

National Assembly for Wales

Business Committee

March 2020

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



## Amending Standing Orders: Changes resulting from the change of the name of the institution

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### Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to change the name of the institution throughout Standing Orders, in line with the provisions of the Senedd and Elections (Wales) Act 2020. The proposals for new Standing Orders are at Annex A.

### Background

3. The Senedd and Elections (Wales) Act 2020 (the Act) received Royal Assent on 15 January. The Act changes the name of the institution from The National Assembly for Wales / Cynulliad Cenedlaethol Cymru to Senedd Cymru or Welsh Parliament. The name change provisions of the Act come into force on 6 May 2020.

4. Part 2 and Schedule 1 of the Act together amend section 1(1) of the Government of Wales Act (GOWA) 2006 to the following:

**1 The Assembly**

*(1) There is to be a parliament for Wales to be known as Senedd Cymru or the Welsh Parliament (referred to in this Act as “the Senedd”).*

5. Part 2 also stipulates how associated names, titles and descriptors will change, as outlined in table 1.

**Table 1**

Current	As amended by the Act
National Assembly for Wales	Senedd Cymru or Welsh Parliament
Cynulliad Cenedlaethol Cymru	Senedd Cymru neu Welsh Parliament
Assembly Member (AM)	Member of the Senedd (MS)
Aelod Cynulliad (AC)	Aelod o’r Senedd (AS)
Assembly Members (AMs)	Members of the Senedd (MSs)
Aelodau Cynulliad (ACau)	Aelodau o’r Senedd (ASau)
Clerk of the National Assembly for Wales	Clerk of the Senedd Clerc y Senedd
Clerc Cynulliad Cenedlaethol Cymru	
National Assembly for Wales Commission	Senedd Commission Comisiwn y Senedd
Comisiwn Cynulliad Cenedlaethol Cymru	
Act of the National Assembly for Wales	Act of Senedd Cymru Deddf Senedd Cymru

Deddf Cynulliad Cenedlaethol Cymru	
National Assembly for Wales Commissioner for Standards	Senedd Commissioner for Standards
Comisiynydd Safonau Cynulliad Cenedlaethol Cymru	Comisiynydd Safonau y Senedd
National Assembly for Wales Remuneration Board	Independent Remuneration Board of the Senedd
Bwrdd Taliadau Cynulliad Cenedlaethol Cymru	Bwrdd Taliadau Annibynnol y Senedd

6. Additionally, the associated Schedule 1 amends other terminology of GOWA 2006 to reflect the new name as set out in table 2: again, using Senedd throughout.

**Table 2**

Current	As amended by the Act
Assembly constituency	Senedd constituency
Assembly constituency member	Senedd constituency member
Assembly electoral region	Senedd electoral region
Assembly proceedings	Senedd proceedings
Assembly regional member	Senedd regional member
Assembly's legislative competence	Senedd's legislative competence

7. Any references in Standing Orders to the names and titles included in tables 1 and 2 must therefore use the new terminology stipulated by the Act in both languages.

8. While the legislation provides that the institution has two names of equal standing, irrespective of language –‘Senedd Cymru or Welsh Parliament’– the Act refers to ‘Senedd’ throughout in both languages. The Explanatory Memorandum also uses ‘Senedd’ to replace ‘Assembly’ and ‘National Assembly for Wales’ in certain contexts. The intention of this was to normalise everyday use of the word ‘Senedd’ in relation to the institution.

### **Changing Standing Orders**

9. GOWA 2006 contains a provision (inserted by the Wales Act 2017) which allows references to the old name, in documents such as Standing Orders, to be read as the new name for legal purposes. However, any actual changes to the text will need to be made and then agreed in the usual way, i.e. via a motion in Plenary, with two-thirds of Members present voting in favour if the motion is taken to a vote (SOs 33.2 and 33.3).

### **Assembly Commission Decisions**

10. The Assembly Commission met on 27 January to agree its approach to changing the name. It made a number of decisions, based on the intention of the Act to normalise the everyday use of the word Senedd in relation to the institution.

11. Most significantly, Commissioners agreed to amend the Assembly’s purpose statement as follows:

*The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.*

12. They agreed that the explanation of ‘Senedd’ in the purpose statement allowed for its use in materials subsequently, with the logo serving as a reminder of the formal name. The purpose statement inside the front cover of Standing Orders will need to be amended in line with the Commission decision.

## **Business Committee decisions**

13. At its meeting of 25 February, the Business Committee decided that the new title of Standing Orders would be:

*Standing Orders of the Welsh Parliament / Rheolau Sefydlog Senedd Cymru*

14. It further decided that where the word 'Assembly' occurs in isolation, outside of the phrases in tables 1 and 2, 'Senedd' should be used in its place in both English and Welsh. It also agreed to include a new entry in the glossary explaining that 'Senedd' is used to refer to the Welsh Parliament /Senedd Cymru.

## **Action**

15. The Business Committee formally agreed the changes to Standing Orders on 17 March 2020. It also agreed that, while the changes will come into effect on 6 May, the Assembly should be invited to agree them in advance of that date. The Assembly is invited to approve the proposals at Annex A.

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## INTERPRETATION

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In these Standing Orders:

- “**the Act**” means the Government of Wales Act 2006;
- “**an Act of the Senedd**” means an Act of Senedd Cymru as defined in section 107(1) of the Act;
- “**a Senedd**” means the period from a Senedd election to dissolution;
- “**Auditor General**” means the Auditor General for Wales appointed under paragraph 1 of Schedule 8 to the Act;
- “**a Bill**” means a proposed Act of the Senedd as defined in section 107(2) of the Act;
- “**Clerk**” means the Clerk of the Senedd appointed under section 26(1) of the Act;
- “**the Commission**” means the Senedd 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 Government, as defined in section 45(1) of the Act;
- “**laid**” means laid in accordance with Standing Order 15;
- “**Member**” means a Member of the Senedd returned either for a Senedd constituency or for a Senedd 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 Senedd 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 Senedd website as a minimum requirement;
- “**the Senedd**” means Senedd Cymru or the Welsh Parliament;
- “**Senedd election**” means a general election held under the Act;
- “**Senedd proceedings**” means any proceedings of the Senedd, any committee of the Senedd or a sub-committee of such a committee;
- “**Senedd year**” means the period from 1 May in one year to 30 April in the following year;
- “**sitting week**” means a week in which the Senedd 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 Senedd, 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.



## **1. STANDING ORDER 1 – Members**

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

- 23.1 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.
- 23.1 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**

- 23.1 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 Senedd; 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.
- 23.1 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**

- 23.1 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.
- 23.1 The Commission must lay before the Senedd and publish any determination made under Standing Order 1.5 as soon as reasonably practicable after it has been made.
- 23.1 The Senedd must, on a motion proposed by the Commission, elect Trustees to the Senedd Members' Pension Scheme in accordance with the Scheme Rules.

## **Resignations and Vacancies**

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

23.1 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**

23.1 The Senedd 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 Senedd 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 Senedd organised by the Commission.

### **Telephone Enquiries**

7. Provision to guide the way in which telephone enquiries from members of the public to the Senedd'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 Senedd 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.

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

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

- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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 Registrable Interests before Taking Part in Any Senedd Proceedings**

- 23.1 In the circumstances specified in Standing Order 2, before taking part in any Senedd 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.
- 23.1 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 the electorate generally.

### **Lobbying for Reward or Consideration**

- 23.1 A Member must not advocate or initiate any cause or matter on behalf of any body or individual in any Senedd 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**

- 23.1 Where a Member is required under Standing Order 2.6 to declare an interest in a matter before taking part in any Senedd 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.
- 23.1 *[This Standing Order was removed by resolution in Plenary on 2 October 2013]*
- 23.1 *[This Standing Order was removed by resolution in Plenary on 2 October 2013]*
- 23.1 *[This Standing Order was removed by resolution in Plenary on 17 June 2015 and came into effect on 1 September 2015]*
- 23.1 *[This Standing Order was removed by resolution in Plenary on 17 June 2015 and came into effect on 1 September 2015]*

# 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 Senedd proceedings.

## General

1. Members should, in listing their registrable interests, have regard to any relevant resolutions, codes of practice or guidance notes which the Senedd 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 Senedd must be included in that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any Senedd proceedings, sponsoring of functions in the Senedd 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 Senedd) for which the Member or, to the Member's knowledge, the Member's partner, 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, including the receipt of any public funds;
  - (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 Senedd;
  - (iv) gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Senedd 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 Senedd;

- (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, to the Member's knowledge, has tendered for, is tendering for, or has, a contract with the Senedd Commission or the Welsh Government;
- (vi) financial sponsorship (a) as a candidate for election to the Senedd, 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 Senedd 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 Senedd, 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 Senedd where the cost of any such visit has not been wholly borne by the Member or from funds provided by the Senedd or by Parliament or by any organisation of which the Senedd 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 Senedd 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 Senedd;

- (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 Senedd Commission or the Welsh Government, where the Member knows, or ought to have known, of the Senedd Commission or Welsh Government funding.

### 3. 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.]

23.1 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.

23.1 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.

23.1 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.

23.1 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.

23.1 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.

- 23.1 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.
- 23.1 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.
- 23.1 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.

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

##### General

- 23.1 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.
- 23.1 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

- 23.1 Notification is to be by reference to the following bands:
- (i) Band 1: Less than 5 hours per week;
  - (ii) Band 2: Between 5 and 20 hours per week;
  - (iii) Band 3: More than 20 hours per week.
- 23.1 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.
- 23.1 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.
- 23.1 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**

- 23.1 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**

- 23.1 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.
- 23.1 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.

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

- 23.1 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.
- 23.1 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).
- 23.1 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.
- 23.1 Notifications must be made by completion of a form prescribed by the Presiding Officer.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.



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

### Election of Presiding Officer and Deputy

- 23.1 At its first meeting after a Senedd election, the Senedd must elect from its Members a Presiding Officer and a Deputy.
- 23.1 If the office of the Presiding Officer or that of the Deputy becomes vacant, the Senedd must, as soon as possible, elect a Member to fill the vacancy. The election of a Presiding Officer takes precedence over all other business.
- 23.1 Subject to Standing Order 6.4, the proceedings for the election of a Presiding Officer at the first meeting after a Senedd election are to be chaired by the Presiding Officer who held office immediately before the Senedd election (“the former Presiding Officer”).
- 23.1 If:
- (i) at the first meeting after a Senedd 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.
- 23.1 No Member who chairs proceedings for the election of a Presiding Officer may be nominated for election as Presiding Officer in those proceedings.
- 23.1 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.
- 23.1 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.

- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 The Senedd 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.
- 23.1 Standing Order 6.12 may be disapplied by a resolution of the Senedd (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 Senedd proceeds to the election of a Presiding Officer or Deputy.
- 23.1 If in the course of a Senedd, 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

23.1 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 Senedd in exchanges with any other bodies, whether within or outside the United Kingdom, in relation to matters affecting the Senedd; and
- (iv) such other functions conferred by any enactment, by the Senedd or by these Standing Orders.

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

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

23.1 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.

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

23.1 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 Senedd is possible; and

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

23.1 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 Senedd seats.

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

23.1 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 Senedd, temporarily chair.

23.1 A Member acting as chair must not exercise any of the functions of the Presiding Officer except:

- (i) calling business in the order in which it appears on the agenda;
- (ii) making necessary arrangements to adjust the timetable for business in order to facilitate the effective conduct of business;
- (iii) at the end of proceedings on an item of business, inviting the Senedd to agree any questions necessary or deferring any questions necessary to dispose of the business in accordance with Standing Orders 12.36 and 12.37;
- (iv) proposing that motions or amendments be grouped in accordance with Standing Order 12.40;
- (v) in any circumstances where he or she thinks it appropriate to do so, adjourning proceedings or suspending proceedings for a specified time;
- (vi) 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**

23.1 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**

23.1 The Presiding Officer or the Deputy may resign by giving notice in writing to the Clerk.

23.1 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.

23.1 If the Senedd 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.

## **7. STANDING ORDER 7 – The Senedd Commission**

### **Appointment of Members**

- 23.1 As soon as reasonably practicable after a Senedd election, but no later than 10 days after the appointment of members of the Business Committee, the Senedd 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.
- 23.1 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.
- 23.1 If there are four or more political groups in the Senedd, 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.
- 23.1 If there are fewer than four political groups in the Senedd:
- (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.
- 23.1 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).
- 23.1 No amendment may be tabled to a motion under Standing Order 7.1.

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

- 23.1 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.

23.1 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.

23.1 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 Senedd 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.

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

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

23.1 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.

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

### **Nomination of First Minister**

- 23.1 Subject to section 47(3) of the Act, the Senedd 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”).
- 23.1 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.
- 23.1 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**

- 23.1 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 Senedd.
- 23.1 When the Presiding Officer is notified that any other member of the government has resigned, the Presiding Officer must notify the Senedd.
- 23.1 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 Senedd.



23.1 If a motion that the Welsh Ministers no longer enjoy the confidence of the Senedd 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.

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

### **Appointment**

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

### **Participation in Senedd Proceedings**

- 23.1 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.
- 23.1 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 Senedd proceedings but may not vote.

### **Removal or Resignation**

- 23.1 The agreement of the Senedd 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 Senedd.
- 23.1 Any motion for such a resolution must be moved by the First Minister. No amendment may be tabled to the motion.
- 23.1 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 Senedd.
- 23.1 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**

- 23.1 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 Senedd.

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

### **Application**

- 23.1 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 Senedd, or
  - (ii) on the nomination or recommendation of the Senedd, or
  - (iii) with the approval of the Senedd.
- 23.1 Standing Order 10 does not apply to an office if provision for appointment to that office is made elsewhere in the Standing Orders.
- 23.1 An office to which Standing Order 10 applies is referred to as a “relevant office”.
- 23.1 Standing Order 10 takes effect subject to any statutory requirements relating to the appointment.

### **Method of Appointment**

- 23.1 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 Senedd.

### **Committee Consideration**

- 23.1 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**

- 23.1 Where the Senedd 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 Senedd.
- 23.1 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**

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

## 11. STANDING ORDER 11 – Organisation of Business

### Business Committee

- 23.1 There is to be a Business Committee, to facilitate the effective organisation of Senedd proceedings.
- 23.1 Standing Orders 17.3 to 17.6 do not apply to the Business Committee.
- 23.1 As soon as possible after a Senedd 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 Senedd 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.
- 23.1 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.
- 23.1 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.

23.1 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”.

23.1 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 Senedd 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 Senedd 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.

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

## **Senedd Timetable**

- 23.1 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.
- 23.1 Timetables 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**

- 23.1 In each week that the Senedd 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 Senedd 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.
- 23.1 The organisation of government business in plenary must be determined by the government.
- 23.1 The organisation of Senedd business in plenary must be determined by the Business Committee, in accordance with Standing Order 11.7(ii).
- 23.1 Every item of business referred to in the statement and announcement must have an allotted time assigned to it.



- 23.1 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 Senedd 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.
- 23.1 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**

- 23.1 The aggregate of time allocated as between government and Senedd business in plenary meetings in a Senedd year must, so far as is reasonably practicable, be in the proportion of 3:2.
- 23.1 For the purposes of Standing Orders 11 and 12, government business includes proceedings on:
- (i) oral questions (other than oral questions to the Commission), and topical questions under Standing Order 12.68A);
  - (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.

- 23.1 For the purposes of Standing Orders 11 and 12, Senedd business includes all items of business except for those listed under Standing Order 11.18.
- 23.1 The Presiding Officer must determine any question as to whether a matter is government or Senedd business.
- 23.1 Time must be made available in each Senedd year for debates on the following items of business:
- (i) *[Standing Order removed by resolution in Plenary on 27 September 2017]*
  - (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 Senedd);
  - (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**

- 23.1 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 Senedd:
- (i) oral and written questions;
  - (ii) motions and amendments to motions;
  - (iii) proposed and draft Orders in Council to be made under section 109 of the Act;

- (iv) Bills and amendments to Bills;
- (v) subordinate legislation or draft subordinate legislation; and
- (vi) any documents laid before the Senedd.

