of the Act;

**“Deputy”** means the Deputy Presiding Officer elected under section 25(1)(b) of the Act;

**“Deputy Welsh Minister”** means a Member appointed under section 50(1) of the Act;

**“First Minister”** means the Member appointed under section 46(1) of the Act;

**“government”** means Welsh Assembly Government, as defined in section 45(1) of the Act;

**“laid”** means laid in accordance with Standing Order 15;

**“legislative competence order”** means an Order in Council under section 95 of the Act;

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

**“member of the government”** means the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister;

**“non-sitting week”** means a week in which the Assembly does not sit in plenary;

**“Ombudsman”** means the Public Services Ombudsman for Wales appointed under the Public Services Ombudsman (Wales) Act 2005;

**“published”** means publication on the Assembly website as a minimum requirement;

**“sitting week”** means a week in which the Assembly sits in plenary;

**“subordinate legislation”** means an Order in Council, order, rule, regulation, scheme, warrant, bye-law and other instrument made or to be made under any Act of the UK Parliament or Assembly Measure, or made or to be made under subordinate legislation;

**“the Supreme Court”** means the Supreme Court of the United Kingdom established under section 23(1) of the Constitutional Reform Act 2005;

**“Welsh Minister”** means any Member appointed as a Welsh Minister under section 48(1) of the Act;

**“the Welsh Ministers”** is to be construed in accordance with section 45(2) of the 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.

### **Transitional arrangements**

At any time after the coming into force of the Assembly Act provisions (contained in Part 4 of the Act) and until the coming into force of revisions to these Standing Orders consequential on that event:

- (i) references in these Standing Orders to Measures and Proposed Measures are to be interpreted as including references to Acts of the Assembly and Bills for Acts;



- (ii) the reference in Standing Order 26.75 to the approval of an Assembly Measure by Her Majesty in Council is to be interpreted as a reference to Royal Assent to a Bill; and
- (iii) references in these Standing Orders to sections 99, 100 and 101 of the Act are to be interpreted as including, in relation to Bills for Acts, references to sections 112, 113 and 114, respectively.

## **STANDING ORDER 1 – Members**

### **Oath or Affirmation of Allegiance**

- 1.1 When the oath of allegiance is taken, or the corresponding affirmation made, under section 23 of the Act, it must be taken or made before the Clerk, in public or in private.
- 1.2 When a member of the government takes:
- (i) the official oath, or makes the corresponding affirmation;
  - (ii) the oath of allegiance, or makes the corresponding affirmation,

under section 55 of the Act, he or she must, within one working day, notify the Clerk in writing that he or she has done so.

### **Political Groups**

- 1.3 For the purposes of the Act, a political group is:
- (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or
  - (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of their wish to be regarded as a political group.
- 1.4 The Presiding Officer must decide any question as to whether any Member belongs to a political group or as to which political group he or she belongs.

### **Remuneration**

- 1.5 The Commission must, from time to time, determine the amount of the reduction in the salary of a Member required by section 21 of the Act.
- 1.6 The Commission must lay before the Assembly and publish any determination made under Standing Order 1.5 as soon as reasonably practicable after it has been made.

- 1.7 The Assembly must, on a motion proposed by the Commission, elect Trustees to the National Assembly for Wales Members' Pension Scheme in accordance with the Scheme Rules.

### **Resignations and Vacancies**

- 1.8 A Member may resign his or her seat in the Assembly by giving notice in writing to the Presiding Officer.
- 1.9 For the purposes of section 10 of the Act, a vacancy occurs when the Presiding Officer receives a notice of resignation in accordance with Standing Order 1.8, or otherwise when the Presiding Officer declares that the seat has become vacant.

### **Different Roles and Responsibilities of Constituency Members and Regional Members**

- 1.10 The Assembly must make a code or protocol, to be drafted by the committee responsible for the functions specified in Standing Order 22, in accordance with section 36(6) of the Act, about the different roles and responsibilities of constituency Members and regional Members. The code or protocol must include provision in line with the following five key principles and the Annex to Standing Order 1:
- (i) all Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously;
  - (ii) in approaching the Member of their choice, the wishes of constituents and/or the interests of a constituency or locality are of paramount importance;
  - (iii) all Members have equal status;
  - (iv) Members should not misrepresent the basis on which they are elected nor the area they serve; and
  - (v) no Member should deal with a constituency case or constituency issue that is not within his or her constituency or region (as the case may be), unless by prior agreement.

## **STANDING ORDER 1 – Members: Annex**

### **Provision to be included in the code or protocol prepared under Standing Order 1.10 and in accordance with section 36(6) of the Act**

#### **Describing Members**

1. Provision for regional and constituency Members to describe themselves accurately and for requirements regarding the use of Assembly resources, for example, stationery.

#### **Dealing with Constituency/Regional Issues**

2. Provision for Members to be able to take up a matter affecting the constituency or region for which they were elected whilst ensuring that courtesy is shown on matters affecting more than one constituency.

#### **Individual Constituents' Cases**

3. Provision to protect the right of a constituent to approach his or her constituency Member, and/or any of the four regional Members elected in his or her region.

#### **Raising Matters with a Member of the Government**

4. Provision to ensure that any Member is entitled to raise with the relevant member of the government a matter on behalf of a constituent in the area (constituency or region) for which they were elected.

#### **Members Operating in their Areas**

5. Provision reflecting the expectation that Members will work throughout the area (constituency or region) for which they were elected.

#### **School Visits**

6. Provision for notifying Members about official school visits to the Assembly organised by the Commission.

#### **Telephone Enquiries**

7. Provision to guide the way in which telephone enquiries from members of the public to the Assembly's switchboard, seeking to contact a Member, are dealt with.

### **Members' Staff**

8. Provision that Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.10 and any code or protocol drawn up as a result of it.

### **Enforcement**

9. Provision for any complaint against a Member in respect of the code or protocol to be referred to the committee responsible for the functions specified in Standing Order 22.

## **STANDING ORDER 2 – Financial and Other Interests of Members**

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

- 2.1 The Presiding Officer must maintain and publish a Register of Interests of Members and copies must be available for inspection by Members and by the public.
- 2.2 The interests set out in the Annex to Standing Order 2 must be registered in the Register of Interests by completion of a form prescribed by the Presiding Officer.
- 2.3 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, setting out all the particulars of the interests required to be registered by Standing Order 2; and must sign the form and deliver it to the Clerk.
- 2.4 Within four weeks of any change occurring, a Member must notify the Presiding Officer of the change in his or her registered interests by completing the form prescribed by the Presiding Officer and must sign the form and deliver it to the Clerk.
- 2.5 A Member may deliver the form referred to in Standing Order 2.3 or 2.4 by taking it to the Clerk or arranging for another person to do so or by post, but the form is not to be regarded as having been delivered until it is received by the Clerk.

### **Declaration of Interests before Taking Part in Any Assembly Proceedings**

- 2.6 In the circumstances specified in Standing Order 2, before taking part in any Assembly proceedings, a Member must 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.
- 2.7 An oral declaration under Standing Order 2.6 must be made in relation to any interest which is specified in paragraph 5 of the Annex to Standing Order 2 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.

## **Lobbying for Reward or Consideration**

- 2.8 A Member must not advocate or initiate any cause or matter on behalf of any body or individual in any Assembly proceedings, 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**

- 2.9 Where a Member is required under Standing Order 2.6 to declare an interest in a matter before taking part in any Assembly proceedings, that Member must not vote on any proposal relating to that matter in those proceedings. Standing Order 2.9 does not apply in relation to the exercise of a casting vote under Standing Order 6.20.

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

- 2.10 After consideration of any report put before it by the committee responsible for the functions specified in Standing Order 22 relating to a Member's compliance with Standing Order 2, the Assembly may, on a motion proposed by the chair of the committee responsible for the functions specified in Standing Order 22, resolve to exclude that Member from any Assembly proceedings for a period specified in the motion.
- 2.11 During the period of a Member's exclusion, he or she is not entitled to receive any salary from the Assembly and is not permitted to attend any Assembly proceedings.

## **Agreements for the Provision of Services**

- 2.12 Any Member who has, or who proposes to enter into, an agreement involving the provision of services in the Member's capacity as a Member must ensure that the agreement:
- (i) is not in breach of Standing Order 2.8;
  - (ii) is in writing;
  - (iii) indicates the nature of the services to be provided; and
  - (iv) specifies the payment or benefit to be received.

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



## **STANDING ORDER 2 – Financial and Other Interests of Members: Annex**

**The interests which are to be registered in the Register of Interests of Members and which for the purposes of Standing Order 2.6 are to be declared before taking part in any Assembly proceedings.**

### **General**

1. 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.
2. Any remunerated activity in the areas of public relations and political advice and consultancy relating to the functions of the Assembly must be included in that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any Assembly proceedings, sponsoring of functions in the Assembly buildings, and making representations to the government, or any member of that government or of its staff.
3. 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.
4. For the purposes of the registration and declaration of interests under Standing Order 2 specified in this Annex:
  - (i) a Member's partner means a spouse, civil partner 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;
    - (b) a step-child of the Member by marriage or by civil partnership;
    - (c) a child legally adopted by the Member;

- (d) a child whom the Member intends legally to adopt; or
- (e) a child who, for at least the previous six calendar months, has been financially supported by the Member.

### **The Registrable Interests**

5. 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 over the age of sixteen, is remunerated, or in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, 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 over the age of sixteen, 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 provided by the Assembly or by Parliament or by 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 market 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 out of funds provided by

the Assembly.

### **STANDING ORDER 3 – Recording of the Employment of Family Members with the Support of Commission Funds.**

**[Note: a requirement for notification under Standing Order 3 is in addition to any requirement to register the employment of a Member’s partner or dependent child under Standing Order 2. Where Standing Order 2 requires a Member to register the employment of a spouse or dependent child under that Standing Order, the Member must do that in addition to any notification required under Standing Order 3.]**

3.1 A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 3.4, make a notification under Standing Order 3.

3.2 In Standing Order 3:

- (i) “family member” means:
  - (a) a partner of a Member;
  - (b) a child or grand-child of a Member;
  - (c) a parent or grand-parent of a Member;
  - (d) a brother or sister of a Member;
  - (e) a nephew or niece of a Member; or
  - (f) an uncle or aunt of a Member;
- (ii) “partner” means a spouse, civil partner 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;
- (iii) the expressions “child”, “grand-child”, “parent”, “grand-parent”, “brother”, “sister”, “uncle” and “aunt” apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;

- (iv) "Commission funds" means amounts paid by the Commission by way of allowances under sections 20, 21 or 53 of the Act.

3.3 The notification required by Standing Order 3 must include the following information:

- (i) the Member's name;
- (ii) if the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- (iii) the full name of the employee;
- (iv) the relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- (v) the capacity in which the employee is employed, including any job title;
- (vi) the date on which the employment commenced;
- (vii) if the employment has ceased, the date on which it ceased; and
- (viii) the hours which the employee is contracted to work each week.

3.4 Notification must be made:

- (i) within eight weeks of the date on which the Member takes the oath or affirmation of allegiance; or
- (ii) within four weeks of:
  - (a) the first occasion on which the family member receives a payment with the support of Commission funds;
  - (b) the date on which the employee becomes a family member of that Member or of another Member; or
  - (c) the date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member,

whichever is the later.

- 3.5 If:
- (i) notification has been given under Standing Order 3; and
  - (ii) there has been any change to the information which was included in that notification,

the Member must, within four weeks of the date on which that change took place, make notification of that change.

- 3.6 Notification under SO 3.1 or under SO 3.5 must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.
- 3.7 The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 3 and must publish the record and make a copy available for inspection by Members and by the public.
- 3.8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Order 3.1 or 3.5.

## **STANDING ORDER 4 – Recording Time Involved in Registrable Activities**

### **General**

- 4.1 Where a Member is required to register an interest, in accordance with Standing Order 2.2, that Member must at the same time, where that interest is also a registrable activity, make a notification under Standing Order 4.
- 4.2 For the purposes of Standing Order 4, a “registrable activity” is a registrable interest which falls within either:
- (i) sub-paragraph (i) of paragraph 5 of the Annex to Standing Order 2 (remunerated directorships); or
  - (ii) sub-paragraph (ii) of that paragraph (employments, offices, trades, professions or vocations),

and relates to the Member himself or herself (rather than to a partner or dependent child of the Member).

### **Notification**

- 4.3 Notification is to be by reference to the following bands:
- Band 1: Less than 5 hours per week;
- Band 2: Between 5 and 20 hours per week;
- Band 3: More than 20 hours per week.
- 4.4 Notification must state into which of those bands the average number of hours which the Member devotes (or expects to devote) to each registrable activity each week will fall.
- 4.5 If (whether as a result of a change of circumstances or for any other reason) the notification which a Member has given in relation to a registrable activity is no longer correct, the Member must, within four weeks, make a further notification under Standing Order 4.
- 4.6 Notification must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.

### **Publication**

- 4.7 The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 4 and must publish the record and make a copy available for inspection by Members and by the public.



### **Form of Notification and Record**

- 4.8 The form prescribed by the Presiding Officer under Standing Order 4.6 may be combined with the form prescribed by the Presiding Officer under Standing Order 2.2.
- 4.9 The record of notifications maintained by the Presiding Officer under Standing Order 4.7 may be combined with the Register of Interests maintained by the Presiding Officer under Standing Order 2.1.

## **STANDING ORDER 5 – Recording of Membership of Societies**

- 5.1 A notification must be made by any Member of any membership, or position of general control or management, of a private society or a private club which has entry requirements for membership.
- 5.2 For the purposes of Standing Order 5.1, "entry requirements for membership" does not include:
  - (i) the requirement to pay a subscription; or
  - (ii) 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).
- 5.3 The Presiding Officer must maintain and publish a record of the notifications by Members of the matters set out in Standing Order 5.1 and copies must be available for inspection by Members and by the public.
- 5.4 Notifications must be made by completion of a form prescribed by the Presiding Officer.
- 5.5 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, and must sign the form and deliver it to the Clerk.
- 5.6 Within four weeks of membership or change to membership occurring, a Member must notify the Presiding Officer by completion of the prescribed form; and must sign the form and deliver it to the Clerk.
- 5.7 The form referred to in Standing Order 5.5 or 5.6 is not to be regarded as having been delivered until it is received by the Clerk.
- 5.8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Order 5.5 or 5.6.