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

### Plenary Meetings

- 23.1 Plenary meetings of the Senedd must take place in public and broadcasting access must be permitted in accordance with such arrangements as the Commission may agree.
- 23.1 The Senedd must meet in plenary in accordance with Standing Orders 11 and 12.
- 23.1 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 Senedd to consider a matter of urgent public importance.
- 23.1 So far as is reasonably practicable, any documents provided for business taken in plenary meetings must be made publicly available.
- 23.1 *[Standing Order removed by resolution in Plenary on 27 September 2017]*
- 23.1 Plenary meetings must usually:
- (i) be held on Tuesdays and Wednesdays and start at 1.30pm;
  - (ii) take government business first.

### Plenary Meetings following a Senedd Election

- 23.1 The first plenary meeting following a Senedd 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.
- 23.1 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.
- 23.1 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.

- 23.1 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 Senedd may by resolution agree.
- 23.1 Nominations under Standing Order 8 can take place at plenary meetings arranged under Standing Order 12.7 and 12.8 only if the Senedd, by resolution, agrees.
- 23.1 Standing Orders 11.12 and 11.13 do not apply to plenary meetings arranged under Standing Order 12.7 and 12.8.
- 23.1 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**

- 23.1 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.
- 23.1 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 Senedd, including motions under Standing Order 17.2A;
  - (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.

23.1 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.

23.1 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**

23.1 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.

23.1 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.

23.1 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.

23.1 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.

23.1 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.

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

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

23.1 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.

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

23.1 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

- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.

- 23.1 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 Senedd's procedures or an infringement of the rights of minorities in the Senedd.

23.1 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.

23.1 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**

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

23.1 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).

23.1 At the time (or point) specified under Standing Order 11.15, the Presiding Officer must interrupt the business and invite the Senedd 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.

- 23.1 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.
- 23.1 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.
- 23.1 Subject to Standing Orders 12.41A–H, Members must cast their votes individually and in person (but are not obliged to vote).
- 12.41A A Member may, by reason of absence from the Senedd for parental leave, arrange for their vote to be cast by another Member acting as a proxy (a proxy vote).
- 12.41B Subject to Standing Order 12.41C, a proxy vote may be cast on all business in Plenary (including secret ballots under Standing Order 6 and Standing Order 17) and a Committee of the Whole Senedd.
- 12.41C No proxy vote may be cast 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 at least two-thirds of the total number of Senedd seats.
- 12.41D A proxy vote must not count towards the numbers participating in a vote for the purposes of Standing Order 12.46.
- 12.41E A proxy vote may be cast only if the Presiding Officer has certified that the Member for whom the vote is to be cast is eligible under the terms of Standing Order 12.41A.
- 12.41F A vote cast by a proxy must be clearly indicated as such in the report of plenary proceedings or minutes of the Committee of the Whole Senedd.
- 12.41G The Presiding Officer, having consulted the Business Committee, must issue written guidance to Members under Standing Order 6.17 on the operation of voting by proxy for parental leave.

- 12.41H Standing Orders 12.41A – 12.41H, and the references to them in Standing Orders 12.41 and 17.48, will cease to have effect on 6 April 2021.
- 23.1 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 Senedd seats, a recorded vote must be taken.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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 Senedd must proceed to the next item of business.
- 23.1 In determining the number of Members participating in a vote, those recording an abstention are to be regarded as participating.
- 23.1 The names of Members voting, including those recording an abstention, must be included in any report of plenary proceedings.

- 23.1 A report of the vote must be made available as soon as possible after the vote has taken place.

## **Statements**

- 23.1 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 Senedd for which they are responsible, with the agreement of the Presiding Officer.
- 23.1 The Presiding Officer may permit questions to be asked of a Member making a statement.

## **Personal Statements**

- 23.1 The Presiding Officer may allow a Member to make a personal statement, following notice in writing to him or her.
- 23.1 A personal statement must be brief, factual and must not be subject to debate.

## **Oral Questions**

- 23.1 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)).
- 23.1 Members may table oral questions to the Commission about any matter relating to the Commission's responsibilities.
- 23.1 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 Senedd 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 Senedd 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 Senedd meets in plenary.

- 23.1 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).
- 23.1 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.
- 23.1 Questions to the First Minister must be tabled at least three working days before they are to be answered; questions to Welsh Ministers, the Counsel General and the Commission must be tabled at least five working days before they are to be answered.
- 23.1 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.
- 23.1 The Presiding Officer must undertake a ballot to select the names of those Members who may table oral questions to the First Minister, Welsh Ministers, and the Counsel General (if the Counsel General is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer).

- 23.1 A ballot under Standing Order 12.61 must be conducted at least one working day before the last day on which questions may be tabled.
- 23.1 Each Member may enter their names into the ballot under Standing Order 12.61 once for oral questions to the First Minister, a particular Welsh Minister or the Counsel General (if the Counsel General is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer).
- 12.63A Subject to Standing Order 12.63B, any Member may table oral questions to the Counsel General (unless he or she is answering oral questions only on matters relating to any responsibilities he or she holds other than those of the government's law officer, in which case Standing Order 12.61 applies) and the Commission.
- 12.63B Each Member may table no more than two oral questions to the Counsel General, and one oral question to the Commission, for any week where they are answering questions.
- 23.1 For questions accepted before a deadline agreed by the Business Committee, the order of questions must be determined by random means on the last day on which they may be tabled.
- 23.1 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.
- 23.1 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.

### **Emergency Questions**

- 23.1 At such a 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 national significance.

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

### **Topical Questions**

12.68A The Business Committee may make time available for Members to ask questions to the First Minister, Welsh Ministers or Counsel General for which notice under Standing Order 12.59 has not been given.

12.68B The Presiding Officer must select any questions that are to be taken during time made available under Standing Order 12.68A, from among those tabled in accordance with any guidance on topical questions issued under Standing Order 6.17.

### **Urgent Debates**

23.1 At any plenary meeting, a Member may move in a speech lasting no longer than three minutes that the Senedd 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.

23.1 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 Senedd 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.

23.1 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 Senedd 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**

23.1 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.

23.1 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.



23.1 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.

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

### **Rules of Debate**

- 23.1 Members called by the Presiding Officer to speak must address the chair.
- 23.1 Members may speak in English or Welsh, and simultaneous interpretation facilities must be provided for speeches made in Welsh.
- 23.1 The Presiding Officer, having consulted the Business Committee, may invite any person to participate in a Plenary meeting for a specific purpose. An invited person may be called to speak, but may not vote.
- 23.1 Speeches must be relevant to the business before the Senedd, and avoid tedious repetition.
- 23.1 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.
- 23.1 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.
- 23.1 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.
- 23.1 A Member may not speak after the proposer of a motion has exercised a right of reply.

### **Declaration of Relevant Interests**

- 13.8A Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.
- 13.8B Standing Order 13.8A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.

### **Maintenance of Order**

- 23.1 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 Senedd;
- (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 Senedd;
- (vi) refuses to conform to any Standing Order or other requirement for the conduct of Members; or
- (vii) disregards the authority of the chair.

- 23.1 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.
- 23.1 A Member may be required by the Presiding Officer to withdraw from Senedd proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.
- 23.1 When the Presiding Officer has required a Member to withdraw from Senedd proceedings and the Member has not done so, a motion to exclude the Member from Senedd proceedings must be proposed by the Presiding Officer and must be voted on immediately.
- 23.1 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.

23.1 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 Senedd and is not permitted to attend any Senedd proceedings.

### **Sub Judice**

23.1 Subject to the right of the Senedd 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**

23.1 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).

23.1 The Senedd must not discuss individual judicial appointments.

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

### Written Questions

- 23.1 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.
- 23.1 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).
- 23.1 A question must be tabled at least five working days before it is to be answered.
- 23.1 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.
- 23.1 The answers to accepted questions must be published in the report of plenary proceedings.

### Written Statements

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

### Statements of Opinion

- 23.1 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.

23.1 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.

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

- 23.1 The following documents or categories of document may be laid before the Senedd:
- (i) a document specified in any enactment as one which must or may be laid before the Senedd 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, 26A, 27 or 28;
  - (iii) any report made by a Senedd committee and which that committee has agreed should be submitted to the Senedd, 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 Senedd, by resolution in plenary, requires should be laid.
- 23.1 A member of the government or Presiding Officer may lay other appropriate documents.
- 23.1 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.
- 23.1 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.
- 23.1 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.

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

### General

- 23.1 The Senedd must establish committees with power within their remit to:
- (i) examine the expenditure, financing, 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.
- 23.1 The Business Committee must, as soon as possible after every Senedd election, table a motion or motions in accordance with Standing Order 16.1 proposing the titles and remits of committees.
- 23.1 If it appears necessary to the Business Committee during the course of a Senedd 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.
- 23.1 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 Senedd 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

- 23.1 The Senedd 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**

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

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

### **General**

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

### **Chairs of Committees**

- 17.2A For each committee established by a resolution of the Senedd, the Senedd must consider a motion tabled by the Business Committee to agree the political group from which the chair of the committee will be elected.
- 17.2B In tabling a motion under Standing Order 17.2A, 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.
- 17.2C No amendment may be tabled to a motion under Standing Order 17.2A.
- 17.2D No motion under Standing Order 17.2A can be passed unless (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.

### **Election of committee Chairs**

- 17.2E For each committee established by a resolution of the Senedd, the Senedd must elect a Member as chair of that committee.
- 17.2F At a meeting of the Senedd in plenary, the Presiding Officer must invite nominations. Only a Member from the political group specified in the relevant motion under Standing Order 17.2A may be nominated, and only a Member of the same group may make the nomination.
- 17.2G A nomination from a political group with more than 20 members must be seconded by a member of that group.
- 17.2H Where nominations for the chairs of more than one committee are being taken at the same meeting of the Senedd, no Member may be nominated for more than one of those chairs.

- 17.2I If there is only one nomination, the Presiding Officer must propose that the Member nominated be elected as chair of the committee. If that is opposed, or if there are two or more nominations, the Presiding Officer must make arrangements for the election to take place by secret ballot.
- 17.2J 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. If there is an equality of votes between the two candidates, a further secret ballot must take place.
- 17.2K If more than two Members have been nominated, Members must vote by ranking as many candidates as they wish in order of preference. If no Member receives more than half the first preferences in a ballot, the candidate who has received the smallest number of first preferences must be excluded and their votes distributed among the remaining candidates according to the next preferences. This process of exclusion and distribution must be repeated until one candidate obtains more than half the votes cast. If there is an equality of votes between the two remaining candidates a further secret ballot must take place.

#### **Committee Chairs: Resignation, Removal and Vacancy**

- 17.2L A committee chair may resign by giving notice in writing to the Business Committee.
- 17.2M Any committee may resolve that its chair be removed from office, but such a resolution may only have effect if it is:
- (i) supported by a majority of the members voting in committee, comprising members not all belonging to the same political group;
  - (ii) subsequently endorsed by the Senedd on a motion tabled by a member of the committee.
- 17.2N The chair of a committee may not participate in a vote on a motion under Standing Order 17.2M, and Standing Order 17.37 does not apply to such motions.
- 17.2O Any motion proposed under Standing Order 17.2M(i) must be considered by the committee as soon as possible, and should take priority over any other committee business.

- 17.2P The position of chair becomes vacant when the Member concerned:
- (i) resigns in accordance with Standing Order 17.2L ;
  - (ii) is removed from office in accordance with Standing Order 17.2M;
  - (iii) is elected chair of another committee;
  - (iv) ceases to be a Member; or
  - (v) joins or leaves a political group.
- 17.2Q The position of chair becomes vacant if the Senedd agrees a motion under Standing Order 17.2A to change the political group from which the chair of the committee may be elected, in accordance with Standing Order 17.2R.
- 17.2R Where the position of chair becomes vacant, the Business Committee:
- (i) must consider the effects of that vacancy on the balance of committee chairs between political groups;
  - (ii) may, having regard to that consideration, table a motion under Standing Order 17.2A proposing to change the political group from which the chair of the committee on which the vacancy occurred may be elected;
  - (iii) may, having regard to that consideration, also table one or more motions under Standing Order 17.2A proposing to change the political group from which the chair of any other committee may be elected.
- 17.2S A vacancy in the position of a committee's chair must be filled via an election under Standing Orders 17.2E – 17.2K.
- 17.2T Standing Orders 17.2A to 17.2S may be disapplied by a resolution of the Senedd (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) in relation to a specified committee on a motion tabled by the Business Committee. If the Standing Orders are disapplied, Standing Orders 17.3 to 17.16 apply to all members of the specified committee and the relevant motion under Standing Order 17.3 must also propose the chair.

## Membership of Committees

- 17.3 The Senedd must consider a motion tabled by the Business Committee to agree the remaining membership of each committee established by a resolution of the Senedd, and alternate members for the responsible committee under Standing Order 22.
- 17.4 *[Standing Order removed by resolution in Plenary on 28 June 2016]*
- 17.5 No amendment may be tabled to a motion under Standing Order 17.3.
- 17.6 No motion to agree the remaining membership of a committee under Standing Order 17.3 can be passed unless:
- (i) the total 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 remaining membership of a committee under Standing Order 17.3 is not passed, the Senedd must consider a motion tabled by the Business Committee to determine the size of the committee, and 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 the Members allocated from the group other than 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, other than the chair:
- (i) resigns from the committee by notifying the Business Committee;
  - (ii) is removed from the committee by a resolution of the Senedd;
  - (iii) is elected chair of that committee by the Senedd;
  - (iv) ceases to be a Member; or
  - (v) 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;
  - (iv) may, if it considers it appropriate, carry out any of its functions under Standing Order 17.2R with regard to the effects of that vacancy on the balance of committee chairs between political groups.

- 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**

- 23.1 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.
- 23.1 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.
- 23.1 A sub-committee must report to the committee which established it.
- 23.1 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.

### **Chairs**

- 23.1 Each committee must, subject to Standing Order 17.22, be chaired by the Member appointed to that role in accordance with Standing Orders 17.2E or 17.2T.
- 23.1 Each committee has the power to appoint a temporary chair in the absence of its chair.
- 23.1 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.
- 23.1 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.

## Declaration of Relevant Interests

- 17.24A Before taking part in any committee proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.
- 17.24B Standing Order 17.24A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.

## Behaviour in Committees

- 23.1 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 Senedd;
  - (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 Senedd;
  - (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.
- 23.1 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.
- 23.1 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 Senedd proceedings for a period in accordance with Standing Order 13.13.

## **Sub Judice**

- 23.1 Subject to the right of the Senedd 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 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 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**

- 23.1 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).
- 23.1 Committees must not discuss individual judicial appointments.

## **Quorum**

- 23.1 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.

- 23.1 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.
- 23.1 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

- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.

- 23.1 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**

- 23.1 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.
- 23.1 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 Senedd (for the purpose of section 42(1)(b) of the Act (Defamation); and
  - (ii) for the purposes of Senedd proceedings (for the purpose of section 43(1)(b) of the Act (Contempt of Court)).
- 23.1 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 Senedd, is to be discussed.

- 23.1 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.
- 23.1 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.
- 23.1 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**

- 23.1 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is not a sitting week.
- 23.1 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**

- 23.1 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. Subject to Standing Orders 12.41A–H for a Committee of the Whole Senedd, no Member may represent more than one committee member at a meeting.

## **Attendance at Meetings**

- 23.1 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.
- 23.1 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.
- 23.1 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.
- 23.1 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**

- 23.1 Committees may meet concurrently with other committees of the Senedd.
- 23.1 Committees may meet concurrently with any committee or joint committee of any legislature in the UK.

## **Committee Advisers**

- 23.1 Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice.

## **Committee Reports**

- 23.1 Any committee may report to the Senedd on matters within its remit.

## **18. STANDING ORDER 18 – Public Accounts and Oversight of the Wales Audit Office**

### **General**

- 23.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that:
- (i) 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 Orders 18.2 and 18.3; and
  - (ii) responsibility for the functions in Standing Orders 18.10 and 18.11 in relation to the Wales Audit Office and the Auditor General for Wales is assigned to a committee (referred to within Standing Order 18 as “a responsible committee”).

### **Public Accounts Committee Functions**

- 23.1 The Public Accounts Committee (“the Committee”) must:
- (i) 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
  - (ii) consider and report to the Senedd 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, or the Ombudsman, recommending whether the Senedd should authorise the excesses retrospectively by supplementary budget resolution.
- 23.1 The Committee may:
- (i) consider and report to the Senedd in accordance with section 143(1) of the Act on documents laid before the Senedd by the Auditor General;
  - (ii) consider and report to the Senedd on any other document concerning financial control, accounting and auditing in relation to public expenditure (except those relating to the internal governance of the Wales Audit Office); and

- (iii) take evidence and report to the House of Commons Public Accounts Committee if requested by that Committee to do so.

23.1 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.

### **Public Accounts Committee Membership**

- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time the member of the government directly responsible for that matter.
- 23.1 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.

### **Committee Functions Relating to the Oversight of the Wales Audit Office**

- 23.1 A responsible committee must:
  - (i) exercise the functions set out in section 20 of the Public Audit (Wales) Act 2013 relating to the estimate of income and expenses for the Wales Audit Office jointly laid by the Auditor General and the Wales Audit Office 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 Wales Audit Office;
- (iii) consider and report to the Senedd on any use of resources in excess of that authorised or deemed to be authorised that is recorded in the audited accounts of the Wales Audit Office, recommending whether the Senedd should authorise the excesses retrospectively by supplementary budget resolution;
- (iv) in accordance with Standing Order 10, advise the Senedd in the exercise of its functions under the Public Audit (Wales) Act 2013 relating to the appointment and removal from office of the Auditor General and the chair of the Wales Audit Office,
- (v) exercise the functions under the Public Audit (Wales) Act 2013 relating to the appointment and removal from office of the non-executive members of the Wales Audit Office other than the chair, and the designation of a temporary Auditor General. Standing Order 10 does not apply to these appointments;
- (vi) exercise the functions under Paragraph 34 of Schedule 1 to the Public Audit (Wales) Act 2013 relating to the appointment of the auditor of the accounts of the Wales Audit Office. Standing Order 10 does not apply to this appointment;
- (vii) exercise the functions set out in the Public Audit (Wales) Act 2013 relating to the making of remuneration arrangements in respect of the Auditor General, and of the chair and other non-executive members of the Wales Audit Office;
- (viii) exercise the functions set out in Paragraphs 8 and 9 of Schedule 1 to the Public Audit (Wales) Act 2013 relating to the determining of other terms of appointment to the Wales Audit Office;
- (ix) exercise the functions set out in Paragraph 1(4) of Schedule 2 to the Public Audit (Wales) Act 2013 relating to the approval of a

Code of Practice dealing with the relationship between the Auditor General and the Wales Audit Office;

- (x) exercise the functions set out in section 24(7) of the Public Audit (Wales) Act relating the approval of a scheme for charging fees by the Wales Audit Office;
- (xi) exercise the functions set out in section 5(3) of the Public Audit (Wales) Act 2013 relating the publication of a list of offices, positions, agreements and other arrangements specified for the purposes of section 5(2) of that Act.

23.1 A responsible committee may consider matters relating to the governance of the Wales Audit Office and oversight of the Wales Audit Office and Auditor General, including:

- (i) considering and reporting to the Senedd on the Annual Plan jointly laid before the Senedd by the Auditor General and the chair of the Wales Audit Office under section 26 of the Public Audit (Wales) Act 2013;
- (ii) advising the Wales Audit Office's auditor on the examinations to be carried out under Paragraph 35(7) of Schedule 1 to the Public Audit (Wales) Act 2013;
- (iii) considering and reporting to the Senedd on documents laid before the Senedd by the auditor of the Wales Audit Office's accounts under Paragraphs 35(2) and 35(7) of Schedule 1 to the Public Audit (Wales) Act 2013;
- (iv) considering and reporting to the Senedd on the Annual Report and any interim reports jointly laid before the Senedd by the Auditor General and the chair of the Wales Audit Office under Paragraph 3(6) of Schedule 2 to the Public Audit (Wales) Act 2013;
- (v) Determining dates for the Auditor General and the chair of the Wales Audit Office to jointly lay interim reports before the Senedd, in accordance with Paragraph 3(6)(b) of Schedule 2 to the Public Audit (Wales) Act 2013;

- (vi) specifying responsibilities for the accounting officer of the Wales Audit Office in relation to the Wales Audit Office's accounts and finances, in accordance with Paragraph 33(6) of Schedule 1 of the Public Audit (Wales) Act 2013.

### **Membership of the responsible committee**

- 23.1 Standing Orders 17.3 and 17.7 apply to the responsible committee under Standing Order 18.1(ii), except that no person specified in paragraph 2(2C)(a) of Part 2 of Schedule 7 to the Act may be proposed as a member of it.
- 23.1 Standing Order 17.21 applies to the responsible committee under Standing Order 18.1(ii), except that it must not be chaired by a Member who is a member of a political group with an executive role.
- 23.1 Standing Order 17.48 applies to the responsible committee under Standing Order 18.1(ii), except that no person specified in section 30(3) of the Act may be nominated as a representative.

## 18A. STANDING ORDER 18A – Oversight of the Public Services Ombudsman for Wales

### Committee or Committees

18A.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 18A is assigned to a committee or committees (referred to within Standing Order 18A as “a responsible committee”).

### Functions

18A.2 A responsible committee must:

- (i) exercise the functions set out in section 73 of the Public Services Ombudsman (Wales) Act 2019 in relation to reviewing the operation and effect of that Act;
- (ii) exercise the functions set out in Paragraph 5 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 in relation to determining the terms that apply to an appointment made under paragraph 1 or paragraph 4(1) of that Act;
- (iii) exercise the functions set out in Paragraph 8(1) of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 in relation to disqualification;
- (iv) exercise the functions set out in Paragraph 16 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 relating to the estimate of income and expenses for the Ombudsman’s office for each financial year;
- (v) 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 Ombudsman;
- (vi) in accordance with Standing Order 10, advise the Senedd in the exercise of its functions under the Public Services Ombudsman (Wales) Act 2019 relating to the appointment and removal from

office of the Public Services Ombudsman for Wales or an Acting  
Public Services Ombudsman for Wales.

## 19. STANDING ORDER 19 – Finance

### Committee

- 23.1 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

- 23.1 The responsible committee must consider and report on any report or other document laid before the Senedd by Welsh Ministers or the Commission containing proposals for financing, or the use of resources.
- 23.1 The responsible committee may also consider and report on any other matter relating to or affecting financing, or expenditure out of the Welsh Consolidated Fund.
- 23.1 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.
- 23.1 A reference to ‘financing’ is a reference to sources of funding including, but not limited to, revenues raised from taxes, the Welsh Block grant and through the use of borrowing.

## 20. STANDING ORDER 20 – Finance Procedures

### General

- 23.1 References to “the responsible committee” within Standing Order 20 means the committee with responsibility for the functions specified in Standing Order 19.
- 20.1A The responsible committee and the government must agree a protocol on the administrative arrangements for the scrutiny of the annual draft budget and other related budgetary matters.

### Welsh Government

- 23.1 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 outline budget proposals for the government, in accordance with Standing Order 20.7; and
  - (ii) the date by which a Welsh Minister will lay the detailed budget proposals for the government; and
  - (iii) 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.
- 23.1 The Minister must make the notification required under Standing Order 20.2 at least two weeks before the summer recess in each year.
- 23.1 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 Senedd on the outline budget proposals for the government; and
  - (iii) the deadline by which consideration of the detailed budget proposals by committees must be completed.

- 23.1 In determining the deadlines under Standing Order 20.4 or 20.6:
- (i) the responsible committee must normally be given at least eight weeks to report on the outline budget proposals for the government, and must always be given at least five weeks to report; and
  - (ii) committees must be given at least five weeks to consider the detailed budget proposals for the government.

23.1 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.

### **Draft Budget Proposals**

- 23.1 In accordance with Standing Order 20.2 (or Standing Order 20.6), a Welsh Minister must lay before the Senedd outline budget proposals setting out financing plans, and 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.
- 20.7A At the same time as a Welsh Minister lays before the Senedd outline budget proposals under Standing Order 20.7 they must also lay such accompanying information as is specified in the protocol agreed under Standing Order 20.1A.
- 20.7B In accordance with Standing Order 20.2 (or Standing Order 20.6), a Welsh Minister must lay before the Senedd detailed budget proposals, including the proposed budget allocations within each Ministerial portfolio.
- 23.1 A Welsh Minister may make a statement in plenary on the draft budget as soon as possible after the outline budget proposals are laid in accordance with Standing Order 20.7. The statement may be debated.
- 23.1 No motion may be moved in plenary in respect of the draft budget for the government until after both the following dates have passed:



- (i) the deadline by which the responsible committee is required to report on the outline budget proposals under Standing Order 20.4(ii) (or Standing Order 20.6); and
- (ii) the deadline by which consideration of the detailed budget proposals by other committees must be completed under Standing Order 20.4(iii) (or Standing Order 20.6).

23.1 *[This Standing Order was removed by resolution in Plenary on 21 June 2017]*

23.1 The responsible committee's report may recommend changes to the amounts proposed in the outline budget proposals provided that:

- (i) the net effect of those changes would not increase or decrease the aggregate amounts proposed in the outline budget proposals for the government; or
- (ii) any recommendation to increase the total spend proposed is accompanied by a proposal for a commensurate increase in the level of financing; or
- (iii) any recommendation to decrease the level of financing should include how the reduction is to be balanced by a reduction in the total spending proposed.

23.1 In accordance with the timetable established and published by the Business Committee under Standing Order 20.4 or Standing Order 20.6, the Senedd must consider a motion tabled by a Welsh Minister that the Senedd takes note of the draft budget for the government. Any amendment to such a motion may only be tabled provided that:

- (i) 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; or
- (ii) any proposal to increase the total spend is accompanied by a proposal for a commensurate increase in the level of financing; or

- (iii) any proposal to decrease the level of financing includes how the reduction is to be balanced by a reduction in the total spending proposed.

## **The Commission**

- 23.1 Not later than 1 October in each financial year, a member of the Commission must lay before the Senedd 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.
- 23.1 The responsible committee must consider and report to the Senedd on the draft budget for the Commission by 22 October. 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.
- 23.1 A member of the Commission must lay before the Senedd 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.
- 23.1 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).
- 23.1 If the final budget for the Commission is not agreed, then a member of the Commission must lay before the Senedd 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).

- 23.1 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 Senedd after 27 November.
- 23.1 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.
- 23.1 When a UK Government or Welsh 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 Senedd by laying a report.

### **Auditor General and the Wales Audit Office**

- 23.1 The Auditor General and the Wales Audit Office must jointly lay the estimate of income and expenses required under Section 20 of the Public Audit (Wales) Act 2013 before the Senedd as soon as practicable but in any event no later than 1 November in each financial year.
- 23.1 The responsible committee under Standing Order 18.10(i) must consider and lay before the Senedd, no later than 22 November, a report including the estimate, with any modifications which the responsible committee, having consulted and taken into account any representations made by the Auditor General and the Wales Audit Office, considers appropriate.

### **Ombudsman**

- 23.1 The Ombudsman must submit the estimate of income and expenses required under paragraph 16 of Schedule 1 to the Public Services

Ombudsman (Wales) Act 2019 to the responsible committee under Standing Order 18A.2(iv) as soon as practicable but in any event no later than 1 November in each financial year.

- 23.1 The responsible committee under Standing Order 18A.2(iv) must consider and lay before the Senedd, 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.

### **Welsh Rate Resolutions**

- 20.24A A Welsh rate resolution is a resolution of the Senedd under section 116D of the Act.
- 20.24B A Welsh rate resolution must
- (i) specify the tax year for which it applies;
  - (ii) must be made before the start of that tax year; and
  - (iii) must not be made more than 12 months before the start of that year.
- 20.24C A motion for a Welsh rate resolution, or for the cancellation of such a resolution, may only be moved by the First Minister or a Welsh Minister. A Welsh rate resolution is not amendable.
- 20.24D A motion for a Welsh rate resolution may not be moved until after the annual budget motion has been tabled in accordance with Standing Order 20.25.

### **Annual Budget Motions**

- 23.1 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).
- 23.1 An annual budget motion must incorporate:
- (i) the final budget for the government;
  - (ii) the final budget for the Commission as agreed by the Senedd under Standing Order 20.16 or 20.17, or as determined under Standing Order 20.19;

(iii) the estimate for the Wales Audit Office, as laid before the Senedd under Standing Order 20.22; and

(iv) the estimate for the Ombudsman as laid before the Senedd under Standing Order 20.24.

23.1 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.

23.1 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 UK 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 UK 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;

(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); and

(vi) details of any revisions to the information provided in accordance with Standing Orders 20.7 – 20.7B for the draft budget, as specified in the protocol agreed under Standing Order 20.1A.

23.1 An annual budget motion may only be moved by a Welsh Minister. No amendment to an annual budget motion may be tabled.

20.29A No decision may be taken on an annual budget motion until the Senedd has agreed the Welsh rate resolution for the financial year covered by the motion.

### **Supplementary Budget Motions**

- 23.1 A Welsh Minister may table a supplementary budget motion under section 126 at any time after the annual budget resolution has been passed.
- 23.1 The information provided in support of a supplementary budget motion must include any variations to that provided in accordance with Standing Order 20.28.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 If the supplementary budget motion proposes a variation to the budget for the Wales Audit Office:
- (i) the Auditor General and the Wales Audit Office must jointly provide an explanatory memorandum to the responsible committee under Standing Order 18.10(ii) stating why the variation to the budget is required;
  - (ii) the responsible committee under Standing Order 18.10(ii) 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 responsible committee under Standing Order 18.10(ii), having consulted and taken into account any representations made by the Auditor General and the Wales Audit Office, considers appropriate.

- 23.1 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 under Standing Order 18A.2(v) stating why the variation to the budget is required;
  - (ii) the responsible committee under Standing Order 18A.2(v) may lay before the Senedd 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 responsible committee, having consulted and taken into account any representations made by the Ombudsman, considers appropriate.

- 23.1 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

- 20.37A If the audited accounts of the Welsh Government for any financial year record an excess of resources used to the amounts authorised or deemed under the Act to be authorised by Senedd budget resolutions, a Welsh Minister may table a supplementary budget motion seeking retrospective authorisation for excesses recorded in the Welsh Government's audited accounts.
- 23.1 Standing Order 20.39 applies if the audited accounts of the Commission, the Wales Audit Office 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 Senedd budget resolutions.

- 23.1 A Welsh Minister must, if requested to do so by the Commission, the Wales Audit Office or the Ombudsman, table a supplementary budget motion seeking retrospective authorisation for excesses recorded in that person's audited accounts.
- 23.1 A supplementary budget motion tabled under Standing Orders 20.37A or 20.39 may not be moved until either:
- (i) the Public Accounts Committee, or the responsible committee under Standing Order 18.10(iv) if it relates to the Wales Audit Office, has reported on the motion; or
  - (ii) if the Public Accounts Committee, or the responsible committee under Standing Order 18.10(iv) if it relates to the Wales Audit Office, has not reported on the motion, 6 months have elapsed after it has been tabled.
- 23.1 Standing Orders 20.30 to 20.36 do not apply to motions tabled under Standing Orders 20.37A or 20.39.



## 21. STANDING ORDER 21 – Constitutional and Legislative Affairs

### 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 21 is assigned to a committee or committees (referred to within Standing Order 21 as “a responsible committee”).

### Functions

- 23.1 A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Senedd and report on whether the Senedd 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 Senedd; 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).

23.1 A responsible committee may consider and report on whether the Senedd should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Senedd 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 Senedd;
- (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.

21.3A Standing Orders 21.2 and 21.3 do not apply to any draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018 applies.

21.3B A responsible committee must report on the appropriate procedure to apply to any draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Act 2018 applies.

21.3C The responsible committee under Standing Order 21.3B must report on the appropriate procedure using the following criteria:

- (i) whether the memorandum is sufficiently clear and transparent about why the government is of the opinion that the negative resolution procedure should apply;

- (ii) whether the memorandum is sufficiently clear and transparent as to the changes that are being made by the regulations;
- (iii) whether there has been adequate consultation on the regulations;
- (iv) whether the memorandum is sufficiently clear and transparent about the impact the regulations may have on equality and human rights;
- (v) whether the regulations raise matters of public, political or legal importance; and
- (vi) any other matters the committee considers appropriate.

23.1 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.