## **STANDING ORDER 6 – Presiding Officer and Deputy**

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

- 6.1 At its first meeting after an Assembly election, the Assembly must elect from its Members a Presiding Officer and a Deputy.
- 6.2 If the office of the Presiding Officer or that of the Deputy becomes vacant, the Assembly must, as soon as possible, elect a Member to fill the vacancy. The election of a Presiding Officer takes precedence over all other business.
- 6.3 Subject to Standing Order 6.4, the proceedings for the election of a Presiding Officer at the first meeting after an Assembly election are to be chaired by the Presiding Officer who held office immediately before the Assembly election (“the former Presiding Officer”).
- 6.4 If:
- (i) at the first meeting after an Assembly election the former Presiding Officer is unwilling or unable to act; or
  - (ii) at any election of a Presiding Officer at any other time the Deputy is unwilling or unable to act, or there is no Deputy in office,
- the proceedings for the election of a Presiding Officer are to be chaired by the Clerk.
- 6.5 No Member who chairs proceedings for the election of a Presiding Officer may be nominated for election as Presiding Officer in those proceedings.
- 6.6 At the election of a Presiding Officer or a Deputy, the chair must invite nominations. A nomination is, in the first instance, valid only if seconded by a Member who is not a member of the political group to which the nominating Member belongs.
- 6.7 If it appears that no Member is likely to be nominated and seconded by members of different political groups, the chair must adjourn the proceedings and may, on their resumption, accept nominations which are seconded by members of the same political group as the nominating Member.
- 6.8 If there is only one nomination, the chair must 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 must make arrangements for the election to take place by secret ballot.

- 6.9 If two Members have been nominated, the chair must declare elected the Member who has secured the greater number of votes cast in the ballot.
- 6.10 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 is excluded and further secret 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 secret ballot must take place.
- 6.11 The Member elected as Presiding Officer must immediately take the oath or make an affirmation if he or she has not already done so, and then take the chair.
- 6.12 The Assembly must not elect a Presiding Officer and a Deputy who belong to:
- (i) the same political group;
  - (ii) different political groups both of which have an executive role; or
  - (iii) different political groups neither of which has an executive role.
- 6.13 Standing Order 6.12 may be disapplied by a resolution of the Assembly (provided that, if the motion for the resolution is passed on a vote, it has no effect unless at least two-thirds of those voting support it); and any Member may, without notice, propose a motion for such a resolution immediately before the Assembly proceeds to the election of a Presiding Officer or Deputy.
- 6.14 If in the course of an Assembly, the Presiding Officer and Deputy become members of:
- (i) the same political group;
  - (ii) different political groups both of which have an executive role; or
  - (iii) different political groups neither of which has an executive role,

and neither resigns from office, then any Member may, without notice, propose a motion at the next plenary meeting that the Presiding Officer and Deputy may remain in office. If no such motion is proposed, or the motion is not passed on a vote supported by at least

two-thirds of those voting, then both the Presiding Officer and Deputy must resign from office.

### **Functions of Presiding Officer**

6.15 The functions of the Presiding Officer are:

- (i) to chair plenary meetings;
- (ii) to determine questions as to the interpretation or application of Standing Orders;
- (iii) to represent the Assembly in exchanges with any other bodies, whether within or outside the United Kingdom, in relation to matters affecting the Assembly; and
- (iv) such other functions conferred by any enactment, by the Assembly or by these Standing Orders.

6.16 The Presiding Officer's determinations as to the interpretation or application of Standing Orders are final.

6.17 The Presiding Officer, having consulted the Business Committee, may issue written guidance to Members for the proper conduct of Assembly proceedings.

6.18 In the absence or at the request of the Presiding Officer, the Deputy must exercise the functions of the Presiding Officer, so far as permitted by the Act.

6.19 In carrying out the functions of the Presiding Officer, the Presiding Officer and Deputy must demonstrate impartiality at all times.

6.20 Subject to Standing Order 6.21, the Presiding Officer or Deputy may vote in plenary proceedings only when exercising a casting vote. Where there is an equality of votes a casting vote must 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.

6.21 The Presiding Officer and Deputy may vote in plenary proceedings where legislation requires a resolution or motion to be passed on a vote in which the number of Members voting in favour of it is not less than two-thirds of the total number of Assembly seats.

### **Temporary Chair of Plenary Meetings**

- 6.22 Any Member other than a member of the government may, at the request of the Presiding Officer or Deputy when either is chairing a plenary meeting of the Assembly, temporarily chair.
- 6.23 A Member acting as chair must not exercise any of the functions of the Presiding Officer except those contained in Standing Order 13, except that if the Member believes that the conduct of a Member is such as to warrant his or her withdrawal, the Member must suspend the meeting until the Presiding Officer or Deputy has returned.

### **Temporary Presiding Officer**

- 6.24 On each occasion that both the Presiding Officer and the Deputy Presiding Officer are unable to act (other than under Standing Order 6.22), the Clerk must take the chair solely in order to arrange for the election of a Member to act as temporary Presiding Officer and a Member so elected must exercise the functions of the Presiding Officer until either the Presiding Officer or Deputy becomes able to act.

### **Resignation or Removal from Office of Presiding Officer or Deputy**

- 6.25 The Presiding Officer or the Deputy may resign by giving notice in writing to the Clerk.
- 6.26 If a motion:
- (i) that the Presiding Officer be removed from office; or
  - (ii) that the Deputy be removed from office,
- is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.
- 6.27 If the Assembly resolves that the Presiding Officer or Deputy be removed from office, the office of Presiding Officer or Deputy, as the case may be, is immediately vacant.

## **STANDING ORDER 7 – The Assembly Commission**

### **Appointment of Members**

- 7.1 As soon as reasonably practicable after an Assembly election, but no later than 10 days after the appointment of members of the Business Committee, the Assembly must consider a motion tabled by the Business Committee proposing the names of the four Members to be appointed as members of the Commission under section 27(2)(b) of the Act.
- 7.2 So far as is reasonably practicable, not more than one of the members of the Commission (other than the Presiding Officer) may belong to any one political group.
- 7.3 If there are four or more political groups in the Assembly, it is for the four largest political groups to inform the Business Committee of the name of a member of its political group who is to be included in the motion tabled under Standing Order 7.1.
- 7.4 If there are fewer than four political groups in the Assembly:
- (i) it is for the political groups to inform the Business Committee of the name of a member of its political group; and
  - (ii) it is for the Business Committee to determine the name of any additional Member or Members,
- who are to be included in the motion tabled under Standing Order 7.1.
- 7.5 For the purposes of Standing Order 7.3, if there are two or more political groups with the same number of members, the Presiding Officer, having regard to the level of electoral support of each of the political groups in question, must determine which of those political groups is to be regarded as the larger (or largest, as the case may be).
- 7.6 No amendment may be tabled to a motion under Standing Order 7.1.

### **Resignation or Removal from Office**

- 7.7 A member of the Commission resigns from the Commission by giving notice in writing to the Clerk. The Presiding Officer cannot resign from the Commission.
- 7.8 Any Member may table a motion proposing that a particular Member (other than the Presiding Officer) be removed from the Commission and, if any such motion is agreed to in a plenary meeting, that Member is removed from the Commission with immediate effect.

7.9 When a member of the Commission ceases to be a Member (otherwise than by dissolution), or resigns from or is removed from the Commission, the Assembly must consider a motion tabled by the Business Committee proposing the name of a Member to replace that Member as a member of the Commission.

7.10 No amendment may be tabled to a motion under Standing Order 7.9.

#### **Special or General Directions to the Commission**

7.11 Any Member may table a motion to give special or general directions to the Commission. The Business Committee must report on whether time should be made available to debate such a motion.



## **STANDING ORDER 8 – Welsh Ministers and Deputy Welsh Ministers**

### **Nomination of First Minister**

- 8.1 Subject to section 47(3) of the Act, the Assembly must, within 28 days of an event specified in section 47(2) of the Act, nominate a Member for appointment as First Minister (“the nominee”).
- 8.2 The Presiding Officer must invite nominations. If only one nomination is made, the Presiding Officer must declare that Member to be the nominee. If more than one nomination is made, the Presiding Officer must, 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 must declare the candidate who received the greater number of votes cast to be the nominee. If there is an equality of votes between the two candidates a further vote by roll call must take place.
- 8.3 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 must be excluded and further votes by roll call taken until one candidate obtains more than half of the votes cast; and the Presiding Officer must declare that Member to be the nominee. If there is an equality of votes between the two remaining candidates a further vote by roll call must take place.

### **Resignation etc. of First Minister or another Member of the Government**

- 8.4 When the Presiding Officer is notified that the First Minister has tendered his or her resignation to Her Majesty, the Presiding Officer must, if the resignation is accepted, notify the Assembly.
- 8.5 When the Presiding Officer is notified that any other member of the government has resigned, the Presiding Officer must notify the Assembly.
- 8.6 If the Presiding Officer designates a person to exercise the functions of the First Minister under section 46 of the Act, he or she must notify the Assembly.
- 8.7 If a motion that the Welsh Ministers no longer enjoy the confidence of the Assembly is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.

## **STANDING ORDER 9 – Counsel General to the Welsh Assembly Government**

### **Appointment**

- 9.1 The agreement of the Assembly to the First Minister's recommendation to Her Majesty of a person for appointment as Counsel General must be signified by resolution of the Assembly.
- 9.2 Any motion for such a resolution must be moved by the First Minister. No amendment may be tabled to the motion.

### **Participation in Assembly Proceedings**

- 9.3 Subject to the provisions of the Act, the Counsel General may do anything under these Standing Orders which may be done by a Welsh Minister.
- 9.4 If the Counsel General is not a Member, the Standing Orders apply to the Counsel General as they apply to Members and the Counsel General may participate in Assembly proceedings but may not vote.

### **Removal or Resignation**

- 9.5 The agreement of the Assembly to the First Minister's recommendation to Her Majesty for the removal of a person as Counsel General must be signified by resolution of the Assembly.
- 9.6 Any motion for such a resolution must be moved by the First Minister. No amendment may be tabled to the motion.
- 9.7 When the Presiding Officer is notified that the Counsel General has tendered his or her resignation to Her Majesty, the Presiding Officer must, if the resignation is accepted, notify the Assembly.
- 9.8 The Counsel General ceases to hold office if a Member is nominated for appointment as First Minister under section 47(1) of the Act.

### **Temporary Exercise of Functions**

- 9.9 When the Presiding Officer is notified:
- (i) that a person has been designated by the First Minister under section 49(6) of the Act to exercise the functions of the Counsel General; or

(ii) that such a designation has ceased,  
he or she must notify the Assembly.

## **STANDING ORDER 10 – Appointments etc. to Public Office**

### **Application**

- 10.1 Standing Order 10 applies (subject to Standing Order 10.2) in relation to a public office if appointment to that office is required, by or under any enactment, to be made:
- (i) by the Assembly, or
  - (ii) on the nomination or recommendation of the Assembly, or
  - (iii) with the approval of the Assembly.
- 10.2 Standing Order 10 does not apply to an office if provision for appointment to that office is made elsewhere in the Standing Orders.
- 10.3 An office to which Standing Order 10 applies is referred to as a “relevant office”.
- 10.4 Standing Order 10 takes effect subject to any statutory requirements relating to the appointment.

### **Method of Appointment**

- 10.5 Appointment to a relevant office (or a nomination or recommendation for, or approval of, appointment to a relevant office) is to be made by resolution of the Assembly.

### **Committee Consideration**

- 10.6 A committee whose remit relates to the functions of a relevant office may meet to take evidence from a candidate for appointment to that office in order to consider whether the committee supports the appointment of that candidate.

### **Removal from Office**

- 10.7 Where the Assembly may, under any enactment, remove from office the holder of a relevant office, that removal from office is (subject to any conditions imposed by that enactment) to be made by resolution of the Assembly.
- 10.8 If a motion to remove from office the holder of a relevant office is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.

## **No Amendments to Motions**

- 10.9 No amendments may be tabled to motions under Standing Orders 10.5 and 10.8.

## **STANDING ORDER 11 – Organisation of Business**

### **Business Committee**

- 11.1 There is to be a Business Committee, to facilitate the effective organisation of Assembly proceedings.
- 11.2 Standing Orders 17.3 to 17.6 do not apply to the Business Committee.
- 11.3 As soon as possible after an Assembly election, the Minister with responsibility for government business must table a motion to appoint as members of the Committee, the Presiding Officer, one Member nominated by each political group represented in the Assembly and (if any three or more Members who are not members of a political group decide to form a grouping for the purposes of Standing Order 11) a Member nominated by each grouping of Members. No amendments may be tabled to a motion under Standing Order 11.3.
- 11.4 A motion under Standing Order 11.3 cannot be passed (if the motion for it is passed on a vote) unless at least two-thirds of the Members voting support it.
- 11.5 If a motion under Standing Order 11.3 is passed:
- (i) the Committee must be chaired by the Presiding Officer (who may vote only in the exercise of a casting vote, subject to Standing Order 11.5(iii));
  - (ii) each other member of the Committee carries one vote for each member of the political group (or grouping, as the case may be) which he or she represents (including himself or herself and the Presiding Officer and Deputy if they are members of his or her political group or grouping);
  - (iii) where the number of Members who are not members of a political group is such that it is (for that reason only) not possible for them to form a political group or grouping, each such Member is entitled to attend proceedings of the Committee and may vote;
  - (iv) in undertaking the functions under Standing Order 11.7(ii) or 11.7(iii), a member of the Committee representing a political group with an executive role may use the votes he or she carries under Standing Order 11.5(ii), but it shall be reduced by the number equivalent to the number of Members in his or her political group who are also members of the government;

- (v) Standing Orders 17.21, 17.22 and 17.37 to 17.39 do not apply to the Committee.

11.6 If a motion under Standing Order 11.3 is proposed but not passed, then Standing Orders 17.7 to 17.10 apply to the Committee with the substitution of the words “under Standing Order 11.3 to appoint the members of the Business Committee” in Standing Order 17.7 for the words “to agree the membership of a committee under Standing Order 17.3”, and of the words “Minister with responsibility for government business” for “Business Committee”.

11.7 The Committee must:

- (i) comment on proposals for the organisation of government business in plenary (which must be determined under Standing Order 11.12);
- (ii) determine the organisation of Assembly business in plenary, subject to Standing Order 11.5(iv);
- (iii) determine the proposal for the titles and remits of committees under Standing Orders 16.2 or 16.3, subject to Standing Order 11.5(iv);
- (iv) make recommendations on the general practice and procedure of the Assembly in the conduct of its business (including any proposals for the re-making or revision of Standing Orders, or any part thereof);
- (v) undertake the functions assigned to the Committee in Standing Orders.

11.8 The Committee must meet at least once every two sitting weeks.

### **Assembly Timetable**

11.9 From time to time, the Business Committee must publish a timetable, for periods of not less than six months, which must include the following:

- (i) outline timetables of plenary meetings;
- (ii) times available for committee meetings;
- (iii) times available for meetings of political groups;
- (iv) recesses; and

- (v) dates for questions for oral answer by the First Minister, Welsh Ministers, the Counsel General and the Commission.

11.10 Motions under Standing Order 11.9 must have regard to the family and constituency or electoral region responsibilities of Members and their likely travel arrangements; and should normally seek to avoid timetabling business before 9.00am or after 6.00pm on any working day.

### **Weekly Business**

11.11 In each week that the Assembly meets in plenary, the Minister with responsibility for government business must:

- (i) make a statement about the organisation of government business in plenary; and
- (ii) at the same time, announce the organisation of Assembly business in plenary,

for the first week after the week when the statement is made, together with the provisional organisation of business for the two subsequent weeks.

11.12 The organisation of government business in plenary must be determined by the government.

11.13 The organisation of Assembly business in plenary must be determined by the Business Committee, in accordance with Standing Order 11.7(ii).

11.14 Every item of business referred to in the statement and announcement must have an allotted time assigned to it.

11.15 In relation to any item of business referred to in the statement or announcement (other than any item of business when amendments to legislation are to be considered), the government (if it is government business) or the Business Committee (if it is Assembly business) may:

- (i) specify a time or point during the same day's plenary business no earlier than which any vote(s) necessary to dispose of the business is to be taken, unless the business is decided in accordance with Standing Order 12.36; or
- (ii) decide that Standing Order 12.36 should not apply to an item of business and specify a time or point during the same day's plenary business at which any vote necessary to dispose of that item of business is to be taken.



11.16 The statement and announcement constitute the timetable for business in plenary for the first week after the week when the statement and announcement were made.

### **Categories of Plenary Business**

11.17 The aggregate of time allocated as between government and Assembly business in plenary meetings in an Assembly year must, so far as is reasonably practicable, be in the proportion of 3:2.

11.18 For the purposes of Standing Orders 11 and 12, government business includes proceedings on:

- (i) oral questions (other than oral questions to the Commission);
- (ii) any urgent debate proposed by a member of the government under Standing Order 12.69;
- (iii) statements by a member of the government;
- (iv) legislation where the Member in charge of the legislation is a member of the government;
- (v) any motion tabled by a member of the government.

11.19 For the purposes of Standing Orders 11 and 12, Assembly business includes all items of business except for those listed under Standing Order 11.18.

11.20 The Presiding Officer must determine any question as to whether a matter is government or Assembly business.

11.21 Time must be made available in each Assembly year for debates on the following items of business:

- (i) the UK Government's legislative programme (in accordance with section 33 of the Act);
- (ii) the policy objectives and legislative programme of the government;
- (iii) motions proposed on behalf of political groups who are not political groups with an executive role (and the time allocated to each political group for motions proposed by it must so far as possible be in proportion to the group's representation in the Assembly);
- (iv) motions proposed by any Member who is not a member of the government;

- (v) debates on reports laid by committees;
- (vi) Short Debates; and
- (vii) legislation where the Member in charge of the legislation is not a member of the government.

### **Notice of Business**

11.22 The Clerk must publish and maintain details of forthcoming business which must include notice of plenary and committee agendas, together with information about any of the following which have been tabled or laid before the Assembly:

- (i) oral and written questions;
- (ii) motions and amendments to motions;
- (iii) proposed and draft legislative competence orders;
- (iv) proposed Measures and amendments to proposed Measures;
- (v) subordinate legislation or draft subordinate legislation;  
and
- (vi) any documents laid before the Assembly.

## **STANDING ORDER 12 – Business in Plenary Meetings**

### **Plenary Meetings**

- 12.1 Plenary meetings of the Assembly must take place in public and broadcasting access must be permitted in accordance with such arrangements as the Commission may agree.
- 12.2 The Assembly must meet in plenary in accordance with Standing Orders 11 and 12.
- 12.3 If no plenary meeting is timetabled for a particular date or time, the Presiding Officer may, at the request of the First Minister, summon the Assembly to consider a matter of urgent public importance.
- 12.4 So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.
- 12.5 Any documents referred to in Standing Order 12.4 must be made available to the Secretary of State for Wales at the same time as they are to Members.
- 12.6 Plenary meetings must usually:
  - (i) be held on Tuesdays and Wednesdays and start at 1.30pm;
  - (ii) take government business first.

### **Plenary Meetings following an Assembly Election**

- 12.7 The first plenary meeting following an Assembly election is to take place at a time specified by the Presiding Officer, having consulted with political groups, (or if the Presiding Officer is unwilling or unable to act, the Clerk must specify the time), in accordance with sections 3 or 5 of the Act.
- 12.8 Subsequent plenary meetings must be on a day and time specified by the Presiding Officer, having consulted with political groups, until the first meeting for which a statement and announcement has been made under Standing Order 11.11.
- 12.9 The Clerk must notify all Members of the date and time of the plenary meetings arranged under Standing Order 12.7 and 12.8 not less than 24 hours before the meeting.
- 12.10 The only business to be taken at plenary meetings arranged under Standing Order 12.7 and 12.8 is:
  - (i) any business under Standing Order 12.16;

- (ii) such other business as the Assembly may by resolution agree.

- 12.11 Nominations under Standing Order 8 can take place at plenary meetings arranged under Standing Order 12.7 and 12.8 only if the Assembly, by resolution, agrees.
- 12.12 Standing Orders 11.12 and 11.13 do not apply to plenary meetings arranged under Standing Order 12.7 and 12.8.
- 12.13 The periods of notice for motions and amendments under Standing Orders 12.20 and 12.22 shall not apply to any motions proposed for business to be taken at plenary meetings arranged under Standing Order 12.7 or 12.8, or to any amendments proposed to such motions.

### **Order of Plenary Business**

- 12.14 Business must be called by the Presiding Officer and taken in the order in which it appears in the plenary agenda, subject to Standing Order 12.16.
- 12.15 If proceedings on an item of business conclude before the end of the time allotted to it, the next business (if any) must then be taken.
- 12.16 The categories of business that may be taken at a plenary meeting without notice, with the agreement of the Presiding Officer, include:
- (i) statements by the Presiding Officer, by a member of the government or by the Commission about any matter within its responsibility;
  - (ii) introduction of new Members;
  - (iii) obituary tributes to former Members and others;
  - (iv) elections, nominations or appointments by the Assembly;
  - (v) personal statements;
  - (vi) any urgent debate proposed by a Member under Standing Order 12.69;
  - (vii) procedural motions under Standing Order 12.31;
  - (viii) points of order relating to the conduct of business; and

- (ix) any other matters as the Presiding Officer considers appropriate.

12.17 The Presiding Officer may make any necessary arrangements to adjust the timetable for business on that day (including by extending the length of the sitting), in order to facilitate the effective conduct of business.

12.18 In any circumstance where he or she thinks it appropriate to do so, the Presiding Officer may adjourn proceedings without putting any proposition to the vote, or may suspend proceedings for a specified time.

### **Motions**

12.19 Business in plenary meetings must proceed on the basis of motions proposed, except for:

- (i) statements;
- (ii) introduction of new Members;
- (iii) obituary tributes to former Members and others;
- (iv) oral questions;
- (v) urgent debates under Standing Order 12.69; and
- (vi) where a Member proposes a topic for a Short Debate under Standing Order 12.72.

12.20 Except where Standing Orders provide otherwise, a motion

- (i) must be tabled at least five working days before it is debated;
- (ii) may be proposed by any Member; and
- (iii) must be tabled in accordance with Standing Order 15.

12.21 Any Member may add his or her name to a motion by notifying the Clerk at any time until the end of the working day before it is due to be considered in the plenary meeting.

12.22 Except where Standing Orders provide otherwise:

- (i) amendments may be proposed to any motion and must be tabled at least three working days before the motion is debated; and

- (ii) any Member may add his or her name to an amendment by notifying the Clerk at any time until the end of the working day before it is due to be considered in the plenary meeting.

12.23 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 business makes it appropriate to do so.

12.24 The Presiding Officer may propose that motions be debated together, but if any Member objects to the proposal, the motions must be debated separately.

12.25 A motion or amendment which refers to any document may not be tabled unless the document is available to all Members.

12.26 If it appears to the Presiding Officer that a motion or amendment has been tabled in breach of the requirements of Standing Order 12.25, the Presiding Officer must 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.

12.27 A motion or amendment which has been moved may be withdrawn only if no Member objects.

12.28 The Presiding Officer, having consulted the Business Committee, may hold a ballot to determine the name of the Member or Members, other than a member of the government, who may be allocated time for a motion tabled in their name to be debated.

### **Procedural Motions**

12.29 Procedural motions take precedence over other business and the provisions of Standing Order 12.20 relating to the notice period for tabling motions do not apply.

12.30 The Presiding Officer may permit a Member to speak briefly in favour of any procedural motion, and another Member to speak briefly against, and must then put the motion to the vote.

12.31 The following matters may be proposed in procedural motions:

- (i) the postponement of an item of business in accordance with Standing Order 12.32;
- (ii) the referral of a matter to a committee;
- (iii) the closure of debate in accordance with Standing Order 12.33;
- (iv) the extension of the time allotted to an item of business in accordance with Standing Order 12.34;
- (v) the adjournment of an item of business in accordance with Standing Order 12.35; and
- (vi) such other matters as the Presiding Officer considers appropriate.

12.32 A motion to postpone an item of business may be proposed by:

- (i) the Member in charge of the item of business;
- (ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business;  
or
- (iii) in the case of government business, a member of the government.

If the motion is agreed to, the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.

12.33 At any time after a motion or an amendment has been proposed, a Member may move that the motion or amendment should be voted on immediately; but the Presiding Officer may put that motion 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.

12.34 A motion to extend the time allotted to an item of business by a specified period may be proposed by:

- (i) the Member in charge of the item of business;
- (ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business;  
or

- (iii) in the case of government business, a member of the government.

If the motion is agreed to, the whole of the business day is deemed to have been extended by the specified amount of time.

12.35 A motion to adjourn an item of business (either to a specified day or to no named day) may be proposed by:

- (i) the Member in charge of the item of business;
- (ii) another Member nominated to the Presiding Officer in advance by the Member in charge of the item of business;  
or
- (iii) in the case of government business, a member of the government.

### **Decisions on Motions and Amendments**

12.36 Subject to Standing Order 11.15(ii), at the end of proceedings on an item of business, the Presiding Officer must invite the Assembly to agree any question necessary to dispose of the business. If no Member objects, the motion or amendment is deemed agreed by the Assembly.

12.37 If any Member objects under Standing Order 12.36, a vote(s) on any questions necessary to dispose of the business must be deferred until a time or point, if any, which has been specified under Standing Order 11.15(i).

12.38 At the time (or point) specified under Standing Order 11.15, the Presiding Officer must interrupt the business and invite the Assembly to vote on any questions necessary to dispose of any business which has been deferred under Standing Order 12.37 or any business to which Standing Order 11.15(ii) applies.

12.39 If the Presiding Officer interrupts the business at a specified time under Standing Order 12.38, the time taken to vote on the questions necessary at that specified time does not count against the time allotted to the business which has been interrupted.

12.40 For the purposes of voting, the Presiding Officer may propose that votes on motions or amendments be grouped, and that they be subject to a single vote. If any Member objects, each motion and amendment must be voted on separately.

12.41 Members must cast their votes individually and in person (but are not obliged to vote).



- 12.42 Where legislation requires a resolution or motion to be passed on a vote in which the number of Members voting in favour of it is not less than two-thirds of the total number of Assembly seats, a recorded vote must be taken.
- 12.43 Subject to Standing Order 12.36 the Presiding Officer must put a motion or an amendment to a vote by electronic means; or failing that, either:
- (i) if the Presiding Officer so decides, by show of hands, provided no more than two Members object to the Presiding Officer's decision; or
  - (ii) by roll call, in alphabetical order, of the Membership.
- 12.44 Before a vote is taken, when at least three Members so request, the bell must 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 must be taken.
- 12.45 If all items of business for the day have been concluded before the time (or times) specified under Standing Order 11.15 and items have been deferred to this time (or these times), the bell must be rung (unless the Presiding Officer is satisfied that all Members are present). Five minutes after the bell began ringing, the vote or votes must be taken.
- 12.46 A vote is not valid unless at least ten Members participate. If fewer than ten Members participate, that business must be held over (and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate) and the Assembly must proceed to the next item of business.
- 12.47 In determining the number of Members participating in a vote, those recording an abstention are to be regarded as participating.
- 12.48 The names of Members voting, including those recording an abstention, must be included in any report of plenary proceedings.
- 12.49 A report of the vote must be made available as soon as possible after the vote has taken place.

### **Statements**

- 12.50 Statements may be made by:
- (i) the Presiding Officer;
  - (ii) a member of the government;

- (iii) a member of the Commission about any matter coming within the responsibilities of the Commission;
- (iv) any other Member, where the subject matter of the statement relates to a function of the Assembly for which they are responsible, with the agreement of the Presiding Officer.

12.51 The Presiding Officer may permit questions to be asked of a Member making a statement.

### **Personal Statements**

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

12.53 A personal statement must be brief, factual and must not be subject to debate.

### **Oral Questions**

12.54 Members may table oral questions to the First Minister, to each Welsh Minister or to the Counsel General, about any matters relating to his or her responsibilities (except that oral questions may be tabled to the Minister with responsibility for government business only about matters relating to his or her responsibilities other than for government business (if any)).

12.55 Members may table oral questions to the Commission about any matter relating to the Commission's responsibilities.

12.56 Time must be made available in plenary meetings for:

- (i) the First Minister to answer oral questions once, and for a maximum of 60 minutes, in each week that the Assembly meets in plenary;
- (ii) each Welsh Minister and the Counsel General to answer oral questions in relation to his or her responsibilities, at least once, and for a maximum of 45 minutes, in every four weeks that the Assembly meets in plenary (except that the Minister with responsibility for government business is only to answer questions under Standing Order 12.56(ii) if he or she has responsibilities for matters other than government business); and
- (iii) the Commission to answer oral questions at least once, and for a maximum of 30 minutes, in every four weeks that the Assembly meets in plenary.

- 12.57 A Deputy Welsh Minister may at the request of the First Minister, a Welsh Minister or the Counsel General, answer any oral question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).
- 12.58 Where it is not reasonably practicable for the First Minister, a Welsh Minister or the Counsel General to answer oral questions on a day when he or she would normally do so, another Welsh Minister may, after prior notification to the Presiding Officer, answer those questions.
- 12.59 Questions must be tabled at least five, but not more than ten, working days before they are to be answered.
- 12.60 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance issued in accordance with Standing Order 6.17.
- 12.61 The Presiding Officer must undertake a ballot to select the names of those Members who may table questions in accordance with Standing Order 12.64.
- 12.62 A ballot under Standing Order 12.61 must be conducted at least one working day before the first day on which questions may be tabled.
- 12.63 Each Member may enter their names into the ballot under Standing Order 12.61 no more than twice for oral questions to a particular Welsh Minister or the Counsel General (or, in the case of questions to the First Minister or the Commission, no more than once).
- 12.64 The order of oral questions must be determined as follows:
- (i) for questions accepted before a deadline agreed by the Business Committee on the first day on which they may be tabled, by random means;
  - (ii) for questions accepted after the deadline agreed by the Business Committee on the first day on which they may be tabled, by the order in which they are received.
- 12.65 The Presiding Officer must call the Member asking the question to ask a supplementary oral question and may then call other Members to ask related supplementary oral questions.
- 12.66 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 12.59 has not been given if:

- (i) the Presiding Officer and the member of the government concerned, or the Commission, as the case may be, have been given prior notice of at least two hours before the question is to be asked; and
- (ii) the Presiding Officer is satisfied that the question is of urgent public importance.