21.4A Where the enactment requiring the statutory instrument or draft statutory instrument to be laid before the Senedd specifies timings in relation to the Senedd's consideration of the statutory instrument or draft statutory instrument, then:

- (i) the time limit in Standing Order 21.4 does not apply;
- (ii) the Business Committee may establish and publish a timetable for the responsible committee or committees to report.

21.4B A responsible committee must make any report under Standing Order 21.3B in respect of any relevant draft statutory instrument no later than 14 days after a draft of the instrument has been laid. Standing Order 21.4A(ii) does not apply to those draft statutory instruments.

23.1 In calculating for the purposes of Standing Order 21.4 or 21.4B any period of days, no account is to be taken of any time during which the Senedd is dissolved or is in recess for more than 4 days.

23.1 Standing Orders 21.2 and 21.3 do not apply to proposed or draft Orders in Council to be made, in accordance with Standing Order 25, under section 109 of the Act or subordinate legislation subject to Special Senedd Procedure under Standing Order 28.

23.1 A responsible committee may consider and report on:

- (i) any other subordinate legislation laid before the Senedd other than that subject to Special Senedd Procedure under Standing Order 28;
- (ii) the appropriateness of provisions in Senedd Bills 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) any statutory instrument consent memorandum laid in relation to a relevant statutory instrument under Standing Order 30A;
- (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 Senedd or Welsh Ministers; or
- (vi) draft legislation which is the subject of consultation.

23.1 A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Senedd 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.

23.1 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 Senedd, 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.

23.1 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 Senedd.

23.1 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.

## 22. STANDING ORDER 22 – Standards of Conduct

### Committee

- 23.1 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

- 23.1 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 Senedd resolution relating to the financial or other interests of Members;
    - (c) Standing Order 5;
    - (d) any Senedd 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 Senedd procedures for the investigation of complaints under Standing Order 22.2(i).

## Membership

- 23.1 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.
- 23.1 Subject to Standing Order 22.5, Standing Order 17.48 must not apply to the responsible committee.
- 22.4A The Senedd must elect an alternate member from the same political group for each member of the responsible committee, for the purposes of Standing Order 22.5.
- 23.1 Where a member of the responsible committee is subject to, or otherwise directly connected with, 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, that member may be replaced by his or her alternate member elected in accordance with Standing Order 22.4A. The alternate member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it.

## Meetings

- 23.1 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.
- 23.1 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.
- 23.1 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

- 23.1 If the responsible committee has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Senedd as soon as possible after completion of the investigation.
- 23.1 A report under Standing Order 22.9 may include a recommendation to:
- (i) censure a Member;
  - (ii) withdraw any rights and privileges from a Member as set out in the procedures for the investigation of complaints established under Standing Order 22.2(iv);
  - (iii) exclude a Member from any Senedd proceedings for a specified period;
- or any combination of the above, for failing to comply with any of the matters encompassed within Standing Order 22.2(i).
- 22.10A If a Member is excluded following a recommendation under Standing Order 22.10, the Member is not entitled to receive any salary from the Senedd and is not permitted to attend any Senedd proceedings during the period of his or her exclusion.
- 23.1 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.

## 23. 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

- 23.1 A petition must clearly indicate:
- (i) the name of the petitioner, who may be an individual person (other than a Member) resident in Wales, or a body corporate or an unincorporated association of persons with a base in Wales;
  - (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.
- 23.1 The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.

### Admissibility of Petitions

- 23.1 A petition is not admissible if it:
- (i) contains fewer than 50 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 Senedd to do anything which the Senedd 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.
- 23.1 *[Standing Order removed by resolution in Plenary on 8 March 2017]*
- 23.1 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.



23.1 The Presiding Officer must publish a register of decisions made under Standing Order 23.6.

### **Action on a Petition**

23.1 If a petition is admissible, the Presiding Officer must refer that petition to a responsible committee.

23.1 The responsible committee must:

- (i) refer the petition to the government, any other committee of the Senedd or any other person or body for them to take such action as they consider appropriate;
- (ii) report to the Senedd; or
- (iii) take any other action which the committee considers appropriate.

23.1 The responsible committee must notify the petitioner of any action taken under Standing Order 23.9.

### **Closing Petitions**

23.1 The responsible committee may close a petition at any time.

23.1 When the responsible committee closes a petition, it must notify the petitioner that the petition is closed and of the reasons for closing it.

## 24. STANDING ORDER 24 – Definition of Member in Charge of Legislation

### General

23.1 Standing Order 24 defines the “Member in charge” of an item of legislation.

23.1 In Standing Order 24 “legislation” means:

- (i) proposed Orders under Standing Order 25; or
- (ii) draft Orders under Standing Order 25; or
- (iii) Bills under Standing Order 26, and 26B.

### Government Legislation

23.1 Legislation laid or introduced by a member of the government is referred to as “government legislation”.

23.1 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 under Standing Order 25, 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.

23.1 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

23.1 Legislation laid or introduced by a committee is referred to as “committee legislation”.

23.1 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.

- 23.1 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.
- 23.1 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).
- 23.1 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**

- 23.1 Legislation laid or introduced by the Commission is referred to as “Commission legislation”.
- 23.1 The Member in charge of an item of Commission legislation is the member of the Commission authorised by the Commission.
- 23.1 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 Bills**

- 23.1 Bills, which are neither government Bills, committee Bills nor Commission Bills, are referred to as “Member Bills”.
- 23.1 The Member in charge of a Member Bill is:
  - (i) the Member who has had agreement to introduce a Bill under Standing Order 26.91;

- (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 Senedd.

23.1 A Member may transfer a Bill to a member of the government authorised by the First Minister, by means of a statement to that effect laid by that Member.

23.1 When a Member transfers a Bill to a member of the government (in accordance with Standing Order 24.16), that Bill is to be regarded, from then on, as a government Bill.

## **25. STANDING ORDER 25 – Orders in Council to be made under section 109 of the Act**

### **General**

- 23.1 Standing Order 25 applies only to Orders in Council within the meaning of section 109 of the Act. Standing Order 27 does not apply to such Orders.
- 23.1 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.
- 23.1 A “draft Order” is a draft Order in Council that is to be subject to approval by the Senedd under Standing Order 25.15.

### **Form and Laying of Proposed Orders**

- 23.1 Subject to Standing Orders 25.25 to 25.34, a proposed Order may be laid on any working day in a sitting week.
- 23.1 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.
- 23.1 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**

- 23.1 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.
- 23.1 The responsible committee must consider and report on the proposed Order.
- 23.1 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.

- 23.1 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.
- 23.1 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**

- 23.1 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**

- 23.1 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.
- 23.1 The Explanatory Memorandum must include:
- (i) an explanation of how account has been taken of the recommendations made by any Senedd 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

- 23.1 Not later than 40 working days after a draft Order has been introduced, the Senedd must consider a motion proposed by the Member in charge that the draft Order be approved.
- 23.1 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.
- 23.1 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 Senedd approving the motion as amended by such an amendment that the Senedd has approved the draft Order; or
  - (ii) it seeks to amend the draft Order.
- 23.1 A draft Order cannot be amended.
- 23.1 *[Standing Order removed by resolution in Plenary on 13 July 2011]*

## Withdrawal of a Proposed or Draft Order

- 23.1 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

- 23.1 A proposed or draft Order falls at dissolution.
- 23.1 *[This Standing Order was removed by resolution in Plenary on 20 June 2012]*
- 23.1 A proposed Order falls if the draft Order to which it relates is approved or falls.
- 23.1 A draft Order falls if it is not approved by the Senedd.

## **Committee Proposed and Draft Orders**

- 23.1 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.

## **Proposals for an Order by a Member, other than a member of the Government**

- 23.1 Any Member, other than a member of the government, may table a motion calling on the government to introduce a proposed Order under section 109 of the Act.
- 23.1 At the same time that a Member tables a motion under Standing Order 25.26, he or she must also table an explanatory memorandum which must provide the following information:
- (i) the impact the proposal for an Order would have on the Senedd's legislative competence;
  - (ii) an explanation of why the Member considers the Order to be necessary;
  - (iii) details of any support received for the proposal, including details of any consultation carried out.
- 23.1 If a motion tabled under Standing Order 25.26 has the support of at least ten Members who together belong to at least three different political groups, including at least one Member from a group with an executive role, the Business Committee must refer the motion and explanatory memorandum to a committee or committees for consideration.
- 23.1 Where a motion under Standing Order 25.26 is referred to a committee or committees for consideration in accordance with Standing Order 25.28, the Business Committee must establish and publish a timetable for the committee or committees to consider and report on it.
- 23.1 Time must be made available for a motion referred to a committee or committees under Standing Order 25.28 to be debated, and such a motion cannot be moved until either:



- (i) the committee or committees have reported in accordance with Standing Order 25.29; or
- (ii) the deadline by which the committee or committees are required to report in accordance with Standing Order 25.29 has been reached.

- 23.1 No amendment to a motion under Standing Order 25.26 may be tabled if it would not be clear from a resolution of the Senedd approving the motion as amended by such an amendment how the Senedd wished to see its legislative competence altered.
- 23.1 No motion under Standing Order 25.26 can be passed unless (if the motion is passed on a vote) at least two-thirds of the Members voting support it.
- 23.1 If a motion under Standing Order 25.26 is disagreed to, then no Member may table a motion under Standing Order 25.26 for a period of six months after the motion has been disagreed to if, in the opinion of the Presiding Officer, the motion seeks to confer the same, or substantially the same, legislative competence.

## **26. STANDING ORDER 26 – Acts of the Senedd**

### **Form and Introduction of Bills**

- 23.1 Subject to Standing Orders 26.80 to 26.94, a Bill may be introduced on a working day in a sitting week.
- 23.1 A Bill must be introduced by being laid.
- 23.1 A Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 23.1 A Bill 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 Bill would be, in his or her opinion, within the legislative competence of the Senedd; and
  - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Senedd and the reasons for that opinion.
- 23.1 A Bill must be introduced in both English and Welsh except in the following cases:
- (i) when, in respect of a government Bill, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the Bill 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 Bill**

- 23.1 At the same time as the Member in charge introduces a Bill, he or she must also lay an Explanatory Memorandum which must:
- (i) state that in his or her view the provisions of the Bill would be within the legislative competence of the Senedd;
  - (ii) set out the policy objectives of the Bill;

- (iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted;
- (iv) set out the consultation, if any, which was undertaken on:
  - (a) the policy objectives of the Bill and the ways of meeting them;
  - (b) the detail of the Bill, and
  - (c) a draft Bill, either in full or in part (and if in part, which parts);
- (v) set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended;
- (vi) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;
- (vii) summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;
- (viii) set out the best estimates of:
  - (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;
  - (b) the administrative savings arising from the Bill;
  - (c) net administrative costs of the Bill's provisions;
  - (d) the timescales over which all such costs and savings would be expected to arise; and
  - (e) on whom the costs would fall;
- (ix) set out any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially;
- (x) where the Bill 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 Senedd 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);
- (xi) where the Bill 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; and
  - (xii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.
- 26.6A The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26.6 can be found within it, by means of an index or otherwise.
- 26.6B Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.
- 26.6C Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.

### **Timetable for Consideration of a Bill**

- 23.1 The Business Committee must establish and publish a timetable for the consideration of a Bill, 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).

- 23.1 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**

- 23.1 Once a Bill 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”).
- 23.1 If the Business Committee agrees under Standing Order 26.9 to refer the Bill to a responsible committee, that responsible committee must consider and report on the general principles of the Bill.
- 26.10A If the Business Committee decides under Standing Order 26.9 not to refer the Bill to a responsible committee, it must publish the reasons for that decision within two working days.
- 23.1 Not earlier than five working days after either:
- (i) the responsible committee has reported on the general principles of the Bill; or
  - (ii) the deadline by which the responsible committee is required to report has been reached,
- the Member in charge of the Bill may propose that the Senedd agree to the general principles of the Bill.
- 23.1 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 Senedd agree to the general principles of the Bill.
- 23.1 If the Senedd agrees to the general principles of the Bill under Standing Orders 26.11, 26.12, or 26.102, the Bill proceeds to Stage 2.
- 23.1 If the Senedd does not agree to the general principles of the Bill under Standing Orders 26.11, 26.12, or 26.102, the Bill falls.

23.1 Stage 1 is completed when the general principles of the Bill have been agreed to or the Bill falls under Stage 1.

## **Stage 2: Detailed Consideration by Committee**

23.1 Stage 2 starts on the first working day after Stage 1 is completed.

23.1 At Stage 2, the Business Committee must:

- (i) refer the Bill back to the responsible committee for Stage 2 proceedings;
- (ii) refer the Bill 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 Senedd, 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.

23.1 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 Bill.

23.1 A Bill may be amended in Stage 2 proceedings.

23.1 Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.

23.1 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the committee considering Stage 2 proceedings has decided otherwise.

23.1 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.

- 23.1 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.
- 23.1 Where any amendment is tabled to a section of or schedule to of the Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed to be agreed by the committee for the purpose of Stage 2 proceedings.
- 23.1 If no amendment is tabled to a section of or schedule to the Bill, then that section or schedule is deemed agreed by the committee for the purpose of Stage 2 proceedings.
- 23.1 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.
- 23.1 If a Bill is amended at Stage 2 proceedings the Member in charge must prepare a revised Explanatory Memorandum, unless the committee considering Stage 2 proceedings resolves that no revised Explanatory Memorandum is required.
- 23.1 Any revised Explanatory Memorandum prepared under Standing Order 26.27 must be laid at least five working days before the date of the first meeting of the Senedd that considers Stage 3 proceedings.

### Stage 3: Detailed Consideration by the Senedd

- 23.1 Stage 3 starts on the first working day after Stage 2 is completed.
- 23.1 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Senedd that considers Stage 3 proceedings.
- 23.1 Stage 3 proceedings of a Bill must be considered by the Senedd in plenary.
- 23.1 A Bill may be amended in Stage 3 proceedings.
- 23.1 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.

- 23.1 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.
- 23.1 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”.
- 23.1 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the Senedd 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).
- 23.1 The Senedd 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).
- 23.1 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.
- 23.1 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 Senedd consider further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.



- 23.1 If a motion under Standing Order 26.39 is agreed to, the Member in charge of the Bill, or any member of the government, may table amendments to the Bill to be moved at the further Stage 3 proceedings.
- 23.1 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 Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.
- 23.1 Where any amendment is tabled to a section of or schedule to the Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Senedd for the purpose of Stage 3 proceedings.
- 23.1 If no amendment is tabled to a section of or schedule to the Bill, then that section or schedule is deemed agreed by the Senedd for the purpose of Stage 3 proceedings.
- 23.1 Stage 3 is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

## **Report Stage**

- 23.1 Once Stage 3 is completed in accordance with Standing Order 26.44, the Member in charge may, without notice, move that the Senedd consider amendments at Report Stage. Such a motion may be debated but not amended.
- 26.45A Report Stage starts on the first working day after a motion under Standing Order 26.45 is agreed by the Senedd.
- 23.1 Standing Orders 26.30 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.
- 26.46A If a Bill is amended at Stage 3 proceedings, and the Senedd agrees to consider amendments at Report Stage, the Member in charge must prepare a revised Explanatory Memorandum, unless the Senedd resolves that no revised Explanatory Memorandum is required.

- 26.46B Any revised Explanatory Memorandum prepared under Standing Order 26.46A must be laid at least five working days before the date of the first meeting of the Senedd that considers Report Stage proceedings.

#### Stage 4: Final Stage

- 23.1 A motion that the Bill be passed may be tabled by any Member, and may not be considered until at least five working days after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken.
- 26.47A A motion under Standing Order 26.47 must be tabled at least one working day before it is debated.
- 23.1 Subject to Standing Orders 26.50 and 26.50A, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Bill be passed.
- 23.1 A motion that a Bill be passed may not be amended.
- 23.1 No motion that a Bill be passed may be moved unless the text of the Bill is available in both English and Welsh.
- 26.50A No motion that a Bill be passed may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer's view any provision of the Bill relates to a protected subject-matter.
- 26.50B Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the Bill relates to a protected subject-matter, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.
- 26.50C A recorded vote must be taken on a motion that a Bill be passed.
- 23.1 No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.

#### Reconsideration of Bills Passed

- 23.1 In accordance with section 113 of the Act, any Member may, after the Bill is passed, by motion propose that the Senedd reconsider the Bill, or any provision of it, if:

- (i) a question has been referred to the Supreme Court under section 112 of the Act; and
- (ii) a reference for a preliminary European Court ruling (within the meaning of section 113(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.