12.67 Where the Presiding Officer has been given prior notice that a request for an urgent question under Standing Order 12.66 relates to the functions of the Commission, the function assigned to the Presiding Officer in Standing Order 12.66(ii) shall be assigned to the Deputy Presiding Officer.

12.68 Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of plenary proceedings.

### **Urgent Debates**

12.69 At any plenary meeting, a Member may move 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) where the matter does not relate to the functions of the Commission, if a Member other than a member of the government has given the notification, the Presiding Officer has given a member of the government an opportunity to comment in private to him or her on the matter;
- (iii) where the matter relates to the functions of the Commission, if a Member other than a member of the Commission has given the notification, the Deputy Presiding Officer has given the Commission an opportunity to comment in private to him or her on the matter; and
- (iv) the Presiding Officer (or Deputy Presiding Officer if the debate falls under Standing Order 12.69(iii)) is satisfied that the matter is of urgent public importance and has informed the Member (and, if necessary, the member of

the government or the Commission, as appropriate) accordingly.

- 12.70 Where the matter does not relate to the functions of the Commission, if a Member other than a member of the government moves the motion, the Presiding Officer must allow a member of the government to reply in a speech lasting no longer than three minutes. The Presiding Officer must put the motion to the vote immediately after it has been moved or, if a member of the government replies, after that reply. If the Assembly resolves to consider the matter, it must do so at that meeting or (if the Presiding Officer so decides) at the one immediately following and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.
- 12.71 Where the matter relates to the functions of the Commission, if a Member other than a member of the Commission moves the motion, the Presiding Officer must allow a member of the Commission to reply in a speech lasting no longer than three minutes. The Presiding Officer must put the motion to the vote immediately after it has been moved or, if a member of the Commission replies, after that reply. If the Assembly resolves to consider the matter, it must do so at that meeting or (if the Presiding Officer so decides) at the one immediately following and the Presiding Officer must make arrangements for the adjustment of the timetable for business as he or she considers appropriate.

### **Short Debates**

- 12.72 The Presiding Officer must hold a ballot to determine the name of the Member or Members, other than a member of the government, who may propose a topic for a Short Debate.
- 12.73 The Member who has succeeded in the ballot must notify the Presiding Officer of the topic not later than five working days before it is to be debated.
- 12.74 In the debate:
- (i) the Member who succeeded in the ballot may speak;
  - (ii) a member of the government (or, if the matter is within the responsibilities of the Commission, a member of the Commission) may 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.

## **STANDING ORDER 13 – Order in Plenary Meetings**

### **Rules of Debate**

- 13.1 Members called by the Presiding Officer to speak must address the chair.
- 13.2 Members may speak in English or Welsh, and simultaneous interpretation facilities must be provided for speeches made in Welsh.
- 13.3 The Secretary of State for Wales is entitled to participate in plenary meetings but not to vote. The Presiding Officer may call the Secretary of State to speak in any debate in which the Secretary of State is participating.
- 13.4 Speeches must be relevant to the business before the Assembly, and avoid tedious repetition.
- 13.5 The Presiding Officer may announce a time limit on Members' speeches and may direct a Member who has spoken for too long to stop speaking.
- 13.6 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.
- 13.7 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.
- 13.8 A Member may not speak after the proposer of a motion has exercised a right of reply.

### **Maintenance of Order**

- 13.9 The Presiding Officer is to maintain order in plenary meetings and must call to order any Member who:
  - (i) is engaging in conduct which would, in the opinion of the Presiding Officer, constitute a criminal offence or contempt of court;
  - (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 other requirement for the conduct of Members; or
- (vii) disregards the authority of the chair.

13.10 A Member must comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order.

13.11 A Member may be required by the Presiding Officer to withdraw from Assembly proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.

13.12 When the Presiding Officer has required a Member to withdraw from Assembly proceedings and the Member has not done so, a motion to exclude the Member from Assembly proceedings must be proposed by the Presiding Officer and must be voted on immediately.

13.13 The exclusion of a Member under Standing Order 13.12 has immediate effect and must be:

- (i) on the first occasion during any 12 month period, until the end of the working day immediately following the day of exclusion;
- (ii) on a second occasion during the same 12 month period, for five working days immediately following the day of exclusion; and
- (iii) on a third or any subsequent occasion during the same 12 month period, for 20 working days immediately following the day of exclusion.

13.14 During the period of a Member's exclusion under Standing Orders 13.12 and 13.13, he or she is not entitled to receive any salary from the Assembly and is not permitted to attend any Assembly proceedings.

### **Sub Judice**

13.15 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in plenary meetings any matter which relates to active proceedings (as defined by Schedule 1 to the Contempt of Court Act 1981), or where the Children's Commissioner for Wales, the Commissioner for Older People in Wales, or the Public Services Ombudsman 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 either Commissioner or Ombudsman, unless the Presiding Officer is satisfied that:

- (i) the matter is clearly related to a matter of general public importance or a ministerial decision is in question;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a 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**

13.16 Unless the matter is the subject of a substantive motion, Members must not in plenary meetings make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office (in Standing Order 13.16 “judge” includes persons holding the position of judge, whether full-time or part-time).

13.17 The Assembly must not discuss individual judicial appointments.

## **STANDING ORDER 14 – Written Questions, Written Statements and Statements of Opinion**

### **Written Questions**

- 14.1 Members may table questions for written answer by:
- (i) the First Minister, a Welsh Minister or the Counsel General, on any matter relating to his or her responsibilities; or
  - (ii) the Commission on any matter relating to the Commission's responsibilities.
- 14.2 A Deputy Welsh Minister may, at the request of the First Minister, a Welsh Minister or the Counsel General, answer any written question on any matter on which he or she assists the First Minister, a Welsh Minister or the Counsel General (as the case may be).
- 14.3 A question must be tabled at least five working days before it is to be answered.
- 14.4 Questions are accepted at the discretion of the Presiding Officer, who must have regard to any written guidance issued in accordance with Standing Order 6.17.
- 14.5 The answers to accepted questions must be published in the report of plenary proceedings.

### **Written Statements**

- 14.6 The First Minister, a Welsh Minister or the Counsel General may make a written statement on any matter relating to his or her responsibilities.
- 14.7 The Commission may make a written statement on any matter relating to the Commission's responsibilities.
- 14.8 Any written statement must be published in the report of plenary proceedings.

### **Statements of Opinion**

- 14.9 A Statement of Opinion not exceeding 100 words on a matter affecting Wales may be tabled by any Member other than a member of the government; and any such Statement may be supported, opposed or otherwise subject to comment in writing by any other Member.
- 14.10 If a Statement of Opinion is deemed by the Presiding Officer to be in order it must be published, together with any expression of support or opposition tabled by any other Member.

## **STANDING ORDER 15 – Laying and Tabling Procedures**

- 15.1 The following documents or categories of document may be laid before the Assembly:
- (i) a document specified in any enactment as one which must or may be laid before the Assembly or a document which falls within the terms of section 86 of, or paragraphs 36 or 37 of Schedule 11 to, the Act;
  - (ii) legislation or proposed or draft legislation required to be laid under Standing Orders 25, 26, 27 or 28;
  - (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) below applies;
  - (iv) 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
  - (v) any other document, or category of document, that the Assembly, by resolution in plenary, requires should be laid.
- 15.2 A member of the government or Presiding Officer may lay other appropriate documents.
- 15.3 Where any document is laid, or any motion, amendment, question or other business is tabled under Standing Order 15 or any other Standing Order, it must be laid or tabled in compliance with written guidance issued by the Presiding Officer, in accordance with Standing Order 6.17.
- 15.4 Any document laid or business tabled by the Presiding Officer, the Commission, the government, any committee or the Clerk, must be laid or tabled in both English and Welsh, so far as is appropriate in the circumstances and reasonably practicable.
- 15.5 The receipt, by the Clerk, of any document or business on a working day during hours agreed by the Business Committee constitutes (as the case may be) the laying of the document or the tabling of the business.

## **STANDING ORDER 16 – Establishment and Remit of Committees**

### **General**

- 16.1 The Assembly must establish committees with power within their remit to:
- (i) examine the expenditure, administration and policy of the government and associated public bodies;
  - (ii) examine legislation;
  - (iii) undertake other functions specified in Standing Orders; and
  - (iv) consider any matter affecting Wales.
- 16.2 The Business Committee must, as soon as possible after every Assembly election, table a motion or motions in accordance with Standing Order 16.1 proposing the titles and remits of committees.
- 16.3 If it appears necessary to the Business Committee during the course of an Assembly to alter the number, title or remit of one or more committee (including by providing that any existing committee should cease to exist), the Business Committee may table a motion proposing that the alteration take place.
- 16.4 In tabling any motion under Standing Order 16.2 or 16.3, the Business Committee must ensure that:
- (i) every area of responsibility of the government and associated public bodies is subject to the scrutiny of a committee or committees;
  - (ii) all matters relating to the legislative competence of the Assembly and functions of the Welsh Ministers and of the Counsel General are subject to the scrutiny of a committee or committees; and
  - (iii) where reasonably practicable, there is broad balance between the delivery of responsibilities specified in Standing Orders 16.1(i) and 16.1(ii).

### **Other Committees**

- 16.5 The Assembly may establish any other committee on a motion tabled by any Member. A motion to establish such a committee must propose its title and remit.

### **Duration of Committees**

- 16.6 Subject to Standing Order 16.3, all committees established under Standing Order 16 will exist for the duration of the Assembly unless otherwise specified in the motion to establish the committee.

## **STANDING ORDER 17 – Operation of Committees**

### **General**

- 17.1 Standing Order 17 applies to every committee of the Assembly other than where disappplied by another Standing Order.
- 17.2 Any Member may table a motion to give specific or general instructions to any committee.

### **Membership of Committees**

- 17.3 The Assembly must consider a motion tabled by the Business Committee to agree the membership and chair of each committee established by a resolution of the Assembly on a motion (or motions) tabled by the Business Committee in accordance with Standing Order 16.
- 17.4 In tabling a motion under Standing Order 17.3, the Business Committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.
- 17.5 No amendment may be tabled to a motion under Standing Order 17.3.
- 17.6 No motion to agree the membership of a committee under Standing Order 17.3 can be passed unless:
- (i) the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and
  - (ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.
- 17.7 If a motion to agree the membership of a committee under Standing Order 17.3 is not passed:
- (i) the Assembly must consider a motion tabled by the Business Committee to determine:
    - (a) the size of the committee; and
    - (b) the political group from which the chair of the committee will be appointed; and
  - (ii) places on that committee must be allocated in accordance with the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 17.8.

17.8 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:

- (i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or
- (ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is greater than that so produced for any other political group,

the Presiding Officer must determine to which political group that place is to be allocated.

17.9 If places on any committee are to be allocated to a political group in accordance with Standing Order 17.3 or 17.7, it is for that political group to determine the names of:

- (i) the Members allocated from the group; and
- (ii) the chair, where that political group holds the chair.

17.10 Any motion under Standing Order 17.3 or 17.7 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:

- (i) every Member who does not belong to a political group is offered a place on at least one committee; and
- (ii) the total number of places on committees allocated to Members belonging to each political group is at least as great as the number of Members belonging to the political group.

17.11 A vacancy occurs on a committee when a Member:

- (i) resigns from the committee by notifying the Business Committee;
- (ii) is removed from the committee by a resolution of the Assembly;
- (iii) ceases to be a Member; or
- (iv) ceases to be a member of the committee in accordance with Standing Order 17.12.

17.12 A Member ceases to be a member of a committee if he or she joins or leaves a political group.

17.13 When a vacancy occurs on a committee, the Business Committee:

- (i) must consider the effect of that vacancy on the membership of that committee and of any other committee;
- (ii) must, having regard to that consideration, table a motion under Standing Order 17.3 proposing changes to the membership of the committee on which the vacancy occurred; and
- (iii) may, having regard to that consideration, also table one or more motions under Standing Order 17.3 proposing changes to the membership of any other committee.

17.14 If a political group informs the Business Committee that it wishes to change its representation on a committee, the Business Committee must table a motion to give effect to that proposal.

17.15 If the effect of a motion referred to in Standing Order 17.13(ii) or 17.14 is only to fill the vacancy with a Member from the same political group, then Standing Order 17.6(ii) does not apply.

17.16 Any question arising under Standing Orders 17.6 and 17.10 must be determined by the Presiding Officer.

### **Sub-committees**

17.17 Any committee may resolve to establish one or more sub-committees. A resolution to establish a sub-committee must set out its membership, chair, remit and duration.

17.18 No sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.

17.19 A sub-committee must report to the committee which established it.

17.20 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.



## **Chairs**

- 17.21 Each committee must, subject to Standing Order 17.22, be chaired by the Member appointed to that role in accordance with Standing Orders 17.3, 17.7, 17.9 and 17.14.
- 17.22 Each committee has the power to appoint a temporary chair in the absence of its chair.
- 17.23 Except where Standing Orders provide otherwise, the chair of a committee must determine its procedures, having regard to any written guidance which may be issued by the Presiding Officer in accordance with Standing Order 6.17.
- 17.24 In relation to the business of a sub-committee, the chair of the sub-committee has the powers of the chair of the committee of which it is a sub-committee.

## **Behaviour in Committees**

- 17.25 The chair is to maintain order in committee meetings and must call to order any Member who:
- (i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;
  - (ii) is obstructing the business of the Assembly;
  - (iii) seeks to raise a matter outside the scope of the issue before the committee;
  - (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 any other requirement for the conduct of Members; or
  - (vii) disregards the authority of the chair.
- 17.26 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.
- 17.27 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required

to do so, the chair may adjourn the meeting or may suspend the meeting for a specified time and report the matter to the Presiding Officer. With the permission of the Presiding Officer obtained in advance, any Member may move a motion without notice in plenary to propose that the Member be excluded from Assembly proceedings for a period in accordance with Standing Order 13.13.

### **Sub Judice**

17.28 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter which relates to active where court proceedings (as defined by Schedule 1 to the Contempt of Court Act 1981) have been initiated or where notice of appeal has been given in the United Kingdom, or where the Children’s Commissioner for Wales, the Commissioner for Older People in Wales or the Public Services Ombudsman 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 either Commissioner or the Ombudsman, unless the chair is satisfied that:

- (i) the matter is clearly related to a matter of general public importance or a ministerial decision is in question;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a 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**

17.29 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; (in Standing Order 17.29 “judge” includes persons holding the position of judge, whether full-time or part-time).

17.30 Committees must not discuss individual judicial appointments.

### **Quorum**

17.31 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee’s members, whichever is the greater, present.

- 17.32 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.
- 17.33 On declaring a meeting inquorate under Standing Order 17.31 or 17.32 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within 20 minutes, the meeting will stand adjourned. Where reasonable and appropriate to do so, the chair or, in the absence of the chair the clerk to the committee, may adjourn the meeting before that maximum time if it is clear that the committee will not be quorate within that period.

### **Voting**

- 17.34 Where a vote is necessary to dispose of the business, the chair must invite the committee to agree the motion or amendment. If:
- (i) no Member objects, the motion or amendment is deemed agreed by the committee; or
  - (ii) any Member objects, a vote must be taken in accordance with provision in Standing Order 17.35.
- 17.35 Subject to Standing Order 17.34(i), voting in committees is by a show of hands and, when any member of the committee requests that the vote be recorded, the names of those voting (including those recording an abstention) must be recorded in the minutes of the committee's proceedings.
- 17.36 For the purposes of voting, the chair may propose that votes on motions or amendments are grouped, and that they are subject to a single vote. If any Member objects, each motion and amendment must be voted on separately.
- 17.37 Chairs of committees may vote. If there is an equality of votes, the chair must rule as to the disposal of the business in accordance with Standing Order 6.20.
- 17.38 No vote in any committee is valid if fewer than one-third of its members vote. Members recording an abstention are to be regarded as having voted.
- 17.39 If a vote is not valid under Standing Order 17.38, the chair must adjourn the item of business of which it formed a part to the next meeting of the committee.

## Openness of Committees

17.40 Subject to Standing Order 17.42, committees must meet in public and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Commission agrees.

17.41 Written material submitted to a committee by members of the public in relation to proceedings of the committee, including evidence submitted or documents produced in response to an invitation under Standing Order 17.50, published on behalf of the Committee, is to be regarded as published:

- (i) under the authority of the Assembly (for the purpose of section 42(1)(b) of the Act (Defamation)); and
- (ii) for the purposes of Assembly proceedings (for the purpose of section 43(1)(b) of the Act (Contempt of Court)).

17.42 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 specifically 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 content, 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;
- (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
- (ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.

17.43 A motion proposed under Standing Order 17.42 must identify the grounds on which the Member proposing it believes should give rise to the exclusion of the public.

17.44 So far as is appropriate in the circumstances and reasonably practicable, notice of motions and documents relating to business to be taken at any committee must be made available to all members of that committee in English and Welsh at least two working days before the meeting to which they relate.

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

### **Meetings**

17.46 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is not a sitting week.

17.47 The chair may adjourn a meeting or may suspend the meeting for a specified time in any circumstance where he or she thinks it appropriate to do so.

### **Substitutions at Meetings**

17.48 A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, 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.

### **Attendance at Meetings**

17.49 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.

17.50 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents.

17.51 Any committee may, subject to sections 38 and 40 of the Act, exercise the powers in section 37 of the Act, to require persons to attend their proceedings or to produce documents.

17.52 Chairs may require a person who has been required to attend a committee to take an oath (or make an affirmation), to be administered by the clerk to the committee.

### **Meetings with Other Committees**

17.53 Committees may meet concurrently with other committees of the Assembly.

17.54 Committees may meet concurrently with any committee or joint committee of any legislature in the UK.

### **Committee Advisers**

17.55 Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice.

### **Committee Reports**

17.56 Any committee may report to the Assembly on matters within its remit.

## **STANDING ORDER 18 – Public Accounts Committee**

### **General**

18.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that there is a committee (referred to as “the Public Accounts Committee” in accordance with section 30 of the Act) with responsibility for the functions specified in Standing Order 18.

### **Functions**

18.2 The Public Accounts Committee (“the Committee”) must:

- (i) exercise the functions set out in paragraph 12 of Schedule 8 to the Act relating to the main estimate of income and expenses submitted by the Auditor General for each financial year;
- (ii) consider any supplementary budget motions tabled under section 126 of the Act that seek to amend amounts previously authorised by a budget resolution or supplementary budget resolution in respect of the Auditor General;
- (iii) advise the Assembly in the exercise of its functions under paragraph 14 of Schedule 8 to the Act relating to the appointment of the auditor of the accounts of the Auditor General;
- (iv) present views to the Auditor General from time to time on the Auditor General’s exercise of his or her powers to undertake economy, efficiency and effectiveness examinations; and
- (v) consider and report to the Assembly on any use of resources in excess of that authorised or deemed to be authorised that is recorded in the audited accounts of Welsh Ministers, the Commission, the Auditor General or the Ombudsman, recommending whether the Assembly should authorise the excesses retrospectively by supplementary budget resolution.

18.3 The Committee may:

- (i) consider and report to the Assembly in accordance with section 143(1) of the Act on documents laid before the Assembly by the Auditor General or that officer’s auditor;

- (ii) consider and report to the Assembly on any other document concerning financial control, accounting and auditing in relation to public expenditure;
- (iii) take evidence and report to the House of Commons Public Accounts Committee if requested by that Committee to do so; and
- (iv) advise the Auditor General's auditor on the examinations to be carried out under Paragraph 15(6) of Schedule 8 to the Act.

18.4 In the performance of its responsibilities under Standing Order 18.3(i) or 18.3(ii) the Committee must not question the merits of the policy objectives of the government, or those of any other body or person which is the subject of the Committee's report.

### **Membership**

18.5 Standing Orders 17.3 and 17.7 apply to the Committee except that it must consist of no fewer than 5 Members and no more than 10 Members and no person specified in section 30(3) of the Act may be proposed as a member of it.

18.6 Standing Order 17.21 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.

18.7 Standing Order 17.48 applies to the Committee, except that no person specified in section 30(3) of the Act may be nominated as a representative.

18.8 No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time a member of the government.

18.9 No member of the Committee may participate in its consideration of any matter which was within the responsibility of the House Committee (as constituted between 18 December 2002 and 2 May 2007), or is within the responsibility of the Commission, if he or she was at the relevant time a member of the House Committee or the Commission.



## **STANDING ORDER 19 – Finance**

### **Committee**

- 19.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 19 as “the responsible committee”) with responsibility for the functions specified in Standing Order 19.

### **Functions**

- 19.2 The responsible committee must consider and report on any report or other document laid before the Assembly by Welsh Ministers or the Commission containing proposals for the use of resources.
- 19.3 The responsible committee may also consider and report on any other matter relating to or affecting expenditure out of the Welsh Consolidated Fund.
- 19.4 A reference to the use of resources is a reference to their expenditure, consumption or reduction in value and includes expenditure payable out of the Welsh Consolidated Fund and any other expenditure met out of taxes, charges and other sources of revenue.

## **STANDING ORDER 20 – Finance Procedures**

### **General**

20.1 References to “the responsible committee” within Standing Order 20 means the committee with responsibility for the functions specified in Standing Order 19.

### **Welsh Assembly Government**

20.2 In each year, the Minister with responsibility for government business must notify the Business Committee of the following:

- (i) the date by which a Welsh Minister will lay the draft budget for the government, in accordance with Standing Order 20.7; and,
- (ii) the date by which a Welsh Minister will table the annual budget motion in accordance with Standing Order 20.25, and taking account of Standing Order 20.5.

20.3 The Minister must make the notification required under Standing Order 20.2 at least two weeks before the summer recess in each year.

20.4 Having been notified under Standing Order 20.2 and consulted the responsible committee, the Business Committee must establish and publish a timetable for the consideration of the budget, which must include:

- (i) the dates notified in accordance with Standing Order 20.2;
- (ii) the deadline by which the responsible committee must report to the Assembly on the draft budget for the government.

20.5 In determining the deadline under Standing Order 20.4(ii) or 20.6, the responsible committee must be given at least five weeks to report on the draft budget for the government.

20.6 At the request of the Minister with responsibility for government business, the Business Committee may make subsequent changes to the timetable published under Standing Order 20.4, subject to Standing Order 20.5. The Business Committee must publish the revised timetable.

20.7 In accordance with Standing Order 20.2 (or Standing Order 20.6), a Welsh Minister must lay before the Assembly a draft budget setting out the amounts of resources and cash which the government proposes to use for the following financial year and provisional

amounts for the subsequent two years or for such other period as the Minister considers appropriate.

- 20.8 A Welsh Minister may make a statement in plenary on the draft budget as soon as possible after the draft budget is laid in accordance with Standing Order 20.7.
- 20.9 No motion may be moved in plenary in respect of the draft budget for the government until after the deadline by which the responsible committee is required to report on the draft budget under Standing Order 20.4(ii) (or Standing Order 20.6).
- 20.10 Any committee, other than the responsible committee, may consider and report to the responsible committee on the draft budget for the government.
- 20.11 The responsible committee's report may recommend changes to the amounts proposed in the draft budget provided that the net effect of those changes would not increase or decrease the aggregate amounts of resources or cash proposed in the draft budget for the government.
- 20.12 In accordance with the timetable established and published by the Business Committee under Standing Order 20.4 or Standing Order 20.6, the Assembly must consider a motion tabled by a Welsh Minister that the Assembly takes note of the draft budget for the government. Any amendment to such a motion may only be tabled provided that the net effect of any changes would not increase or decrease the aggregate amounts of resources or cash proposed in the draft budget for the government.

### **The Commission**

- 20.13 Not later than 1 October in each financial year, a member of the Commission must lay before the Assembly a draft budget for the Commission setting out the amounts of resources and cash which the Commission proposes to use for the following financial year and provisional amounts for the subsequent two years or for such other period as the Commission has agreed with the Welsh Ministers.
- 20.14 The responsible committee must consider and report to the Assembly on the draft budget for the Commission no later than three weeks after it has been laid before the Assembly. The responsible committee's report may recommend variations in the amounts proposed in the draft budget provided that the net effect of those variations would not increase the aggregate amounts of resources or cash proposed in the draft budget for the Commission.

- 20.15 A member of the Commission must lay before the Assembly a budget for the Commission. The budget may not be laid until after the deadline by which the responsible committee is required to report on the draft budget for the Commission.
- 20.16 A member of the Commission must table a motion that the budget laid under Standing Order 20.15 be agreed and incorporated in the annual budget motion under Standing Order 20.26(ii). No amendment to the motion may be tabled and the motion must be debated within five working days of it being tabled (not counting working days in a non-sitting week).
- 20.17 If the final budget for the Commission is not agreed, then a member of the Commission must lay before the Assembly a revised budget for the Commission, together with a motion that it be agreed and incorporated in the annual budget motion under Standing Order 20.26(ii). No amendment to the motion may be tabled and the motion must be debated within five working days of it being tabled (not counting working days in a non-sitting week).
- 20.18 Further motions under Standing Order 20.17 may be tabled until such time as agreement has been reached but no such motion may be considered by the Assembly after 27 November.
- 20.19 If the budget for the Commission has not been agreed by 27 November, then the budget for the Commission to be incorporated in the annual budget motion under Standing Order 20.26(ii) is to comprise, for each service or purpose for which resources or cash were authorised to be used by the Commission in the previous financial year, 95% of the amount so authorised.
- 20.20 When a UK Government or Welsh Assembly Government Spending Review takes place, a member of the Commission may, with the agreement of the Business Committee, specify different dates from those within Standing Order 20.13 by which he or she must lay the draft budget for the Commission and, consequently, the date referred to in Standing Order 20.18 and Standing Order 20.19. If the Business Committee agrees, it must notify the Assembly by laying a report.

### **Auditor General**

- 20.21 The Auditor General must submit the estimate of income and expenses required under paragraph 12 of Schedule 8 to the Act to the Public Accounts Committee as soon as practicable but in any event no later than 1 November in each financial year.

20.22 The Public Accounts Committee must consider and lay before the Assembly, no later than 22 November, the estimate, with any modifications which the Committee, having consulted and taken into account any representations made by the Auditor General, considers appropriate.

### **Ombudsman**

20.23 The Ombudsman must submit the estimate of income and expenses required under paragraph 15 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 to the responsible committee as soon as practicable but in any event no later than 1 November in each financial year.

20.24 The responsible committee must consider and lay before the Assembly, no later than 22 November, the estimate, with any modifications which the Committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.

### **Annual Budget Motions**

20.25 An annual budget motion as required under section 125 of the Act must be tabled by a Welsh Minister, in accordance with Standing Order 20.2 (or Standing Order 20.6).

20.26 An annual budget motion must incorporate:

- (i) the final budget for the government;
- (ii) the final budget for the Commission as agreed by the Assembly under Standing Order 20.16 or 20.17, or as determined under Standing Order 20.19;
- (iii) the estimate for the Auditor General, as laid before the Assembly under Standing Order 20.22; and
- (iv) the estimate for the Ombudsman as laid before the Assembly under Standing Order 20.24.

20.27 An annual budget motion may also incorporate any motion for a resolution to be made for the relevant financial year under section 120(2)(a) of the Act.

20.28 The information produced in support of an annual budget motion must include as a minimum:

- (i) the written statement required under section 125(3) of the Act;

- (ii) the resources agreed by the Treasury for the Welsh block budget for the financial year covered by the motion;
- (iii) a reconciliation between the resources allocated to the Welsh block budget by the Treasury and the resources to be authorised for use in the motion;
- (iv) a reconciliation between the estimated amounts to be paid into the Welsh Consolidated Fund by the Secretary of State and the amounts to be authorised for payment out of the Fund in the motion; and
- (v) a reconciliation between the resources to be authorised under section 125(1)(a) and (b) of the Act and the amounts to be authorised for payment out of the Welsh Consolidated Fund under section 125(1)(c).

20.29 An annual budget motion may only be moved by a Welsh Minister. No amendment to an annual budget motion may be tabled.

### **Supplementary Budget Motions**

20.30 A Welsh Minister may table a supplementary budget motion under section 126 at any time after the annual budget resolution has been passed.

20.31 The information provided in support of a supplementary budget motion must include any variations to that provided in accordance with Standing Order 20.28.

20.32 If the supplementary budget motion proposes a variation to the budget of the Commission, a member of the Commission must lay an explanatory memorandum stating why it is required.

20.33 A supplementary budget motion tabled under Standing Order 20.30 may not be moved until either:

- (i) the responsible committee has reported on the motion; or
- (ii) if the responsible committee has not reported on the motion, three weeks have elapsed after it has been tabled.

20.34 The responsible committee's report may recommend changes to the amounts proposed in the supplementary budget motion provided that the net effect of those variations would not increase or decrease the aggregate amounts of resources or cash proposed in the supplementary budget motion.

20.35 If the supplementary budget motion proposes a variation to the budget for the Auditor General:

- (i) the Auditor General must provide an explanatory memorandum to the Public Accounts Committee stating why the variation to the budget is required;
- (ii) the Public Accounts Committee may report on the proposed variation within three weeks of the supplementary budget motion being tabled. The report may propose any modifications to the proposed variation which the Public Accounts Committee, having consulted and taken into account any representations made by the Auditor General, considers appropriate.

20.36 If the supplementary budget motion proposes a variation to the budget for the Ombudsman:

- (i) the Ombudsman must provide an explanatory memorandum to the responsible committee stating why the variation to the budget is required;
- (ii) the responsible committee may lay before the Assembly a report on the proposed variation within three weeks of the supplementary budget motion being tabled. The report may propose any modifications to the proposed variation which the Finance Committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.