26.52A If a motion under Standing Order 26.52 is agreed to by the Senedd, the Clerk must notify the Counsel General and the Attorney General of that fact.

26.52B If the Senedd agrees to a motion under Standing Order 26.52, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

23.1 Any Member may by motion propose that the Senedd reconsider the Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Bill or any provision of it would not be within the legislative competence of the Senedd;
- (ii) an order is made in relation to the Bill under section 114 of the Act; or
- (iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter.

26.53A If the Senedd agrees to a motion under Standing Order 26.53, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

23.1 Standing Orders 26.30 to 26.34 and 26.36 to 26.44 apply to Reconsideration Stage proceedings. References to "Stage 3" and "further

Stage 3” should be construed as references to “Reconsideration Stage” and “further Reconsideration Stage” accordingly.

23.1 A Bill 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 for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

23.1 After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26.56A, any Member may without notice move that the Senedd approves a reconsidered Bill. Such a motion may not be amended and a recorded vote must be taken on the motion.

26.56A No motion that a reconsidered Bill be approved may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer’s view any provision of the Bill relates to a protected subject–matter.

26.56B Where the Presiding Officer has made a statement that in his or her view any provision of the Bill after reconsideration stage relates to a protected subject–matter, that Bill is only approved if the number voting in favour of it is at least two–thirds of the total number of Senedd seats.

### **Reconsideration of Bills rejected**

26.56C Any Member may by motion propose that the Senedd reconsider the Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Bill rejected by the Senedd, that no provision of the Bill that is subject to the reference relates to a protected subject–matter.

26.56D If the Senedd agrees to a motion under Standing Order 26.56C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

- 26.56E A Bill reconsidered in accordance with Standing Order 26.56C may not be amended.
- 26.56F At Reconsideration Stage in accordance with Standing Order 26.56C, any Member may table a motion that the Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.
- 26.56G No motion under Standing Order 26.56F may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in his or her view any provision of the Bill relates to a protected subject-matter.

### **General Provisions in Relation to Amendments to Bills**

- 23.1 Standing Orders 26.58 to 26.66 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, Report Stage proceedings or on Reconsideration.
- 23.1 The Presiding Officer must determine the proper form of amendments to a Bill.
- 23.1 No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.
- 23.1 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.
- 23.1 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 Bill or the provisions of the Bill which it would amend;
  - (iii) it is inconsistent with the general principles of the Bill as agreed by the Senedd; or
  - (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.

- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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.
- 23.1 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**

- 23.1 If a Bill 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 Senedd must not debate the question whether the Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Senedd.

## Financial Resolutions

23.1 The Presiding Officer must decide in every case whether a financial resolution is required for a Bill under Standing Orders 26.69 to 26.74.

23.1 If a Bill 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 Bill at any Stage after Stage 1 unless the Senedd 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.

23.1 If:

- (i) a Bill 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 Bill at any Stage after Stage 1 unless the Senedd has by financial resolution agreed to the charge, increase or payment.

23.1 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.

23.1 Where the effect of an amendment (or amendments) to a Bill, if agreed to, would be that the Bill would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Senedd has agreed to a motion for such a financial resolution.

23.1 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

23.1 Unless:

- (i) notice of a motion for any financial resolution required in relation to a Bill 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 Bill falls.

### **Notification of Royal Assent to Acts of the Senedd**

23.1 The Clerk must notify the Senedd of the date of Royal Assent to an Act of the Senedd.

### **Fall, Rejection or Withdrawal of Bills**

23.1 Subject to Standing Order 26.56C, if a Bill falls or is rejected by the Senedd, no further proceedings may be taken on that Bill, and a Bill which, in the opinion of the Presiding Officer, is in the same or similar



terms must not be introduced in the same Senedd within the period of 6 months from the date on which the Bill fell or was rejected.

- 23.1 A Bill falls if it has not been passed or approved by the Senedd before the end of the Senedd in which it was introduced.
- 23.1 Approval to introduce a Bill in accordance with Standing Order 26.91 ceases at dissolution
- 23.1 A Bill 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 Senedd.

### **Committee Bills**

- 23.1 *[Standing Order removed by resolution in Plenary on 27 September 2017]*
- 23.1 Any committee may introduce a committee Bill relating to the committee's remit.
- 23.1 *[Standing Order removed by resolution in Plenary on 27 September 2017]*
- 23.1 *[Standing Order removed by resolution in Plenary on 27 September 2017]*

### **Commission Bills**

- 23.1 The Commission may introduce a Bill relating to the Commission's functions.

### **Member Bills**

- 23.1 Standing Orders 26.86 to 26.94 apply only to Member Bills.
- 23.1 *[Standing Order removed by resolution in Plenary on 16 November 2011]*
- 23.1 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 Bill.
- 23.1 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.

- 23.1 No Member who has previously won the ballot in that Senedd may so apply.
- 23.1 The required pre-ballot information is:
- (i) the proposed title of the Bill; and
  - (ii) the proposed policy objectives of the Bill.
- 23.1 A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Senedd's agreement to introduce a Bill.
- 26.91A The motion must be accompanied by an Explanatory Memorandum setting out:
- i) the proposed title of the Bill;
  - ii) the proposed policy objectives of the Bill;
  - iii) details of any support received for the Bill, including details of any consultation carried out; and
  - iv) an initial assessment of any costs and/or savings arising from the Bill.
- 26.91B The proposed title and policy objectives set out under Standing Order 26.91A (i) and (ii) must be broadly consistent with those provided under Standing Order 26.90. The reasons for any changes must be set out in the Explanatory Memorandum under Standing Order 26.91A.
- 23.1 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).
- 23.1 If a motion under Standing Order 26.91 is agreed to, then the Member who has had agreement to introduce a Bill may within thirteen months of the motion being agreed introduce a Bill to give effect to the proposed policy objectives set out in the Explanatory Memorandum outlined in Standing Order 26.91A.
- 23.1 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 Bill which he or she seeks agreement to introduce are substantially the same as those of the Bill referred to in the motion which has been disagreed to.

26.94A Member Bills may not seek to amend existing taxes, or introduce new taxes.

### **Government Emergency Bills**

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

26.95A A motion under Standing Order 26.95 must be accompanied by a statement by the Member in charge which must explain:

- i) why the Bill should be treated as an Emergency Bill; and
- ii) the estimated costs and other consequences of not doing so.

23.1 A motion under Standing Order 26.95 may also propose that a government Emergency Bill may be introduced without the Explanatory Memorandum required by Standing Order 26.6.

23.1 A government Emergency Bill must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the Bill would be within the legislative competence of the Senedd.

23.1 If the Senedd 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 Bill; and
- (ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government Emergency Bill.

23.1 A motion under Standing Order 26.98(ii) may propose that all stages be taken on a single working day in a sitting week.

23.1 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.

- 23.1 Standing Orders 26.7 to 26.12, 26.16 to 26.18, 26.27 to 26.30, 26.45 to 26.46B, 26.50 and 26.59 do not apply in relation to government Emergency Bills.
- 23.1 At Stage 1, the Member in charge must table a motion proposing that the Senedd agree to the general principles of the government Emergency Bill.
- 23.1 Stage 2 must be considered by a Committee of the Whole Senedd, 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.
- 23.1 When a Member intends to table an amendment to a government Emergency Bill, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.

## **26A. STANDING ORDER 26A – Private Acts of the Senedd**

### **Private Bills**

- 26A.1 For the purposes of Standing Order 26A, a Private Bill is a Bill introduced for the purpose of obtaining for an individual person, body corporate or unincorporated association of persons (“the promoter”) particular powers or benefits in excess of, or in conflict with, the general law, and includes a Bill relating to the estate, property, status or style, or otherwise relating to the private interests, of the promoter.
- 26A.2 A Private Bill to which Standing Order 26A.2 applies is a Private Bill which seeks to authorise the compulsory acquisition of any estate or interest in or over land.

### **Permission to Introduce a Private Bill**

- 26A.3 Prior to introduction in accordance with Standing Order 26A.8, a Private Bill and the accompanying documents required by Standing Orders 26A.13 to 26A.15 must be submitted by the promoter to the Presiding Officer for a decision on whether to grant permission to introduce the Bill.
- 26A.4 The Presiding Officer must notify the promoter of his or her decision under Standing Order 26A.3 and, where permission is not given, must give the promoter reasons for that decision.
- 26A.5 A Private Bill must not be introduced without the prior agreement of the Presiding Officer.

### **Fees**

- 26A.6 The Commission may determine fees payable by promoters on introduction of Private Bills and in respect of the stages of their consideration set out in Standing Order 26A. The Commission may waive or reduce a fee that would otherwise be payable.

### **Form and Introduction of Private Bills**

- 26A.7 A Private Bill may be introduced on a working day in a sitting week.
- 26A.8 A Private Bill must be introduced by being laid by or on behalf of the promoter.

- 26A.9 A Private Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 26A.10 A Private Bill 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 Bill would be, in his or her opinion, within the legislative competence of the Senedd; and
  - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Senedd and the reasons for that opinion.
- 26A.11 A Private Bill must be introduced in both English and Welsh except when not doing so is in accordance with any determinations made by the Presiding Officer under Standing Order 26A.9.
- 26A.12 A Private Bill to which Standing Order 26A.2 applies must not be introduced unless the promoter has carried out any consultation or notification required by legislation, and complied with any other statutory requirements, along with any additional consultation or notification requirements of any determination(s) made by the Presiding Officer.

### **Documentation to Accompany a Private Bill**

- 26A.13 At the same time as the promoter introduces a Private Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:
- (i) state that, in the view of the promoter, the provisions of the Private Bill would be within the legislative competence of the Senedd;
  - (ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Private Bill, having particular regard to the criteria in Standing Order 26A.45;
  - (iii) set out the objectives of the Private Bill;

- (iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Private Bill was adopted;
- (v) set out the consultation that was undertaken on:
  - (a) the objectives of the Private Bill and the ways of achieving them; and
  - (b) the detail of the Private Bill,together with a summary of the outcome of that consultation;
- (vi) summarise objectively what each provision of the Private Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill; and
- (vii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.

26A.14 In the case of a Private Bill to which Standing Order 26A.2 applies the Explanatory Memorandum must also include:—

- (i) full details of how the requirements set out in Standing Order 26A.12 have been complied with;
- (ii) an Estimate of Expense and Funding Statement setting out the estimated total cost of the project proposed by the Private Bill and anticipated sources of funding to meet the cost of the project and such other financial details as the Presiding Officer may determine;
- (iii) such maps, plans, sections and books of references as may be required by legislation or required by any determination(s) made by the Presiding Officer; and
- (iv) an Environmental Statement setting out such information on the anticipated environmental impact of the Bill as may be required by legislation and any determination(s) made by the Presiding Officer.

26A.14A The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26A.13 and Standing Order 26A.14, where relevant, can be found within it, by means of an index or otherwise.

26A.14B Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.

26A.14C Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.

26A.15 The explanatory memorandum must also be accompanied by a Promoter's Statement that sets out:

- (i) in the case of a Private Bill that contains provision which will affect the property, estate or interest in land, or other contractual rights or duties of any person other than the promoter, details of any notification of the proposed provision given by the promoter to such persons or classes of person whose property, estate or interest in land, or other contractual rights or duties will be affected and of any response received;
- (ii) in the case of a Private Bill where the promoter is a body corporate or an unincorporated association of persons, particulars of the formal decision of that body or association to promote the Private Bill and confirmation that the decision in question was made in accordance with the constitution of that body or association;
- (iii) in the case of a Private Bill that contains provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons, other than the promoter, details of any notification of the proposed provision given by the



promoter to that body corporate or unincorporated association of persons and of any response received;

- (iv) a statement listing the premises where any accompanying documents which are relevant to the Private Bill, but are not accompanying documents published by the Senedd, may be inspected or purchased;
- (iv) an undertaking to send a copy of the Private Bill and all relevant accompanying documents to the premises referred to in Standing Order 26A.15(iv) and, in the case of a Private Bill to which Standing Order 26A.2 applies, to those required to be consulted or notified in accordance with Standing Order 26A.12.
- (v) an undertaking to pay any costs that may be incurred by the Commission during the passage of the Private Bill in respect of such matters as the Commission may determine;
- (vi) where the Bill 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.

### **Notification of the Introduction of a Private Bill**

26A.16 As soon as a Private Bill has been introduced, the promoter must publish a notice stating:

- (i) the general effect of the Private Bill;
- (ii) that the Private Bill and all accompanying documentation may be inspected at the Senedd and at one or more other places in Wales including, in the case of a Private Bill that affects only one area of Wales, a place within that area;
- (iii) that persons who believe their interests would be adversely affected by the Private Bill can make an objection to the Presiding Officer within the period of 40 working days beginning on the day when the notice is first published in a newspaper (“the objection period”);

- (iv) how to submit an objection and the information to be included in that objection, having regard to Standing Order 26A.23;
- (v) that an objection may either request that the Private Bill not be approved or that changes be made to the Private Bill before it is approved;
- (vi) that the person making an objection must comply with any determination(s) made by the Presiding Officer in relation to making an objection.

26A.17 In calculating the objection period under Standing Order 26.16(iii), no account shall be taken of any period beginning on the day of dissolution of the Senedd and ending on the date of re-introduction of a Private Bill in the next Senedd.

26A.18 A notice under Standing Order 26A.16 must be published:

- (i) in at least one newspaper circulating throughout Wales (or, if the Private Bill affects only one area of Wales, throughout that area); and
- (ii) by whatever other means are appropriate, in accordance with any determination(s) made by the Presiding Officer, for bringing it to the attention of those whose interests are likely to be affected by the Private Bill.

26A.19 As soon as the promoter has complied with the requirements of Standing Order 26A.16, the promoter must give written notice of that fact to the Presiding Officer, giving particulars of:

- (i) how those requirements were complied with; and
- (ii) the arrangements made by the promoter for ensuring that the Private Bill was able to be inspected (other than at the Senedd) in accordance with Standing Order 26A.16(ii).

## Objections

26A.20 An individual person who, or a body corporate or unincorporated association of persons that, considers that their interests would be adversely affected by a Private Bill introduced in the Senedd (an “objector”) may make an objection to the Presiding Officer in writing, in

accordance with notice given under Standing Order 26A.16, during the objection period specified in Standing Order 26A.16(iii).

- 26A.21 For the purpose of Standing Order 26A.20, a member of the government may also be an objector.
- 26A.22 The Presiding Officer must rule on whether an objection is admissible.
- 26A.23 An objection is admissible only if it:
- (i) complies with any determination(s) made by the Presiding Officer in relation to making an objection;
  - (ii) sets out the nature of the objection;
  - (iii) identifies the provisions of the Private Bill that give rise to the objection;
  - (iv) specifies how the objector's interests would be adversely affected by the Private Bill.
- 26A.24 The Presiding Officer must notify the objector of his or her decision under Standing Order 26A.22 and, where an objection is ruled inadmissible, must give the objector reasons for that decision.
- 26A.25 After the objection period has expired, the Clerk must publish all admissible objections.
- 26A.26 If the Presiding Officer receives an objection after the expiry of the objection period but before the first meeting of Detailed Committee Consideration, and that objection is accompanied by a statement by the objector explaining the delay in submitting the objection, the Presiding Officer must decide whether he or she is satisfied that:
- (i) the objection is admissible, in accordance with Standing Order 26A.23;
  - (ii) the objector had good reason for not making the objection within the objection period;
  - (iii) the objector has made the objection as soon as reasonably practicable after the expiry of that period; and

- (iv) consideration of such an objection would not be unreasonable having regard to the rights and interests of objectors and the promoter.

26A.27 If the Presiding Officer is so satisfied:

- (i) he or she must notify the objector of his or her decision;
- (ii) the Clerk must publish the objection; and
- (iii) the committee established in accordance with Standing Order 26A.32 must give consideration to the objection.

26A.28 If the Presiding Officer is not so satisfied, he or she must:

- (i) notify the objector of his or her decision, and
- (ii) give the objector reasons for that decision.

26A.29 An objection may be withdrawn by the objector, in accordance with any guidance issued by the Presiding Officer.