20.37 A supplementary budget motion may only be moved by a Welsh Minister. No amendment may be tabled or moved except by a Welsh Minister.

### **Excess Use of Resources**

20.38 Standing Order 20.39 applies if the audited accounts of the Commission, the Auditor General or the Ombudsman for any financial year record an excess of resources used to the amounts authorised or deemed under the Act to be authorised by Assembly budget resolutions.

20.39 A Welsh Minister must, if requested to do so by the Commission, the Auditor General or the Ombudsman, table a supplementary budget motion seeking retrospective authorisation for excesses recorded in that person's audited accounts.

20.40 A supplementary budget motion tabled under Standing Order 20.39 may not be moved until either:

- (i) the Public Accounts Committee has reported on the motion; or
- (ii) if the Public Accounts Committee has not reported on the motion, 6 months have elapsed after it has been tabled.

20.41 Standing Orders 20.30 to 20.36 do not apply to motions tabled under Standing Order 20.39.



## **STANDING ORDER 21 – Constitutional and Legislative Affairs**

### **Committee or Committees**

21.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 21 is assigned to a committee or committees (referred to within Standing Order 21 as “a responsible committee”).

### **Functions**

21.2 A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Assembly and report on whether the Assembly should pay special attention to the instrument or draft on any of the following grounds:

- (i) that there appears to be doubt as to whether it is *intra vires*;
- (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made;
- (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;
- (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;
- (v) that for any particular reason its form or meaning needs further explanation;
- (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;
- (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;
- (viii) that it uses gender specific language;
- (ix) that it is not made or to be made in both English and Welsh;
- (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly; or

- (xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified).

21.3 A responsible committee may consider and report on whether the Assembly should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Assembly on any of the following grounds:

- (i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;
- (ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;
- (iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made;
- (iv) that it inappropriately implements European Union legislation; or
- (v) that it imperfectly achieves its policy objectives.

21.4 A responsible committee must make any report under Standing Order 21.2 or 21.3 in respect of any statutory instrument or draft statutory instrument no later than 20 days after the instrument or draft has been laid.

21.5 In calculating for the purposes of Standing Order 21.4 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.

21.6 Standing Orders 21.2 and 21.3 do not apply to proposed or draft Legislative Competence Orders under Standing Order 25 or subordinate legislation subject to Special Assembly Procedure under Standing Order 28.

21.7 A responsible committee may consider and report on:

- (i) any other subordinate legislation laid before the Assembly other than that subject to Special Assembly Procedure under Standing Order 28;

- (ii) the appropriateness of provisions in proposed Assembly Measures and in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General;
- (iii) consequences for legislation subject to the consideration of the Assembly of draft orders under Part 1 of the Legislative and Regulatory Reform Act 2006;
- (iv) the exercise of commencement powers by the Welsh Ministers;
- (v) any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers; or
- (vi) draft legislation which is the subject of consultation.

21.8 A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Assembly or to the functions of the Welsh Ministers and of the Counsel General in order to consider whether it complies with the principle of subsidiarity.

21.9 If a responsible committee considers that draft European Union legislation does not comply with the principle of subsidiarity it may make written representations, on behalf of the Assembly, to the relevant committee of the House of Commons or the House of Lords with a view to having those representations incorporated into a reasoned opinion to be submitted by that committee to the relevant European Union authorities.

21.10 If a responsible committee makes written representations in accordance with Standing Order 21.9, it must lay a copy of those written representations before the Assembly.

21.11 A responsible committee may, to enable its functions under Standing Order 21.9 to be exercised during any non-sitting week, delegate those functions to the chair of the responsible committee who must, if they are exercised, report that fact to the responsible committee as soon as possible.

## **STANDING ORDER 22 – Standards of Conduct**

### **Committee**

22.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 22 as “the responsible committee”) with responsibility for the functions specified in Standing Order 22.

### **Functions**

22.2 The responsible committee must:

- (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:
  - (a) Standing Order 2;
  - (b) any Assembly resolution relating to the financial or other interests of Members;
  - (c) Standing Order 5;
  - (d) any Assembly resolution relating to Members’ standards of conduct;
  - (e) any code or protocol made under Standing Order 1.10 and in accordance with section 36(6) of the Act;
  - (f) Standing Order 3; or
  - (g) Standing Order 4;
- (ii) consider any matters of principle relating to the conduct of Members generally;
- (iii) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members’ Interests, the Record of the Employment of Family Members with the Support of Commission Funds, the Record of Members’ Time Involved in Registrable Activities and the Record of Membership of Societies and the form and content of the Register and the Records; and
- (iv) establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 22.2(i).

## **Membership**

- 22.3 The Presiding Officer must not be a member of the responsible committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.
- 22.4 Subject to Standing Order 22.5, Standing Order 17.48 must not apply to the responsible committee.
- 22.5 Where a member of the responsible committee is subject to a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible 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 that group, may replace that member. The nominated Member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it. No Member may replace more than one member of the responsible committee at a meeting.

## **Meetings**

- 22.6 The responsible committee must meet as soon as possible after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.
- 22.7 The responsible committee may meet in public or in private, but when deliberating upon a complaint, the responsible committee must meet in private unless it resolves otherwise.
- 22.8 Any Member who is the subject of an investigation by the responsible committee must 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, but may not vote).

## **Reports**

- 22.9 If the responsible committee has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Assembly as soon as possible after completion of the investigation.
- 22.10 A report under Standing Order 22.9 may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 22.2(i).

22.11 If a motion to consider a report under Standing Order 22.9 is tabled by a member of the responsible committee, time must be made available as soon as possible for the motion to be debated. No amendment may be tabled to such a motion.

## **STANDING ORDER 23 – Public Petitions**

### **Committee or Committees**

23.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 23 is assigned to a committee or committees (referred to within Standing Order 23 as “a responsible committee”).

### **Form of Petitions**

23.2 A petition must clearly indicate:

- (i) the name of the petitioner, who may be an individual person (other than a Member), a body corporate or an unincorporated association of persons;
- (ii) an address of the petitioner to which all communications concerning the petition should be sent; and
- (iii) the names and addresses of any person supporting the petition.

23.3 The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.

### **Admissibility of Petitions**

23.4 A petition is not admissible if it:

- (i) contains fewer than 10 signatures;
- (ii) fails to comply with Standing Order 23.2 or is otherwise not in proper form;
- (iii) contains language which is offensive;
- (iv) requests the Assembly to do anything which the Assembly clearly has no power to do; or
- (v) is the same as, or substantially similar to, a petition which was closed less than a year earlier.

23.5 Standing Order 23.4(i) does not apply if the petitioner is a body corporate or an unincorporated association of persons.

23.6 The Presiding Officer must consider and decide in a case of dispute whether a petition is admissible and must notify the petitioner, as soon as is reasonably practicable, of his or her decision and the reasons for it.

23.7 The Presiding Officer must publish a register of decisions made under Standing Order 23.6.

### **Action on a Petition**

23.8 If a petition is admissible, the Presiding Officer must refer that petition to a responsible committee.

23.9 The responsible committee must:

- (i) refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;
- (ii) report to the Assembly; or
- (iii) take any other action which the committee considers appropriate.

23.10 The responsible committee must notify the petitioner of any action taken under Standing Order 23.9.

### **Closing Petitions**

23.11 The responsible committee may close a petition at any time.

23.12 When the responsible committee closes a petition, it must notify the petitioner that the petition is closed and of the reasons for closing it.



## **STANDING ORDER 24 – Definition of Member in Charge of Legislation**

### **General**

24.1 Standing Order 24 defines the “Member in charge” of an item of legislation.

24.2 In Standing Order 24 “legislation” means:

- (i) proposed Orders under Standing Order 25; or
- (ii) draft Orders under Standing Order 25; or
- (iii) proposed Measures under Standing Order 26.

### **Government Legislation**

24.3 Legislation laid or introduced by a member of the government is referred to as “government legislation”.

24.4 The Member in charge of an item of government legislation is:

- (i) the member of the government who laid or introduced the legislation (or, in the case of a draft Order, the Member of the government who introduced the proposed Order to which the draft Order relates);
- (ii) a member of the government who is authorised by the First Minister; or
- (iii) a member of the government who is authorised by virtue of Standing Orders 24.9 or 24.16.

24.5 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of government legislation.

### **Committee Legislation**

24.6 Legislation laid or introduced by a committee is referred to as “committee legislation”.

24.7 The Member in charge of an item of committee legislation is:

- (i) the member of the committee authorised by the committee that laid or introduced the legislation (or, in the case of a draft Order, the member of the committee

authorised by the committee that introduced the proposed Order to which the draft Order relates); or

- (ii) if that committee no longer exists and another committee is specified by the Business Committee as being responsible for the item of committee legislation, a member of that other committee authorised by that other committee.

- 24.8 An authorisation under Standing Orders 24.7 (i) or (ii) no longer has effect if the Member so authorised ceases to be a member of the committee.
- 24.9 A committee may, with the agreement of the government, transfer an item of committee legislation to a member of the government authorised by the First Minister, but only with the agreement (by unanimous resolution of those voting) of the committee referred to in Standing Order 24.7(i) or, if that committee no longer exists, of the committee specified by the Business Committee under Standing Order 24.7(ii).
- 24.10 When a committee transfers an item of committee legislation to a Member of the government (in accordance with Standing Order 24.9), that item of legislation is to be regarded, from then on, as an item of government legislation.

### **Commission legislation**

- 24.11 Legislation laid or introduced by the Commission is referred to as “Commission legislation”.
- 24.12 The Member in charge of an item of Commission legislation is the member of the Commission authorised by the Commission.
- 24.13 An authorisation under Standing Order 24.12 no longer has effect if the Member so authorised ceases to be a member of the Commission.

### **Member legislation**

- 24.14 Legislation, which is neither government legislation, committee legislation nor Commission legislation, is referred to as “Member legislation”.
- 24.15 The Member in charge of an item of Member legislation is:

- (i) the Member who laid or introduced the legislation, or who has had agreement to introduce or lay the legislation under Standing Orders 25.30 or 26.91 (or, in the case of a draft Order, the Member who introduced the proposed Order to which the draft Order relates);
- (ii) another Member authorised by the Member under Standing Order 24.15(i), by means of a statement to that effect laid by that Member; or
- (iii) if no such authorisation is made, any Member authorised by the Assembly.

24.16 A Member may transfer an item of Member legislation to a member of the government authorised by the First Minister, by means of a statement to that effect laid by that Member.

24.17 When a Member transfers an item of Member legislation to a member of the government (in accordance with Standing Order 24.16), that item of legislation is to be regarded, from then on, as an item of government legislation.

## **STANDING ORDER 25 – Legislative Competence Orders**

### **General**

- 25.1 Standing Order 25 applies only to Orders in Council within the meaning of section 95 of the Act.
- 25.2 A “proposed Order” is a proposal for an Order in Council that is to be subject to scrutiny under Standing Order 25.4 to 25.11.
- 25.3 A “draft Order” is a draft Order in Council that is to be subject to approval by the Assembly under Standing Order 25.15.

### **Form and Laying of Proposed Orders**

- 25.4 Subject to Standing Orders 25.25 to 25.34, a proposed Order may be laid on any working day in a sitting week.
- 25.5 At the same time as the Member in charge lays a proposed Order under Standing Order 25.4, he or she must lay an Explanatory Memorandum.
- 25.6 A proposed Order must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.

### **Detailed Consideration of a Proposed Order**

- 25.7 The Business Committee must either:
- (i) refer the proposed Order for detailed consideration to a responsible committee established in accordance with Standing Order 16.1 (referred to within Standing Order 25 as “the responsible committee”); or
  - (ii) by motion in plenary propose that there should be no detailed consideration of the proposed Order.
- 25.8 The responsible committee must consider and report on the proposed Order.
- 25.9 The Business Committee must establish and publish a timetable for the responsible committee’s consideration of a proposed Order and may make subsequent changes to that timetable as it considers appropriate but must give reasons for such changes.
- 25.10 If a motion under Standing Order 25.7(ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which, in

the view of the Presiding Officer, relates to the proposed Order, under Standing Order 25.12.

25.11 If a motion under Standing Order 25.7(ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration to a responsible committee established in accordance with Standing Order 16.1 (referred to within Standing Order 25 as “the responsible committee”).

### **Introduction of a Draft Order**

25.12 A draft Order may be introduced by being laid on a working day in a sitting week, provided that:

- (i) the draft Order is introduced in accordance with Standing Order 25.10;
- (ii) a committee has reported on a proposed Order to which the draft Order relates in accordance with Standing Order 25.8; or
- (iii) a committee has not so reported within the timetable set by the Business Committee in accordance with Standing Order 25.9.

### **Explanatory Memorandum to Accompany a Draft Order**

25.13 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.

25.14 The Explanatory Memorandum must include:

- (i) an explanation of how account has been taken of the recommendations made by any Assembly committee, any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament; and
- (ii) the reasons for any significant differences between the draft Order and the proposed Order to which it relates.

### **Final Consideration**

25.15 Not later than 40 working days after a draft Order has been introduced, the Assembly must consider a motion proposed by the Member in charge that the draft Order be approved.

25.16 A motion proposed under Standing Order 25.15 may be considered no earlier than ten working days after the draft Order has been introduced (not counting working days in a non-sitting week) unless, having consulted with the responsible committee, the Business Committee agrees otherwise.

25.17 No amendment to a motion under Standing Order 25.15 may be tabled if:

- (i) it would not be clear from a resolution of the Assembly approving the motion as amended by such an amendment that the Assembly has approved the draft Order; or
- (ii) it seeks to amend the draft Order.

25.18 A draft Order cannot be amended.

#### **Publication of Notice of Refusal**

25.19 The Presiding Officer must, as soon as reasonably practicable, publish any notice laid in accordance with section 95(8) of the Act.

#### **Withdrawal of a Proposed or Draft Order**

25.20 A proposed or draft Order may be withdrawn at any time by the Member in charge, except in the case of a committee proposed or draft Order, when the Member in charge must first obtain the agreement (by unanimous resolution of those voting) of the committee before withdrawing the Order.

#### **Fall of a Proposed or Draft Order**

25.21 A proposed or draft Order falls at dissolution.

25.22 Approval to lay a proposed Order in accordance with Standing Order 25.30 ceases at dissolution.

25.23 A proposed Order falls if the draft Order to which it relates is approved or falls.

25.24 A draft Order falls if it is not approved by the Assembly.

#### **Committee Proposed and Draft Orders**

25.25 Any committee may:

- (i) lay a committee proposed Order relating to its remit; or
- (ii) subject to Standing Order 25.12, introduce a draft Order relating to its remit.

### **Member Proposed and Draft Orders**

- 25.26 Standing Orders 25.27 to 25.34 apply only to Member proposed and draft Orders.
- 25.27 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to lay a Member proposed Order under Standing Order 25.30.
- 25.28 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have provided an outline proposed Order and an Explanatory Memorandum.
- 25.29 No Member who has previously had agreement to lay a proposed Order in that Assembly may apply to be included in the ballot.
- 25.30 A Member who is successful in a ballot may, within 25 working days of the date of the ballot, table a motion that the Assembly agrees that the Member may lay a proposed Order, to give effect to the outline proposed Order to which it relates, and an Explanatory Memorandum.
- 25.31 A motion under Standing Order 25.30 is not amendable.
- 25.32 Time must be made available for a motion tabled under Standing Order 25.30 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).
- 25.33 Unless a motion under Standing Order 25.30 is agreed to, no further proceedings are to be taken on the proposed Order.
- 25.34 If a motion under Standing Order 25.30 is disagreed to, then no Member may enter any ballot held under Standing Order 25.27 for a period of six months after the motion has been disagreed to if, in the opinion of the Presiding Officer, the proposed Order which he or she is intending to lay seeks to confer the same, or substantially the same, legislative competence as the proposed Order referred to in the motion which has been disagreed to.

## **STANDING ORDER 26 – Assembly Measures**

### **Form and Introduction of Proposed Measures**

- 26.1 Subject to Standing Orders 26.80 to 26.94, a proposed Measure may be introduced on a working day in a sitting week.
- 26.2 A proposed Measure must be introduced by being laid.
- 26.3 A proposed Measure must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 26.4 A proposed Measure must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:
- (i) indicate whether or not the provisions of the proposed Measure would be, in his or her opinion, within the legislative competence of the Assembly; and
  - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.
- 26.5 A proposed Measure must be introduced in both English and Welsh except in the following cases:
- (i) when, in respect of a government proposed Measure, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the proposed Measure to be introduced in both languages; or
  - (ii) when not doing so is in accordance with determinations issued by the Presiding Officer under Standing Order 26.3.

### **Documentation to Accompany a Proposed Measure**

- 26.6 At the same time as the Member in charge introduces a proposed Measure, he or she must also lay an Explanatory Memorandum which must:
- (i) state that in his or her view the provisions of the proposed Measure would be within the legislative competence of the Assembly;
  - (ii) set out the policy objectives of the proposed Measure;



- (iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the proposed Measure was adopted;
- (iv) set out the consultation, if any, which was undertaken on:
  - (a) the policy objectives of the proposed Measure and the ways of meeting them; and
  - (b) the detail of the proposed Measure,together with a summary of the outcome of that consultation;
- (v) summarise objectively what each of the provisions of the proposed Measure is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the proposed Measure;
- (vi) set out the best estimates of:
  - (a) the gross administrative, compliance and other costs to which the provisions of the proposed Measure would give rise;
  - (b) the timescales over which such costs would be expected to arise; and
  - (c) on whom the costs would fall;
- (vii) where the proposed Measure contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:
  - (a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;
  - (b) why it is considered appropriate to delegate the power; and
  - (c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it

subject to that procedure (and not to make it subject to any other procedure); and

- (viii) where the proposed Measure contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

### **Timetable for Consideration of a Proposed Measure**

- 26.7 The Business Committee must establish and publish a timetable for the consideration of a proposed Measure, except for any stage taken in plenary (which must be arranged under the provisions of Standing Orders 11.12 or 11.7(ii), as the case may be).
- 26.8 The Business Committee may make such subsequent changes to a timetable established under Standing Order 26.7 as it considers appropriate but must give reasons for such changes.

### **Stage 1: Consideration of General Principles**

- 26.9 Once a proposed Measure has been introduced, the Business Committee must decide whether or not to refer consideration of the general principles to a responsible committee established under Standing Order 16.1 (referred to within Standing Order 26 as “the responsible committee”).
- 26.10 If the Business Committee agrees under Standing Order 26.9 to refer the proposed Measure to a responsible committee, that responsible committee must consider and report on the general principles of the proposed Measure.
- 26.11 Not earlier than five working days after either:
  - (i) the responsible committee has reported on the general principles of the Measure; or
  - (ii) the deadline by which the responsible committee is required to report has been reached,

the Member in charge of the proposed Measure may propose that the Assembly agree to the general principles of the proposed Measure.

- 26.12 If the Business Committee decides not to refer consideration of the general principles to a responsible committee, the Member in charge may propose that the Assembly agree to the general principles of the proposed Measure.

26.13 If the Assembly agrees to the general principles of the proposed Measure under Standing Orders 26.11, 26.12, 26.83 or 26.102, the proposed Measure proceeds to Stage 2.

26.14 If the Assembly does not agree to the general principles of the proposed Measure under Standing Orders 26.11, 26.12, 26.83 or 26.102, the proposed Measure falls.

26.15 Stage 1 is completed when the general principles of the proposed Measure have been agreed to or the Measure falls under Stage 1.

### **Stage 2: Detailed Consideration by Committee**

26.16 Stage 2 starts on the first working day after Stage 1 is completed.

26.17 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the proposed Measure.

26.18 If the Assembly has agreed to the proposed Measure's general principles, the Business Committee must:

- (i) refer the proposed Measure back to the responsible committee for Stage 2 proceedings;
- (ii) refer the proposed Measure to a responsible committee for Stage 2 proceedings if the Business Committee agreed under Standing Order 26.9 not to refer consideration of the general principles to a responsible committee; or
- (iii) by motion in plenary propose that Stage 2 proceedings be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20.

26.19 A proposed Measure may be amended in Stage 2 proceedings.

26.20 Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.

26.21 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure,

unless the committee considering Stage 2 proceedings has decided otherwise.

26.22 Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:

- (i) moving or seeking agreement to withdraw an amendment;  
or
- (ii) voting.

26.23 An amendment tabled by a Member who is not a member of the committee considering Stage 2 proceedings, may be moved by a member of the committee.

26.24 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.

26.25 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.

26.26 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.

26.27 If a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.

26.28 Any revised Explanatory Memorandum requested under Standing Order 26.27 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.

### **Stage 3: Detailed Consideration by the Assembly**

26.29 Stage 3 starts on the first working day after Stage 2 is completed.

26.30 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.

- 26.31 Stage 3 proceedings of a proposed Measure must be considered by the Assembly in plenary.
- 26.32 A proposed Measure may be amended in Stage 3 proceedings.
- 26.33 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.
- 26.34 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.
- 26.35 The Presiding Officer may in exceptional circumstances accept an amendment at Stage 3 proceedings of which less notice has been given than is required under Standing Order 26.59. Such an amendment is referred to as a “late amendment”.
- 26.36 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the Assembly has decided otherwise on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be).
- 26.37 The Assembly may, on a motion without notice of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).
- 26.38 If a motion under Standing Order 26.37 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:
- (i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or
  - (ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.
- 26.39 When all amendments selected at Stage 3 proceedings have been disposed of, the Member in charge, or any member of the government, may without notice move that the Assembly consider

further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.

- 26.40 If a motion under Standing Order 26.39 is agreed to, the Member in charge of the proposed Measure, or any member of the government, may table amendments to the proposed Measure to be moved at the further Stage 3 proceedings.
- 26.41 Amendments under Standing Order 26.40 are only admissible if, in addition to the criteria in Standing Order 26.61, they are for the purpose of clarifying a provision of a proposed Measure (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.
- 26.42 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.
- 26.43 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.
- 26.44 Stage 3 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.

### **Report Stage**

- 26.45 Once Stage 3 is completed in accordance with Standing Order 26.44, the Member in charge may, without notice, move that the Assembly consider amendments at Report Stage. Such a motion may be debated but not amended.
- 26.46 Standing Orders 26.29 to 26.44 apply to Report Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Report Stage" and "further Report Stage" accordingly.

### **Stage 4 – Final Stage**

- 26.47 Subject to Standing Order 26.50, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may without notice move that the proposed Measure be passed.

26.48 If no motion is moved under Standing Order 26.47, or if a motion is moved under that Standing Order but no decision is taken upon it, the government or the Business Committee must determine (under Standing Orders 11.12 or 11.7(ii) as the case may be) when the motion that the proposed Measure be passed is to be considered in plenary.

26.49 A motion that a proposed Measure be passed may not be amended.

26.50 No motion that a proposed Measure be passed may be moved unless the text of the proposed Measure is available in both English and Welsh.

26.51 No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.

### **Reconsideration of Proposed Measures Passed**

26.52 Any Member may, after the proposed Measure is passed, by motion propose that the Assembly reconsider the proposed Measure, or any provision of it, if:

- (i) a question has been referred to the Supreme Court under section 99 of the Act;
- (ii) a reference for a preliminary ruling (within the meaning of section 100(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and
- (iii) neither of those references has been decided or otherwise disposed of.

26.53 Any Member may by motion propose that the Assembly reconsider the proposed Measure if:

- (i) the Supreme Court decides that the proposed Measure or any provision of it would not be within the legislative competence of the Assembly; or
- (ii) an order is made in relation to the proposed Measure under section 101 of the Act.

26.54 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.

26.55 A proposed Measure may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26.61, and in the

opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:

- (i) the reference to the Supreme Court for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 101 of the Act.

26.56 Any Member may propose that the Assembly approves a proposed Measure amended on reconsideration. Such a motion may not be amended.

### **General Provisions in Relation to Amendments to Proposed Measures**

26.57 Standing Orders 26.58 to 26.66 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, Report Stage proceedings or on Reconsideration.

26.58 The Presiding Officer must determine the proper form of amendments to a proposed Measure.

26.59 No amendment, other than a late amendment, may be considered unless it has been tabled five working days before it is considered.

26.60 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.

26.61 An amendment is not admissible if:

- (i) it is not in its proper form in accordance with Standing Order 26.58;
- (ii) it is not relevant to the proposed Measure or the provisions of the proposed Measure which it would amend;
- (iii) it is inconsistent with the general principles of the proposed Measure as agreed by the Assembly; or
- (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.



- 26.62 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26.57 to 26.66 must apply accordingly.
- 26.63 Subject to Standing Order 26.22, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.
- 26.64 The chair of a committee considering Stage 2 proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.
- 26.65 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:
- (i) in a committee considering Stage 2 proceedings, by a member of that committee; or
  - (ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, by any other Member.
- 26.66 An amendment which has been moved may be withdrawn by the Member who moved it, but only:
- (i) in a committee considering Stage 2 proceedings, if no member of that committee objects ; or
  - (ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, if no Member objects.

### **Her Majesty's and Duke of Cornwall's Consent**

- 26.67 If a proposed Measure contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the proposed Measure be passed (or approved following

Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the proposed Measure at a meeting of the Assembly.

### **Financial Resolutions**

26.68 The Presiding Officer must decide in every case whether a financial resolution is required for a proposed Measure under Standing Orders 26.69 to 26.74.

26.69 If a proposed Measure contains a provision:

- (i) which charges expenditure on the Welsh Consolidated Fund; or
- (ii) the likely effect of which would be to:
  - (a) increase significantly expenditure charged on that Fund;
  - (b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or
  - (c) increase significantly expenditure payable out of that Fund for an existing service or purpose,

no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.

26.70 If:

- (i) a proposed Measure contains any provision which imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and
- (ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made under section 120(2)),

no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.

26.71 Standing Order 26.70:

- (i) applies only where the charge, increase in charge or payment is significant; and
- (ii) does not apply where the charge, increase in charge or payment is:
  - (a) in respect of the provision of goods and is reasonable in relation to the goods provided; or
  - (b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.

26.72 Where the effect of an amendment (or amendments) to a proposed Measure, if agreed to, would be that the proposed Measure would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.

26.73 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

26.74 Unless:

- (i) notice of a motion for any financial resolution required in relation to a proposed Measure by Standing Orders 26.69 or 26.70 is tabled within 6 months of the completion of Stage 1; and
- (ii) the motion is agreed to,

the proposed Measure falls.

### **Notification of Approved Measures**

26.75 The Clerk must notify the Assembly of the date of the approval of an Assembly Measure by Her Majesty in Council.

## **Fall, Rejection or Withdrawal of Proposed Measures**

- 26.76 If a proposed Measure falls or is rejected by the Assembly, no further proceedings may be taken on that proposed Measure and a proposed Measure which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the proposed Measure fell or was rejected.
- 26.77 A proposed Measure falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.
- 26.78 Approval to introduce a proposed Measure in accordance with Standing Order 26.91 ceases at dissolution
- 26.79 A proposed Measure may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Stage 1 except with the agreement of the Assembly.

## **Committee Proposed Measures**

- 26.80 Standing Orders 26.81 to 26.83 apply only to committee proposed Measures.
- 26.81 Any committee may introduce a committee proposed Measure relating to the committee's remit.
- 26.82 Standing Orders 26.9 to 26.12 do not apply to committee proposed Measures.
- 26.83 At Stage 1, the Member in charge of a committee proposed Measure may table a motion proposing that the Assembly agree to the general principles of the proposed Measure.

## **Commission Proposed Measures**

- 26.84 The Commission may introduce a proposed Measure relating to the Commission's functions.

## **Member Proposed Measures**

- 26.85 Standing Orders 26.86 to 26.94 apply only to Member proposed Measures.
- 26.86 Where a Member was the Member in charge of a Member proposed Order which became an Order in Council made by Her Majesty under

section 95 of the Act, that Member may introduce one Member proposed Measure relating to that Order within nine months of the Order being made. This does not affect a Member's right to enter a ballot held under Standing Order 26.87.

- 26.87 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to introduce a Member proposed Measure.
- 26.88 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 26.90.
- 26.89 No Member who has previously had agreement to introduce a Member proposed Measure in that Assembly may apply to be included in the ballot.
- 26.90 The required pre-ballot information is:
- (i) the proposed title of the proposed Measure; and
  - (ii) an Explanatory Memorandum which must contain:
    - (a) the policy objectives of the proposed Measure; and
    - (b) details of any support received for the proposed Measure, including details of any consultation carried out.
- 26.91 A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Assembly's agreement to introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 26.90.
- 26.92 Time must be made available for a motion tabled under Standing Order 26.91 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).
- 26.93 If a motion under Standing Order 26.91 is agreed to, then the Member who has had agreement to introduce a proposed Measure may within nine months of the motion being agreed introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 26.90.

26.94 If a motion under Standing Order 26.91 is disagreed to, then no Member may enter any ballot held under Standing Order 26.87 for a period of six months after the motion has been disagreed to if the policy objectives of the proposed Measure which he or she seeks agreement to introduce are substantially the same as those of the proposed Measure referred to in the motion which has been disagreed to.

### **Government Proposed Emergency Measures**

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

26.96 A motion under Standing Order 26.95 may also propose that a government proposed Emergency Measure may be introduced without the Explanatory Memorandum required by Standing Order 26.6.

26.97 A government proposed Emergency Measure must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the proposed Measure would be within the legislative competence of the Assembly.

26.98 If the Assembly agrees to a motion under Standing Order 26.95:

- (i) the provisions of Standing Orders 26.99 to 26.104 must apply to such a proposed Measure; and
- (ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government proposed Emergency Measure.