#### Statements in relation to consultation

26A.30 Any person who was, or should have been, consulted or notified in accordance with Standing Order 26A.12 may, during the objection period, raise any defect in the consultation or notification process with the Presiding Officer by submitting a statement in writing.

26A.31 Such a statement may not be treated as an objection under Standing Order 26A.20 but may be considered by a Private Bill Committee in accordance with SO26A.45(ii).

#### Private Bill Committees

26A.32 After a Private Bill has been introduced, the Senedd must consider a motion to establish a Private Bill Committee, in accordance with Standing Order 16.5.

26A.33 Standing Orders 17.3 and 17.7 apply to a Private Bill Committee except that it must consist of no fewer than four members.

26A.34 Any Member who has, or may be expecting to have, or to the Member's knowledge, the Member's partner or any dependent child has, or may be expecting to have, an interest required to be registered by Standing Order 2 that may be seen to prejudice the impartial consideration of a

Private Bill, must not be a member of the committee established to consider that Bill.

- 26A.35 Any Member whose name is proposed for membership of a Private Bill Committee must inform the Business Committee of any interest of the kind referred to in Standing Order 26A.34 and also of any other relevant personal, constituency or regional interest, that the Member, or to their knowledge, a family member, has or is expecting to have which might reasonably be thought by others to prejudice the impartial consideration of the Private Bill.
- 26A.36 For the purpose of Standing Orders 26A.34, the meanings of “partner” and “dependent child” are as defined in paragraph 4 of the Annex to Standing Order 2.
- 26A.37 Any information provided in accordance with Standing Order 26A.35 in relation to a Member whose name is proposed for membership of a Private Bill Committee must be published at the same time as the motion to establish that committee.
- 26A.38 Each member of a Private Bill Committee must, before the first meeting of that committee, have completed a course of relevant training as determined by the Presiding Officer.
- 26A.39 Each member of a Private Bill Committee must, at the first meeting of that committee, agree to act impartially, in that Member’s capacity as a member of that committee, and to base decisions solely on the evidence and other information provided to that committee.
- 26A.40 Members of a Private Bill Committee must, other than in exceptional circumstances, attend all meetings of a Private Bill Committee.
- 26A.41 A member of a Private Bill Committee may not participate in any proceedings on a Private Bill unless:
- (i) all evidence relating to that Private Bill given orally during proceedings of the committee has been given in the presence of the Member, or
  - (ii) with the agreement of the promoter and any objector to whom that evidence relates, that Member has viewed a recording or

read a transcript of all evidence that was not given in the presence of the Member.

26A.42 Standing Orders 17.12, 17.17 and 17.48 do not apply to a Private Bill Committee.

26A.43 Standing Order 17.49 does not apply to a Private Bill Committee, except when the committee is considering proceedings on amendments.

### **Initial Consideration**

26A.44 Once the objection period specified in Standing Order 26A.16(iii) has ended, the Private Bill Committee established in accordance with Standing Order 26A.32 (“the committee”), must consider and report on whether the Bill should proceed as a Private Bill.

26A.45 In considering whether a Bill should proceed as a Private Bill, the committee must consider whether:

- (i) the accompanying documents laid in accordance with Standing Order 26A.13 to 15 are, in the opinion of the committee, adequate to allow proper scrutiny of the Bill;
- (ii) adequate consultation was undertaken by the promoter prior to introduction of the Bill;
- (iii) the provisions of the Bill make it appropriate for it to be considered as a Private Bill in accordance with Standing Order 26A, having particular regard to:
  - (a) the extent to which its provisions affect issues of public policy;
  - (b) the extent to which its provisions amend or repeal other legislation;
  - (c) the size of the area which it affects;
  - (d) the number and nature of the interests that it affects.

26A.46 If it appears to the committee that the accompanying documents are not adequate to enable the committee to report in accordance with Standing Order 26A.44, it may, before reporting on whether the Bill should proceed as a Private Bill, allow the promoter such reasonable period as

the committee considers appropriate to provide any further information the committee considers necessary (“supplementary accompanying documents”).

- 26A.47 Any supplementary accompanying documents must be laid.
- 26A.48 Once the committee has reported, the Business Committee may table a motion that the Senedd agrees that the Bill should proceed as a Private Bill.
- 26A.49 If a motion under Standing Order 26A.48 is agreed, the Bill proceeds to Detailed Committee Consideration.
- 26A.50 If a motion under Standing Order 26A.48 is not agreed, the Bill falls.
- 26A.51 Initial Consideration is completed when the Senedd has agreed that the Bill should proceed as a Private Bill or the Bill falls as part of Initial Consideration.

### **Detailed Committee Consideration**

- 26A.52 Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.
- 26A.53 Proceedings at Detailed Committee Consideration must be considered by the Private Bill Committee established under Standing Order 26A.32.
- 26A.54 At Detailed Committee Consideration, the committee must:
- (i) consider and report on the general principles of the Private Bill;
  - (ii) consider and report on any admissible objections, other than any objection that, in the opinion of the committee, does not have substantial grounds; and
  - (iii) consider the detail of the Private Bill in accordance with Standing Orders 26A.65 to 26A.80 (including any admissible amendments).
- 26A.55 The following persons are entitled to be heard before the committee in person, or may be represented:
- (i) the promoter;

- (ii) any objector (subject to Standing Order 26A.62) who has submitted an admissible objection that the committee considers has substantial grounds;
- (iii) a member of the government;

and may participate in proceedings in accordance with any rulings of the Chair.

26A.56 Where a Committee established to consider a Private Bill considers it appropriate, it may appoint an assessor, or assessors, to consider objections.

26A.57 The assessor, or assessors, may report to the Private Bill Committee on:

- i) whether there are substantial grounds for admissible objections;
- ii) recommendations on the grouping of objections;
- iii) selection of witnesses and whether evidence should be invited from those witnesses orally or in writing;

and may perform any other functions at Detailed Committee Consideration Stage as the Committee may determine.

26A.58 The Chair may, when ruling on the way in which an objector (or other person) may participate in proceedings, take into account the nature of the objection or other representation and the extent to which the nature of that participation is necessary in order to enable the committee to consider and report on the objection.

26A.59 The committee may invite such other persons to give evidence as it considers appropriate.

26A.60 The Private Bill Committee must consider the merits of the objections in the light of—

- (i) any evidence given to it; or
- (ii) any report prepared by any assessor(s) appointed in accordance with Standing Order 26A.56.

26A.61 The Private Bill Committee may accept or reject—

- (i) the whole or any part of any objection;
- (ii) the whole or any part of an assessor's report.



- 26A.62 Where the committee considers that two or more objections are the same or similar, it may group those objections together and choose one or more objectors from that group to give evidence and otherwise to participate in relation to those objections.
- 26A.63 If the committee, in preparing its report under Standing Order 26A.54(i) and (ii), intends to recommend a change to the Private Bill and such a change, if made, would, in the opinion of the committee, affect the interests of other persons referred to in Standing Order 26A.64, the committee may take such action as it considers appropriate in order to ensure that those other persons have a reasonable opportunity to make representations to the committee in relation to that recommendation.
- 26A.64 For the purpose of Standing Order 26A.63, “other persons” means:
- (i) persons whose interests were not affected by the Private Bill as introduced but whose interests would be affected if the proposed changes were made to the Private Bill, or
  - (ii) existing objectors whose interests would be affected to a greater extent or in new ways if the proposed changes were made to the Private Bill, giving rise to new substantial grounds for objection.
- 26A.65 A Private Bill may be amended at Detailed Committee Consideration.
- 26A.66 At least 25 working days must elapse between the day on which the report under Standing Order 26A.54(i) and (ii) is laid and the date of the first meeting at which the committee considers the detail of the Private Bill in accordance with Standing Order 26A.54(iii).
- 26A.67 No later than five working days after the committee’s report is laid, any Member may table a motion that the Private Bill does not proceed any further.
- 26A.68 If no motion is tabled under Standing Order 26A.67, or if such a motion is tabled but not agreed, the general principles of the Private Bill are to be deemed agreed by the Senedd and the committee must proceed to dispose of amendments to the Private Bill, in accordance with Standing Order 26A.54(iii).

- 26A.69 Time must be made available for a motion tabled under Standing Order 26A.67 to be debated within 10 working days of the date that the motion was tabled (not counting working days in a non-sitting week).
- 26A.70 If a motion tabled under Standing Order 26A.67 is agreed, the Private Bill falls.
- 26A.71 Amendments to be considered at Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which the committee laid its report under Standing Order 26A.54(i) and (ii).
- 26A.72 The Chair of the committee may in exceptional circumstances accept an amendment at Detailed Committee Consideration of which less notice has been given than is required under Standing Order 26A.118. Such an amendment is referred to as a “late amendment”.
- 26A.73 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Private Bill, unless the committee has decided otherwise.
- 26A.74 Only a Member who is a member of the committee may participate in proceedings of that committee for the purpose of:
- (i) moving or seeking agreement to withdraw an amendment; or
  - (ii) voting.
- 26A.75 An amendment tabled by a Member who is not a member of the committee may be moved by a member of the committee.
- 26A.76 Where any amendment is tabled to a section of or schedule to the Private Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.
- 26A.77 If no amendment is tabled to a section of or schedule to the Private Bill, that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration.

- 26A.78 Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.
- 26A.79 If a Private Bill is amended at Detailed Committee Consideration the promoter must prepare a revised Explanatory Memorandum, unless the committee resolves that no revised Explanatory Memorandum is required.
- 26A.80 Any revised Explanatory Memorandum prepared under Standing Order 26A.79 must be laid at least five working days before the date of the first meeting of the Senedd that considers Detailed Senedd Consideration proceedings.

### **Detailed Senedd Consideration**

- 26A.81 Detailed Senedd Consideration starts on the first working day after Detailed Committee Consideration is completed.
- 26A.82 At least 15 working days must elapse between the day on which Detailed Senedd Consideration starts and the date of the first meeting of the Senedd that considers Detailed Senedd Consideration proceedings.
- 26A.83 Detailed Senedd Consideration must be considered by the Senedd in plenary.
- 26A.84 A Private Bill may be amended at Detailed Senedd Consideration.
- 26A.85 Amendments to be considered at Detailed Senedd Consideration may be tabled by any Member from the first day on which the stage starts.
- 26A.86 The Presiding Officer may select those amendments which are to be taken at Detailed Senedd Consideration.
- 26A.87 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Private Bill, unless the Senedd has decided otherwise on a motion of the Business Committee (in accordance with Standing Order 11.7(ii)).
- 26A.88 The Senedd may, on a motion without notice of the Business Committee (in accordance with Standing Order 11.7(ii)), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).

- 26A.89 If a motion under Standing Order 26A.88 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.
- 26A.90 Amendments at Detailed Senedd Consideration are only admissible if, in addition to the criteria in Standing Order 26A.120, they are for the purpose of:
- (i) clarifying the wording of a provision of a Private Bill (including removing inconsistencies in or between the English and Welsh texts), or
  - (ii) giving effect to commitments given on behalf of the promoter at the Detailed Committee Consideration Stage, or
  - (iii) giving effect to any recommendations made by the committee in its report under Standing Order 26A.54(i) and (ii).
- 26A.91 Where any amendment is tabled to a section of or schedule to the Private Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration.
- 26A.92 If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration proceedings.
- 26A.93 Detailed Senedd Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

## **Further Detailed Committee Consideration**

- 26A.94 When all amendments selected at Detailed Senedd Consideration proceedings have been disposed of in accordance with Standing Order 26A.93, any Member may, with the agreement of the Presiding Officer, move a motion without notice that any part of the Private Bill specified in the motion be referred back to the Private Bill Committee for further Detailed Committee Consideration.
- 26A.95 Standing Orders 26A.65 and 26A.71 to 26A.80 apply to Further Detailed Committee Consideration. References to “Detailed Committee Consideration” should be construed as references to “Further Detailed Committee Consideration” accordingly.
- 26A.96 At Further Detailed Committee Consideration the committee may invite such other persons to give evidence as it considers appropriate.
- 26A.97 Further Detailed Committee Consideration starts on the first working day after the motion under Standing Order 26A.94 is agreed.
- 26A.98 Amendments to be considered at Further Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which Further Detailed Committee Consideration starts.
- 26A.99 Amendments at Further Detailed Committee Consideration are only admissible if, in addition to the criteria in Standing Order 26A.120, they are to the provisions which were referred back to the Private Bill Committee, or would be necessary in consequence of any amendments tabled at the Further Detailed Committee Consideration stage proceedings being agreed.

## **Further Detailed Senedd Consideration**

- 26A.100 Once Detailed Senedd Consideration is completed in accordance with Standing Order 26A.93, or Further Detailed Committee Consideration is completed in accordance with Standing Order 26A.78 where undertaken, any Member may, without notice, move that the Senedd consider amendments at a Further Detailed Senedd Consideration Stage. Such a motion may be debated but not amended.

26A.100A Further Detailed Senedd Consideration Stage starts on the first working day after a motion under Standing Order 26A.100 is agreed by the Senedd.

26A.101 Standing Orders 26A.82 to 26A.93 apply to Further Detailed Senedd Consideration proceedings. References to “Detailed Senedd Consideration” should be construed as references to “Further Detailed Senedd Consideration”.

## **Final Stage**

26A.102 The Final Stage of a Private Bill must be taken by the Senedd in plenary.

26A.103 Subject to Standing Order 26A.107, not earlier than five working days after the completion of Detailed Senedd Consideration, or Further Detailed Committee Consideration or Further Detailed Senedd Consideration where undertaken, any Member may table a motion that the Private Bill be passed.

26A.104 A motion under Standing Order 26A.103 must be tabled at least one working day before it is debated.

26A.105 Subject to Standing Orders 26A.107 and 26A.107A, immediately after the completion of Detailed Senedd Consideration, or Further Detailed Senedd Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Private Bill be passed.

26A.106 A motion that a Private Bill be passed may not be amended.

26A.107 No motion that a Private Bill be passed may be moved unless the text of the Private Bill is available in both English and Welsh.

26A.107A No motion that a Private Bill be passed may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer’s view any provision of the Bill relates to a protected subject-matter.

26A.107B Where the Presiding Officer has made a statement that in the Presiding Officer’s view any provision of the Bill relates to a protected subject-matter, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.

26A.107C A recorded vote must be taken on a motion that a Private Bill be passed.

26A.108 No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

### **Reconsideration of Private Bills Passed**

26A.109 In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Senedd reconsider the Private Bill, or any provision of it, if:

- (i) a question in relation to the Private Bill has been referred to the Supreme Court under section 112 of the Act; and
- (ii) a reference for a preliminary ruling (within the meaning of section 113(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.

26A.109A If a motion under Standing Order 26A.109 is agreed to by the Senedd, the Clerk must notify the Counsel General and the Attorney General of that fact.

26A.109B If the Senedd agrees to a motion under Standing Order 26A.109, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

26A.110 Any Member may by motion propose that the Senedd reconsider the Private Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Private Bill or any provision of it would not be within the legislative competence of the Senedd;
- (ii) an order is made in relation to the Private Bill under section 114 of the Act; or

- (iii) the Supreme Court decides on a reference made under section 111B (2)(b) of the Act in relation to a Private Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter.

26A.111 If the Senedd agrees to a motion under Standing Order 26A.110, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26A.112 Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Senedd Consideration" and "Further Detailed Senedd Consideration" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.

26A.113 A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.120, 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 for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

26A.114 Unless the Senedd has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.

26A.115 After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26A.115A, any Member may without notice move that the Senedd approves a reconsidered Private Bill. Such a motion may not be amended and a recorded vote must be taken on the motion.

26A.115A No motion that a reconsidered Private Bill be approved may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer's view any provision of the Bill relates to a protected subject-matter.



26A.115B Where the Presiding Officer has made a statement that in his or her view any provision of the Private Bill after reconsideration stage relates to a protected subject-matter, that Private Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.

### **Reconsideration of Private Bills rejected**

26A.115C Any Member may by motion propose that the Senedd reconsider the Private Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Private Bill rejected by the Senedd, that no provision of the Private Bill that is subject to the reference relates to a protected subject-matter.

26A.115D If the Senedd agrees to a motion under Standing Order 26A.115C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26A.115E A Private Bill reconsidered in accordance with Standing Order 26A.115C may not be amended.

26A.115F At Reconsideration Stage in accordance with Standing Order 26.115C, any Member may table a motion that the Private Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.