26.99 A motion under Standing Order 26.98(ii) may propose that all stages be taken on a single working day in a sitting week.

26.100 The Member in charge may make such subsequent changes to a timetable established under Standing Order 26.98(ii) as he or she considers appropriate, but must give reasons for such changes.

26.101 Standing Orders 26.7 to 26.12, 26.16 to 26.18, 26.28 to 26.30, 26.45 and 26.46, 26.50 and 26.59 do not apply in relation to government proposed Emergency Measures.

26.102 At Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government proposed Emergency Measure.

26.103 Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20.

26.104 When a Member intends to table an amendment to a government proposed Emergency Measure, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.

## **STANDING ORDER 27 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Assembly Procedure)**

### **Explanatory Memoranda**

27.1 Any statutory instrument or draft statutory instrument laid before the Assembly must be accompanied by an Explanatory Memorandum, which must include any Regulatory Impact Assessment prepared in relation to the instrument.

### **Motion for Annulment (Negative Resolution Procedure)**

27.2 In the case of any statutory instrument which:

- (i) is subject to annulment in pursuance of a resolution of the Assembly; or
- (ii) is laid in draft but cannot be made if the draft is disapproved,

the Assembly may, not later than 40 days after the instrument is laid, resolve that the instrument be annulled or, as the case may be, that the draft be disapproved.

27.3 Any Member may table a motion for resolution under Standing Order 27.2.

27.4 A motion for resolution under Standing Order 27.2 is not amendable.

### **Motion for Approval (Affirmative Resolution Procedure)**

27.5 In the case of any statutory instrument or draft statutory instrument laid before the Assembly which, unless the Assembly by resolution approves it, cannot:

- (i) be made;
- (ii) come into force; or
- (iii) remain in force beyond the period specified in the enactment conferring the power to make the instrument,

any member of the government may table a motion under Standing Order 27.5 that the instrument or draft instrument be approved.

27.6 A motion under Standing Order 27.5 is not amendable.

27.7 No motion under Standing Order 27.5 may be considered in plenary until either:



- (i) the committee responsible for the functions specified in Standing Orders 21.2 and 21.3 and any other committee, which has given the notice mentioned in Standing Order 27.8, has reported on the instrument or draft; or
- (ii) 20 days have elapsed since the instrument or draft instrument was laid,

whichever is the earlier.

27.8 If any committee, other than the committee responsible for the functions specified in Standing Orders 21.2 and 21.3, intends to report on an instrument or draft instrument to which Standing Order 27.5 applies, it must give notice to the government of its intention to do so no later than seven days after the instrument or draft has been laid.

27.9 If any committee considers any instrument or draft instrument to which Standing Order 27.5 applies, the member of the government who laid it (or another member of the government nominated by the First Minister to have responsibility for it) may attend the committee and participate in its proceedings relating to the instrument or draft but may not vote.

#### **No Amendment of Instruments**

27.10 A statutory instrument or draft statutory instrument, to which Standing Orders 27.2 or 27.5 apply, cannot be amended.

#### **Withdrawal of Instruments**

27.11 A statutory instrument or draft statutory instrument laid before the Assembly may be withdrawn at any time by the member of the government with responsibility for that instrument.

#### **Calculation of Days**

27.12 In calculating for the purposes of Standing Order 27 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days.

#### **Other Motions in Respect of Instruments or Draft Instruments**

27.13 Standing Orders 27.1 to 27.9 are without prejudice to the right of any Member to table any other motion in respect of an instrument or draft instrument.

## **Application to Other Subordinate Legislation**

27.14 Standing Orders 27.1 to 27.13 also apply with such modifications as are necessary, to any other subordinate legislation (other than that subject to Special Assembly Procedure under Standing Order 28) in the form of a report, guidance, code of practice or other document that is required by any enactment to be:

- (i) laid before the Assembly; and
- (ii) subject to any form of Assembly procedure having the same or equivalent effect to those mentioned in Standing Orders 27.2 or 27.5.

## **STANDING ORDER 28 – Special Assembly Procedure**

- 28.1 Standing Order 28 applies to the exercise by the Welsh Ministers, the First Minister or the Counsel General of any power to make or confirm subordinate legislation which is, by virtue of any enactment, subject to special Assembly procedure.
- 28.2 A petition presented in accordance with Standing Order 28 is not to be regarded as a petition falling within Standing Order 23 and, for the purposes of Standing Order 28, the “petitioner” or the “counter-petitioner” is the person who presents the petition or counter-petition respectively.
- 28.3 Any subordinate legislation subject to special Assembly procedure cannot be made or confirmed unless it has been laid before the Assembly and has complied with Standing Orders 28.4 to 28.26.
- 28.4 No subordinate legislation to which Standing Order 28 applies can be laid before the Assembly until the requirements (if any) of the enabling enactment with respect to:
- (i) the publication or service of notices;
  - (ii) the consideration of objections; and
  - (iii) the holding of inquiries or other proceedings preliminary to the making or confirmation of the subordinate legislation,
- have been complied with and the member of the government with responsibility for the subordinate legislation has certified that they have been complied with.
- 28.5 Subject to Standing Order 28.4, the member of the government with responsibility for the subordinate legislation may lay a draft of it before the Assembly and must give public notice of the entitlement of any person to present a petition to the Assembly against its making or confirmation.
- 28.6 The notice must be published at least once in at least one newspaper circulating in the area to which the draft subordinate legislation relates. The notice must state:

- (i) the general effect of the draft 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 draft 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 a petition may either request particular amendments to be made to the draft subordinate legislation before it is made (specifying the amendments requested), or request that it should not be made; and
- (iv) that the petitioner must have regard to any written guidance issued by the Presiding Officer on this matter.

28.7 The Presiding Officer is to be responsible for receiving petitions.

28.8 If no petition is received within the period specified in Standing Order 28.6(ii) the Presiding Officer must, as soon as possible, report accordingly to the Assembly.

28.9 If the Presiding Officer reports in accordance with Standing Order 28.8, the member of the government with responsibility for the subordinate legislation may make or confirm it.

28.10 The Presiding Officer must consider any petition received and inform the Assembly of its content and the number of signatures as soon as possible after the expiry of the period specified in the public notice.

28.11 A petitioner has such a substantial ground of objection if his or her property or interests would be affected by the subordinate legislation. A petitioner which is an amenity society or similar body has such a substantial ground of objection if an interest which it represents would be affected by the subordinate legislation.

28.12 If the Presiding Officer considers that any petition received does not disclose a substantial ground of objection to the subordinate legislation (or part of it), the Presiding Officer must notify the petitioner accordingly and permit him or her to make representations to the Presiding Officer.

28.13 If, following consideration of any such representations, the Presiding Officer concludes that a petition:

- (i) discloses a substantial ground of objection to the subordinate legislation (or part of it); or
- (ii) does not disclose such a substantial ground of objection,

the Presiding Officer must, as soon as possible, report that fact to the Assembly and inform the petitioner accordingly.

28.14 In a case falling within Standing Order 28.13(i), the Presiding Officer's report must state that the petition must be considered by the Assembly.

28.15 In a case falling within Standing Order 28.13(ii), the member of the government with responsibility for the subordinate legislation may make or confirm it.

28.16 In a case falling within Standing Order 28.13(i) and where the petition requests amendments to be made to the subordinate legislation, the Presiding Officer may decide that the amendments requested would, in the Presiding Officer's opinion, affect the interests of other persons.

28.17 If the Presiding Officer decides under Standing Order 28.16 that the petition does request any such amendment, the Presiding Officer must:

- (i) include in his or her report to the Assembly under Standing Order 28.13 his or her decision under Standing Order 28.16;
- (ii) inform the petitioner of his or her decision under Standing Order 28.16; and
- (iii) invite counter-petitions.

28.18 Where counter-petitions are invited in accordance with Standing Order 28.17(iii), the provisions of Standing Orders 28.6 to 28.15 apply to such counter-petitions as they apply to petitions.

28.19 Where the Presiding Officer reports to the Assembly that a petition must be considered by the Assembly, the Business Committee must refer such a petition (and any counter-petition) to a committee to be established in accordance with Standing Order 16.5 to consider the petition (and counter-petition) and to report in accordance with Standing Order 28.22.

- 28.20 Standing Orders 17.12 (Member ceasing to be a member of a committee on joining or leaving a political group), 17.48 (substitution at committee meetings) and 17.49 (participation in a committee meeting by Members who are not members of the committee) do not apply to a committee established under Standing Order 28.19.
- 28.21 The petitioner, any counter-petitioner, the member of the government with responsibility for the subordinate legislation and any applicant for the subordinate legislation, are entitled to be heard before the committee either in person or may be represented.
- 28.22 The committee must report to the Assembly with a recommendation that the subordinate legislation should:
- (i) not be made or confirmed;
  - (ii) be made or confirmed without amendment; or
  - (iii) be made or confirmed with such amendments as the committee considers expedient to give effect either in whole or in part to any petition (or counter-petition) and with such consequential amendments, if any, as they consider appropriate.
- 28.23 Where the committee reports that the subordinate legislation should not be made or confirmed, no further proceedings may be taken on it, but this does not prevent a member of the government laying further draft subordinate legislation before the Assembly.
- 28.24 Where the committee reports that subordinate legislation should be made or confirmed without amendment, the member of the government with responsibility for the subordinate legislation may make or confirm it.
- 28.25 Where the committee reports that the subordinate legislation should be made or confirmed with amendments, it may be made or confirmed with such amendments.
- 28.26 If the member of the government with responsibility for the subordinate legislation considers it inexpedient that it should be made or confirmed as proposed to be amended, it must either be withdrawn (without prejudice to the laying before the Assembly of further draft subordinate legislation) or the member of the government with responsibility for it may table a motion that the Assembly should

agree that it be made or confirmed without the amendments recommended by the committee.

## **STANDING ORDER 29 – Consent in relation to UK Parliament Bills**

### **UK Parliament Bills Making Provision Requiring the Assembly’s Consent**

29.1 In Standing Order 29, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales:

- (i) for any purpose within the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly); or
- (ii) which has a negative impact on the legislative competence of the Assembly.

### **Legislative Consent Memorandum**

29.2 A member of the government must lay a memorandum (“a legislative consent memorandum”) in relation to:

- (i) any UK Government Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction;
- (ii) any UK Private Member’s Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;
- (iii) any Bill introduced into the UK Parliament that, by virtue of amendments:
  - (a) agreed to; or
  - (b) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support,

in either House, makes (or would make) relevant provision for the first time or beyond the limits of any consent previously given by the Assembly, normally no later than two weeks after the amendments are tabled or agreed to.

29.3 A legislative consent memorandum must:



- (i) summarise the policy objectives of the Bill;
- (ii) specify the extent to which the Bill makes (or would make) relevant provision; and
- (iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill.

29.4 The Business Committee may refer any legislative consent memorandum to a committee or committees for consideration.

29.5 If a legislative consent memorandum is referred to a committee or committees for consideration in accordance with Standing Order 29.4, the Business Committee must establish and publish a timetable for the committee or committees to consider and report on it.

#### **Legislative Consent Motion**

29.6 When a legislative consent memorandum is laid, the government must table a motion (“a legislative consent motion”) which must seek the Assembly’s agreement to the inclusion of a relevant provision in a relevant Bill.

29.7 The Assembly must consider a legislative consent motion which has been tabled.

29.8 If a legislative consent memorandum is referred by the Business Committee for consideration by a committee or committees in accordance with Standing Order 29.4, the related legislative consent motion must not be debated until either:

- (i) the committee has reported in accordance with Standing Order 29.4; or
- (ii) the deadline by which a committee is required to report in accordance with Standing Order 29.5 has been reached.

## **STANDING ORDER 30 – Notification in relation to UK Parliament Bills**

### **UK Parliament Bills Making Provision Requiring Notification to the Assembly**

30.1 In Standing Order 30, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales (other than a provision which is a relevant provision within Standing Order 29.1):

- (i) which has a significant impact on the functions of the Welsh Ministers or of the Counsel General; or
- (ii) which has an impact on the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions).

### **Written Statements in Relation to Relevant UK Parliament Bills**

30.2 A member of the government must lay a written statement in relation to:

- (i) any UK Government Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction;
- (ii) any UK Private Member’s Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;
- (iii) any Bill introduced into the UK Parliament that, by virtue of amendments:
  - (a) agreed to; or
  - (b) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support,

in either House, makes (or would make) relevant provision, normally no later than two weeks after the amendments are tabled or agreed to.

30.3 The written statement must:

- (i) summarise the policy objectives of the Bill;

- (ii) specify the extent to which the Bill makes (or would make) relevant provision; and
- (iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill.

## **STANDING ORDER 31 – Reports of Proceedings**

31.1 The Commission must make arrangements, in accordance with the requirements of section 31(6) of the Act where applicable, for:

- (i) recording the decisions of the Assembly, including the decisions of committees and sub-committees;
- (ii) reporting Assembly proceedings , including those proceedings of committees and sub-committees which are held in public; and
- (iii) publishing that record of decisions and report of proceedings.

## **STANDING ORDER 32 – Conduct of the Public**

- 32.1 The Presiding Officer may make rules specifying the conditions with which members of the public attending or participating in Assembly proceedings must comply.
- 32.2 The Presiding Officer may require any member of the public to be excluded from Assembly proceedings if he or she is acting in a disruptive or disorderly manner, or is otherwise interfering in the Assembly's proper conduct of its business.
- 32.3 The chair of a committee has equivalent powers to the Presiding Officer under Standing Order 32.2 where the member of the public is attending or participating in any proceedings of that committee.

## **STANDING ORDER 33 – Remaking, Revision and Suspension of Standing Orders**

### **Re-making and Revision**

- 33.1 The Business Committee must, within a reasonable time, consider and report on any proposal made to it by at least six Members to remake the Standing Orders or revise Standing Orders (and any such revision may be of any Standing Order or part of a Standing Order).
- 33.2 A motion to remake the Standing Orders or revise Standing Orders must be tabled and proposed in plenary by the Business Committee.
- 33.3 If a resolution to remake the Standing Orders or revise Standing Orders is passed on a vote, it has no effect unless at least two-thirds of the Members voting support the motion.
- 33.4 A resolution to remake the Standing Orders or revise Standing Orders has immediate effect unless the resolution provides otherwise.
- 33.5 A resolution to revise Standing Orders may provide that any Standing Order, or any revision thereto, may be temporary (and its duration specified).

### **Suspension**

- 33.6 Any Standing Order or part thereof may be suspended for a specific purpose or purposes and in respect of a particular day on a motion tabled by any Member.
- 33.7 If a motion to suspend a Standing Order or part thereof is passed on a vote, it has no effect unless at least two-thirds of the Members voting support the motion.
- 33.8 A motion under Standing Order 33.6 must 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.
- 33.9 Members must be notified forthwith as soon as a motion under Standing Order 33.6 is tabled.