26A.115G No motion under Standing Order 26A.115F may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in his or her view any provision of the Private Bill relates to a protected subject-matter.

### **Amendments to Private Bills**

26A.116 Standing Orders 26A.117 to 26A.125 apply to amendments in Detailed Committee Consideration proceedings, Detailed Senedd Consideration proceedings and Reconsideration Stage proceedings.

26A.117 The Presiding Officer must determine the proper form of amendments to a Private Bill.

26A.118 No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.

26A.119 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.

26A.120 An amendment is not admissible if:

- (i) it is not in its proper form in accordance with Standing Order 26A.117;
- (ii) it is not relevant to the Private Bill or the provisions of the Private Bill which it would amend;
- (iii) it is inconsistent with the general principles as reported on by the committee and deemed agreed by the Senedd; or
- (iv) it is inconsistent with a decision already taken at the stage at which the amendment is proposed.

26A.121 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 26A.117 to 26A.125 must apply accordingly.

26A.122 Subject to Standing Order 26A.74, 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.

26A.123 The Chair of the committee or the Presiding Officer, as the case may be, may group amendments for the purpose 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.

26A.124 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 the committee at Detailed Committee Consideration, by a member of the committee; or

- (ii) in Detailed Senedd Consideration or Reconsideration proceedings, by any other Member.

26A.125 An amendment which has been moved may be withdrawn by the Member who moved it, but only:

- (i) in the committee at Detailed Committee Consideration, if no member of the committee objects; or
- (ii) in Detailed Senedd Consideration or Reconsideration proceedings, if no Member objects.

### **Change of Promoter**

26A.126 Standing Orders 26A.127 to 26A.132 apply where, before completion of Detailed Committee Consideration, the promoter no longer wishes or is no longer able to obtain the powers or benefits conferred by that Bill, and another individual, body corporate or unincorporated association of persons (“the new promoter”) wishes to obtain those powers or benefits.

26A.127 The new promoter must, as soon as reasonably practicable, lay a memorandum setting out the reasons for, and the circumstances of, the change of promoter.

26A.128 The committee must, taking account of the memorandum laid under Standing Order 26A.127 and any further information from the new promoter that it may require, consider the implications of the change of promoter for the rights and interests of the objectors, other persons and for the progress of the Private Bill.

26A.129 The committee may, if it considers it appropriate in order to protect the rights or interests of objectors or other persons, or to ensure the proper scrutiny of the Private Bill:

- (i) require the new promoter to lay supplementary accompanying documents;
- (ii) require the new promoter to give such undertakings as the committee considers appropriate;
- (iii) require proceedings on the Private Bill at Detailed Committee Consideration, or part of those proceedings, to begin again;

- (iv) report to the Senedd on the implications of the change of promoter, with a recommendation that the Private Bill should not proceed with the new promoter.

26A.130 A report under Standing Order 26A.129(iv) must be considered by the Senedd on a motion of the Chair of the committee.

26A.131 If a motion under Standing Order 26A.130 is agreed to, the Private Bill falls.

26A.132 If a motion under Standing Order 26A.130 is not agreed to, the committee or the Senedd must continue its consideration of the Private Bill.

### **Her Majesty's and Duke of Cornwall's Consent**

26A.133 If a Private Bill contains provision, or is amended so as to include any provision, that would, if the Private Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Senedd must not debate the question whether the Private Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Senedd.

### **Financial Resolutions**

26A.134 The Presiding Officer must decide in every case whether a resolution is required for a Private Bill under Standing Orders 26A.135 to 26A.140.

26A.135 If a Private Bill 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 Private Bill at any Stage after the Private Bill Committee has reported in accordance with Standing Order 26A.54(i) and (ii) unless the Senedd 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.

26A.136 If:

- (i) a Private Bill 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 by or under section 120(2),

no proceedings may be taken on the Private Bill at any Stage after the Private Bill Committee has reported in accordance with Standing Order 26A.54(i) and (ii) unless the Senedd has by financial resolution agreed to the charge, increase or payment.

26A.137 Standing Order 26A.136:

- (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.

26A.138 Where the effect of an amendment (or amendments) to a Private Bill, if agreed to, would be that the Private Bill would require a financial resolution which it would not otherwise require, no proceedings may be

taken on the amendment (or amendments) unless the Senedd has agreed to a motion for such a financial resolution.

26A.139 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

26A.140 Unless:

- (i) notice of a motion for any financial resolution required in relation to a Private Bill by Standing Orders 26A.135 or 26A.136 is tabled within 6 months of the date on which the Private Bill Committee has reported in accordance with Standing Order 26A.54(i) and (ii); and
- (ii) the motion is agreed to,  
the Private Bill falls.

### **Notification of Royal Assent to Private Acts of the Senedd**

26A.141 The Clerk must notify the Senedd of the date of Royal Assent to a Private Act of the Senedd.

### **Fall, Rejection or Withdrawal of Private Bills**

26A.142 Subject to Standing Order 26A.115C, if a Private Bill falls or is rejected by the Senedd, no further proceedings may be taken on that Private Bill and a Private Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Senedd within the period of 6 months from the date on which the Private Bill fell or was rejected.

26A.143 A Private Bill falls if it has not been passed or approved by the Senedd before the end of the Senedd in which it was introduced.

26A.144 Where a Private Bill falls under Standing Order 26A.143, the promoter may introduce a Private Bill in the same terms in the next Senedd. The text of the Private Bill introduced must be the version that was under consideration by the previous Senedd at the date of dissolution.

26A.145 Those documents to accompany the Bill in the previous Senedd that had been published or laid in accordance with Standing Order 15 up to the

date of dissolution must be used for the purposes of the Private Bill on re-introduction in the next Senedd.

- 26A.146 A promoter may only introduce a Private Bill under Standing Order 26A.144 during the period commencing with the date of the first meeting of the next Senedd and ending on the thirtieth working day after that date.
- 26A.147 Any objections submitted during the previous Senedd must be treated as objections to the Private Bill introduced in the next Senedd and any decision of the Private Bill Committee taken during the previous Senedd in respect of those objections must apply. There must be no further objection period for the Private Bill introduced in the next Senedd in addition to the objection period for the Private Bill in the previous Senedd.
- 26A.148 Subject to Standing Order 26A.149, if at the date of dissolution the Stage that the Private Bill was at had not been completed, the proceedings on the Private Bill introduced in the next Senedd must usually commence at the beginning of that Stage.
- 26A.149 Proceedings may commence at a later point during Detailed Committee Consideration Stage if the promoter and each person who had given oral evidence to the Private Bill Committee established in the previous Senedd either:
- (i) gives that evidence orally to the Private Bill Committee established in the next Senedd (“the new Committee”); or
  - (ii) agrees that the members of the new Committee may instead view a recording or read a transcript of all the evidence that was given.
- 26A.150 Where an assessor has been appointed but not reported before the Senedd is dissolved, the assessor’s report must be considered by the Private Bill Committee established in the next Senedd.
- 26A.151 A Private Bill may be withdrawn at any time by the Promoter.

## **26B.STANDING ORDER 26B – Hybrid Acts of the Senedd**

### **Hybrid Bills**

- 26B.1 For the purposes of Standing Order 26B, a Hybrid Bill is a Public Bill introduced by a member of the Welsh Government which affects a particular private interest of an individual or body in a manner different to the private interests of other individuals or bodies of the same category or class.
- 26B.2 A Hybrid Bill to which Standing Order 26B.2 applies is one which seeks to authorise or facilitate any construction works or to authorise the compulsory acquisition of any estate or interest in or over land.

### **Form and Introduction of Hybrid Bills**

- 26B.3 A Hybrid Bill may be introduced on a working day in a sitting week.
- 26B.4 A Hybrid Bill must be introduced by being laid by the Member in charge.
- 26B.5 A Hybrid Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 26B.6 A Hybrid Bill 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 Bill would be, in his or her opinion, within the legislative competence of the Senedd; and
  - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Senedd and the reasons for that opinion.
- 26B.7 A Hybrid Bill must be introduced in both English and Welsh except when not doing so is in accordance with any determinations made by the Presiding Officer under Standing Order 26B.5.
- 26B.8 A Hybrid Bill to which Standing Order 26B.2 applies must not be introduced unless the Member in charge has carried out any consultation or notification required by legislation, and complied with any other statutory requirements, along with any additional consultation



or notification requirements of any determination(s) made by the Presiding Officer.

### **Documentation to Accompany a Hybrid Bill**

26B.9 At the same time as the Member in charge introduces a Hybrid Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:

- (i) state that, in his or her view, the provisions of the Hybrid Bill would be within the legislative competence of the Senedd;
- (ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Hybrid Bill, having particular regard to the criteria in Standing Order 26B.43;
- (iii) set out the objectives of the Hybrid Bill;
- (iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Hybrid Bill was adopted;
- (v) set out the consultation that was undertaken on:
  - (a) the objectives of the Hybrid Bill and the ways of achieving them; and
  - (b) the detail of the Hybrid Bill, and
  - (c) a draft Bill, either in full or in part (and if in part, which parts);
- (vi) set out a summary of the outcome of that consultation, including how and why the Bill has been amended;
- (vii) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;
- (viii) summarise objectively what each provision of the Hybrid Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;
- (ix) in the case of a Bill to which Standing Order 26B.2 does not apply, set out the best estimates of:

- (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;
  - (b) the administrative savings arising from the Bill;
  - (c) net administrative costs of the Bill's provisions;
  - (d) the timescales over which all such costs and savings would be expected to arise; and
  - (e) on whom the costs would fall;
- (x) set out any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially;
- (xi) where the Bill 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 Senedd 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);
- (xii) where the Bill 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; and
- (xiii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a "justice impact assessment"), in accordance with section 110A of the Act.

26B.10 In the case of a Hybrid Bill to which Standing Order 26B.2 applies the Explanatory Memorandum must also include:

- (i) Full details of how the requirements set out in Standing Order 26B.8 have been complied with;
- (ii) an Estimate of Expense and Funding Statement setting out the estimated total cost of the project proposed by the Hybrid Bill and anticipated sources of funding to meet the cost of the project and such other financial details as the Presiding Officer may determine;
- (iii) such maps, plans, sections and books of references as may be required by legislation or required by any determination(s) made by the Presiding Officer; and
- (iv) an Environmental Statement setting out such information on the anticipated environmental impact of the Bill as may be required by legislation, and any determination(s) made by the Presiding Officer.

26B.11 The Explanatory Memorandum to the Bill must state precisely where each of the requirements of Standing Order 26B.9 and Standing Order 26B.10, if relevant, can be found within it, by means of an index or otherwise.

26B.12 Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.

26B.13 Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.

26B.14 The Explanatory Memorandum laid in accordance with Standing Order 26B.9 must also be accompanied by a Statement from the Member in charge that sets out:

- (i) in the case of a Hybrid Bill that contains provision which will affect the property, estate or interest in land, or the other contractual rights or duties of an individual or body in a manner

different to the private interests of other individuals or bodies of the same category or class, details of any notification of the proposed provision given by the Member in charge to such persons or classes of person whose property, estate or interest in land, or other contractual rights or duties will be affected and of any response received;

- (ii) in the case of a Hybrid Bill that contains provision to confer powers upon or modify the constitution of any body corporate or unincorporated association of persons, details of any notification of the proposed provision given by the Member in charge to that body corporate or unincorporated association of persons and of any response received;
- (iii) a statement listing the premises where any accompanying documents which are relevant to the Hybrid Bill, but are not accompanying documents published by the Senedd, may be inspected or purchased;
- (iv) an undertaking to send a copy of the Hybrid Bill and all relevant accompanying documents to the premises referred to in Standing Order 26B.14(c) and in the case of a Hybrid Bill to which Standing Order 26B.2 applies, to those required to be consulted or notified in accordance with Standing Order 26B.8.
- (v) an undertaking to pay any costs, as the Commission may determine, that may be incurred by the Commission during the passage of the Hybrid Bill in connection with the appointment and use of an assessor in accordance with Standing Order 26B.54 and 26B.55.
- (vi) where the Bill 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.

### **Notification of the Introduction of a Hybrid Bill**

26B.15 As soon as a Hybrid Bill has been introduced, the Member in charge must publish a notice stating:

- (ii) the general effect of the Hybrid Bill;

- (iii) that the Hybrid Bill and all accompanying documentation may be inspected at the Senedd and at one or more other places in Wales including, in the case of a Hybrid Bill that affects only one area of Wales, a place within that area;
- (iii) that persons who believe their interests would be adversely affected by the Hybrid Bill can make an objection to the Presiding Officer within the period of 40 working days beginning on the day when the notice is first published in a newspaper (“the objection period”);
- (iv) how to submit an objection and the information to be included in that objection, having regard to Standing Order 26B.21;
- (v) that an objection may either request that the Hybrid Bill not be approved or that changes be made to the Hybrid Bill before it is approved;
- (vi) that the person making an objection must comply with any determination(s) made by the Presiding Officer in relation to making an objection.

26B.16 In calculating the objection period under Standing Order 26B.15(iii), no account shall be taken of any period beginning on the day of dissolution of the Senedd and ending on the date of re-introduction of a Hybrid Bill in the next Senedd.

26B.17 A notice under Standing Order 26B.15 must be published:

- (i) in at least one newspaper circulating throughout Wales (or, if the Hybrid Bill affects only one area of Wales, throughout that area); and
- (ii) by whatever other means are appropriate, in accordance with any determination(s) made by the Presiding Officer, for bringing it to the attention of those whose interests are likely to be affected by the Hybrid Bill.

26B.18 As soon as the Member in charge has complied with the requirements of Standing Order 26B.15, they must give written notice of that fact to the Presiding Officer, giving particulars of:

- (i) how those requirements were complied with; and

- (ii) the arrangements made by the Member in charge for ensuring that the Hybrid Bill was able to be inspected (other than at the Senedd) in accordance with Standing Order 26B.15(ii).

## Objections

- 26B.19 An individual person who, or a body corporate or unincorporated association of persons that, considers that their interests would be adversely affected by a Hybrid Bill introduced in the Senedd (an “objector”) may make an objection to the Presiding Officer in writing, in accordance with notice given under Standing Order 26B.15, during the objection period specified in Standing Order 26B.15(iii).
- 26B.20 The Presiding Officer must rule on whether an objection is admissible.
- 26B.21 An objection is admissible only if it:
- (i) complies with any determination(s) made by the Presiding Officer in relation to making an objection;
  - (ii) sets out the nature of the objection;
  - (iii) identifies the provisions of the Hybrid Bill that give rise to the objection;
  - (iv) specifies how the objector’s interests would be adversely affected by the Hybrid Bill.
- 26B.22 The Presiding Officer must notify the objector of his or her decision under Standing Order 26B.20 and, where an objection is ruled inadmissible, must give the objector reasons for that decision.
- 26B.23 After the objection period has expired, the Clerk must publish all admissible objections.
- 26B.24 If the Presiding Officer receives an objection after the expiry of the objection period but before the first meeting of Detailed Committee Consideration, and that objection is accompanied by a statement by the objector explaining the delay in submitting the objection, the Presiding Officer must decide whether he or she is satisfied that:

- (i) the objection is admissible, in accordance with Standing Order 26B.21;
- (ii) the objector had good reason for not making the objection within the objection period;
- (iii) the objector has made the objection as soon as reasonably practicable after the expiry of that period; and
- (iv) consideration of such an objection would not be unreasonable having regard to the rights and interests of objectors and the Welsh Government.

26B.25 If the Presiding Officer is so satisfied:

- (i) he or she must notify the objector of his or her decision;
- (ii) the Clerk must publish the objection; and
- (iii) the committee established in accordance with Standing Order 26B.30 must give consideration to the objection.

26B.26 If the Presiding Officer is not so satisfied, he or she must:

- (i) notify the objector of his or her decision, and
- (ii) give the objector reasons for that decision.

26B.27 An objection may be withdrawn by the objector, in accordance with any determination made by the Presiding Officer.

### **Statements in relation to consultation**

26B.28 Any person who was, or should have been, consulted or notified in accordance with Standing Order 26B.8 may, during the objection period, raise any defect in the consultation or notification process with the Presiding Officer by submitting a statement in writing.

26B.29 Such a statement may not be treated as an objection under Standing Order 26B.19 but may be considered by a Hybrid Bill Committee in accordance with Standing Order 26B.43(ii).

## Hybrid Bill Committees

- 26B.30 After a Hybrid Bill has been introduced, the Senedd must consider a motion to establish a Hybrid Bill Committee, in accordance with Standing Order 16.5.
- 26B.31 Standing Orders 17.3 and 17.7 apply to a Hybrid Bill Committee except that it must consist of no fewer than four members.
- 26B.32 Any Member who has, or may be expecting to have, or to the Member's knowledge, the Member's partner or any dependent child has, or may be expecting to have, an interest required to be registered by Standing Order 2 that may be seen to prejudice the impartial consideration of a Hybrid Bill, must not be a member of the committee established to consider that Bill.
- 26B.33 Any Member whose name is proposed for membership of a Hybrid Bill Committee must inform the Business Committee of any interest of the kind referred to in Standing Order 26B.32 and also of any other relevant personal, constituency or regional interest, that the Member, or to their knowledge, a family member, has or is expecting to have which might reasonably be thought by others to prejudice the impartial consideration of the Hybrid Bill.
- 26B.34 For the purpose of Standing Order 26B.32, the meanings of "partner" and "dependent child" are as defined in paragraph 4 of the Annex to Standing Order 2.
- 26B.35 Any information provided in accordance with Standing Order 26B.32 in relation to a Member whose name is proposed for membership of a Hybrid Bill Committee must be published at the same time as the motion to establish that committee.
- 26B.36 Each member of a Hybrid Bill Committee must, before the first meeting of that committee, have completed a course of relevant training as determined by the Presiding Officer.
- 26B.37 Each member of a Hybrid Bill Committee must, at the first meeting of that committee, agree to act impartially, in that Member's capacity as a member of that committee, and to base decisions solely on the evidence and other information provided to that committee.



- 26B.38 Members of a Hybrid Bill Committee must, other than in exceptional circumstances, attend all meetings of a Hybrid Bill Committee.
- 26B.39 A member of a Hybrid Bill Committee may not participate in any proceedings on a Hybrid Bill unless:
- (i) all evidence relating to that Hybrid Bill given orally during proceedings of the committee has been given in the presence of the Member, or
  - (ii) with the agreement of the Member in charge and any objector to whom that evidence relates, that Member has viewed a recording or read a transcript of all evidence that was not given in the presence of the Member.
- 26B.40 Standing Orders 17.12, 17.17 and 17.48 do not apply to a Hybrid Bill Committee.
- 26B.41 Standing Order 17.49 does not apply to a Hybrid Bill Committee, except when the committee is considering proceedings on amendments.

### **Initial Consideration**

- 26B.42 Once the objection period specified in Standing Order 26B.15(iii) has ended, the Hybrid Bill Committee established in accordance with Standing Order 26B.30 (“the committee”), must consider and report on whether the Bill should proceed as a Hybrid Bill.
- 26B.43 In considering whether a Bill should proceed as a Hybrid Bill, the committee must consider whether:
- (i) the accompanying documents laid in accordance with Standing Orders 26B.9 to 26B.14 are, in the opinion of the committee, adequate to allow proper scrutiny of the Bill;
  - (ii) adequate consultation was undertaken by the Member in charge prior to introduction of the Bill;
  - (iii) the provisions of the Bill make it appropriate for it to be considered as a Hybrid Bill in accordance with Standing Order 26B, having particular regard to:
    - (a) the extent to which its provisions affect issues of public policy;

- (b) the extent to which its provisions amend or repeal other legislation;
- (c) the size of the area which it affects;
- (d) the number and nature of the interests that it affects.

26B.44 If it appears to the committee that the accompanying documents are not adequate to enable the committee to report in accordance with Standing Order 26B.42, it may, before reporting on whether the Bill should proceed as a Hybrid Bill, allow the Member in charge such reasonable period as the committee considers appropriate to provide any further information the committee considers necessary (“supplementary accompanying documents”).

26B.45 Any supplementary accompanying documents must be laid.

26B.46 Once the committee has reported, the Member in charge of the Hybrid Bill may table a motion that the Senedd agrees that the Bill should proceed as a Hybrid Bill.

26B.47 If a motion under Standing Order 26B.46 is agreed, the Bill proceeds to Detailed Committee Consideration.

26B.48 If a motion under Standing Order 26B.46 is not agreed, the Bill falls.

26B.49 Initial Consideration is completed when the Senedd has agreed that the Bill should proceed as a Hybrid Bill or the Bill falls as part of Initial Consideration.

### **Detailed Committee Consideration**

26B.50 Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.

26B.51 Proceedings at Detailed Committee Consideration must be considered by the Hybrid Bill Committee established under Standing Order 26B.30.

26B.52 At Detailed Committee Consideration, the committee must:

- (i) consider and report on the general principles of the Hybrid Bill;
- (ii) consider and report on any admissible objections, other than any objection that, in the opinion of the committee, does not have substantial grounds;

- (iii) where appropriate, consider and report on any provision conferring power to make subordinate legislation that is set out in the Explanatory Memorandum to the Bill; and
- (iv) consider the detail of the Hybrid Bill in accordance with Standing Orders 26B.63 to 26B.78 (including any admissible amendments).

26B.53 The following persons are entitled to be heard before the committee in person, or may be represented:

- (i) the Member in charge and any other member of the government;
- (ii) any objector (subject to Standing Order 26B.60) who has submitted an admissible objection that the committee considers has substantial grounds;

and may participate in proceedings in accordance with any rulings of the Chair.

### **Appointing an assessor to consider objections**

26B.54 Where a Committee established to consider a Hybrid Bill considers it appropriate, it may appoint an assessor, or assessors, to consider objections.

26B.55 The assessor, or assessors, may report to the Hybrid Bill Committee on:

- i) whether there are substantial grounds for admissible objections;
- ii) recommendations on the grouping of objections;
- iii) selection of witnesses and whether evidence should be invited from those witnesses orally or in writing;

and may perform any other functions at Detailed Committee Consideration Stage as the Committee may determine.

26B.56 The Chair may, when ruling on the way in which an objector (or other person) may participate in proceedings, take into account the nature of the objection or other representation and the extent to which the nature of that participation is necessary in order to enable the committee to consider and report on the objection.

- 26B.57 The committee may invite such other persons to give evidence as it considers appropriate.
- 26B.58 The Hybrid Bill Committee must consider the merits of the objections in the light of:
- (i) any evidence given to it; or
  - (ii) any report prepared by any assessor(s) appointed in accordance with Standing Order 26B.54.
- 26B.59 The Hybrid Bill Committee may accept or reject—
- (i) the whole or any part of any objection;
  - (ii) the whole or any part of an assessor’s report.
- 26B.60 Where the committee considers that two or more objections are the same or similar, it may group those objections together and choose one or more objectors from that group to give evidence and otherwise to participate in relation to those objections.
- 26B.61 If the committee, in preparing its report under Standing Order 26B.52(i), (ii) and (iii), intends to recommend a change to the Hybrid Bill and such a change, if made, would, in the opinion of the committee, affect the interests of other persons referred to in Standing Order 26B.62, the committee may take such action as it considers appropriate in order to ensure that those other persons have a reasonable opportunity to make representations to the committee in relation to that recommendation.
- 26B.62 For the purpose of Standing Order 26B.61, “other persons” means:
- (i) persons whose interests were not affected by the Hybrid Bill as introduced but whose interests would be affected if the proposed changes were made to the Hybrid Bill, or
  - (ii) existing objectors whose interests would be affected to a greater extent or in new ways if the proposed changes were made to the Hybrid Bill, giving rise to new substantial grounds for objection.
- 26B.63 A Hybrid Bill may be amended at Detailed Committee Consideration.
- 26B.64 At least 25 working days must elapse between the day on which the report under Standing Order 26B.52(i), (ii) and (iii) is laid and the date of

the first meeting at which the committee considers the detail of the Hybrid Bill in accordance with Standing Order 26B.52(iv).

- 26B.65 No later than five working days after the committee's report is laid, any Member may table a motion that the Hybrid Bill does not proceed any further.
- 26B.66 If no motion is tabled under Standing Order 26B.65, or if such a motion is tabled but not agreed, the general principles of the Hybrid Bill are to be deemed agreed by the Senedd and the committee must proceed to dispose of amendments to the Hybrid Bill, in accordance with Standing Order 26B.52(iv).
- 26B.67 Time must be made available for a motion tabled under Standing Order 26B.65 to be debated within 10 working days of the date that the motion was tabled (not counting working days in a non-sitting week).
- 26B.68 If a motion tabled under Standing Order 26B.65 is agreed, the Hybrid Bill falls.
- 26B.69 Amendments to be considered at Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which the committee laid its report under Standing Order 26B.52(i), (ii) and (iii).
- 26B.70 The Chair of the committee may in exceptional circumstances accept an amendment at Detailed Committee Consideration of which less notice has been given than is required under Standing Order 26B.120. Such an amendment is referred to as a "late amendment".
- 26B.71 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Hybrid Bill, unless the committee has decided otherwise.
- 26B.72 Only a Member who is a member of the committee may participate in proceedings of that committee for the purpose of:
- (i) moving or seeking agreement to withdraw an amendment; or
  - (ii) voting.
- 26B.73 An amendment tabled by a Member who is not a member of the committee may be moved by a member of the committee.

- 26B.74 Where any amendment is tabled to a section of or schedule to the Hybrid Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.
- 26B.75 If no amendment is tabled to a section of or schedule to the Hybrid Bill, that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration.
- 26B.76 Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.
- 26B.77 If a Hybrid Bill is amended at Detailed Committee Consideration the Member in charge must prepare a revised Explanatory Memorandum, unless the committee resolves that no revised Explanatory Memorandum is required.
- 26B.78 Any revised Explanatory Memorandum prepared under Standing Order 26B.77 must be laid at least five working days before the date of the first meeting of the Senedd that considers Detailed Senedd Consideration proceedings.

### **Detailed Senedd Consideration**

- 26B.79 Detailed Senedd Consideration starts on the first working day after Detailed Committee Consideration is completed.
- 26B.80 At least 15 working days must elapse between the day on which Detailed Senedd Consideration starts and the date of the first meeting of the Senedd that considers Detailed Senedd Consideration proceedings.
- 26B.81 Detailed Senedd Consideration must be considered by the Senedd in plenary.
- 26B.82 A Hybrid Bill may be amended at Detailed Senedd Consideration.
- 26B.83 Amendments to be considered at Detailed Senedd Consideration may be tabled by any Member from the first day on which the stage starts.
- 26B.84 The Presiding Officer may select those amendments which are to be taken at Detailed Senedd Consideration.

- 26B.85 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Hybrid Bill, unless the Senedd has decided otherwise on a motion tabled by the Minister with responsibility for government business.
- 26B.86 The Senedd may, on a motion without notice tabled by the Minister with responsibility for government business, agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).
- 26B.87 If a motion under Standing Order 26B.86 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.
- 26B.88 Amendments at Detailed Senedd Consideration are only admissible if, in addition to the criteria in Standing Order 26B.122, they are for the purpose of:
- (i) clarifying the wording of a provision of a Hybrid Bill (including removing inconsistencies in or between the English and Welsh texts), or
  - (ii) giving effect to commitments given on behalf of the Member in charge at the Detailed Committee Consideration Stage, or
  - (iii) giving effect to any recommendations made by the committee in its report under Standing Order 26B.52(i) and (ii).
- 26B.89 Where any amendment is tabled to a section of or schedule to the Hybrid Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration.

- 26B.90 If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration proceedings.
- 26B.91 Detailed Senedd Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

### **Further Detailed Committee Consideration**

- 26B.92 When all amendments selected at Detailed Senedd Consideration proceedings have been disposed of in accordance with Standing Order 26B.91, any Member may, with the agreement of the Presiding Officer, move a motion without notice that any part of the Hybrid Bill specified in the motion be referred back to the Hybrid Bill Committee for further Detailed Committee Consideration.
- 26B.93 Standing Orders 26B.63 and 26B.69 to 26B.78 apply to Further Detailed Committee Consideration. References to “Detailed Committee Consideration” should be construed as references to “Further Detailed Committee Consideration” accordingly.
- 26B.94 Further Detailed Committee Consideration starts on the first working day after the motion under Standing Order 26B.92 is agreed.
- 26B.95 At Further Detailed Committee Consideration the committee may invite such other persons to give evidence as it considers appropriate.
- 26B.96 Amendments to be considered at Further Detailed Committee Consideration may be tabled no earlier than the first working day after the day on which Further Detailed Committee Consideration starts.
- 26B.97 Amendments at Further Detailed Committee Consideration are only admissible if, in addition to the criteria in Standing Order 26B.122, they are to the provisions which were referred back to the Hybrid Bill Committee, or would be necessary in consequence of any amendments tabled at the Further Detailed Committee Consideration stage proceedings being agreed.

### **Further Detailed Senedd Consideration**

- 26B.98 Once Detailed Senedd Consideration is completed in accordance with Standing Order 26B.91, or Further Detailed Committee Consideration is



completed in accordance with Standing Order 26B.76 where undertaken, the Member in charge may, without notice, move that the Senedd consider amendments at a Further Detailed Senedd Consideration Stage. Such a motion may be debated but not amended.

26B.99 Further Detailed Senedd Consideration Stage starts on the first working day after a motion under Standing Order 26B.98 is agreed by the Senedd.

26B.100 Standing Orders 26B.80 to 26B.91 apply to Further Detailed Senedd Consideration proceedings. References to “Detailed Senedd Consideration” should be construed as references to “Further Detailed Senedd Consideration”, and references to “Detailed Committee Consideration” should be construed as references to “Detailed Senedd Consideration” accordingly.

### **Final Stage**

26B.101 The Final Stage of a Hybrid Bill must be taken by the Senedd in plenary.

26B.102 Subject to Standing Order 26B.106, not earlier than five working days after the completion of Detailed Senedd Consideration, or Further Detailed Committee Consideration or Further Detailed Senedd Consideration where undertaken, any Member may table a motion that the Hybrid Bill be passed.

26B.103 A motion under Standing Order 26B.102 must be tabled at least one working day before it is debated.

26B.104 Subject to Standing Orders 26B.106 and 26B.106A, immediately after the completion of Detailed Senedd Consideration, or Further Detailed Senedd Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Hybrid Bill be passed.

26B.105 A motion that a Hybrid Bill be passed may not be amended.

26B.106 No motion that a Hybrid Bill be passed may be moved unless the text of the Hybrid Bill is available in both English and Welsh.

26B.106A No motion that a Hybrid Bill be passed may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act,

whether or not in the Presiding Officer's view any provision of the Bill relates to a protected subject-matter.

26B.106B Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the Bill relates to a protected subject-matter, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.

26B.106CA recorded vote must be taken on a motion that a Hybrid Bill be passed.

26B.107 No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

### **Reconsideration of Hybrid Bills Passed**

26B.108 In accordance with section 113 of the Act, any Member may, after the Hybrid Bill is passed, by motion propose that the Senedd reconsider the Hybrid Bill, or any provision of it, if:

- (i) a question in relation to the Hybrid Bill has been referred to the Supreme Court under section 112 of the Act;
- (ii) a reference for a preliminary ruling (within the meaning of section 113(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.

26B.109 If a motion under Standing Order 26B.108 is agreed to by the Senedd, the Clerk must notify the Counsel General and the Attorney General of that fact.

26B.110 If the Senedd agrees to a motion under Standing Order 26B.108, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

26B.111 Any Member may by motion propose that the Senedd reconsider the Hybrid Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Hybrid Bill or any

provision of it would not be within the legislative competence of the Senedd;

- (ii) an order is made in relation to the Hybrid Bill under section 114 of the Act; or
- (iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Hybrid Bill passed by the Senedd, that any provision of the Bill relates to a protected subject-matter.

26B.112 If the Senedd agrees to a motion under Standing Order 26B.111, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26B.113 At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Senedd that considers Reconsideration Stage proceedings.

26B.114 Proceedings at Reconsideration Stage must be considered by the Senedd in plenary.

26B.115 A Hybrid Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26B.122, 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 for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

26B.116 Unless the Senedd has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Hybrid Bill.

26B.117 After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26B.117B, any Member may without notice move that the Senedd approves a reconsidered Hybrid Bill. Such a motion may not be amended and a recorded vote must be taken on the motion.

26B.117A No motion that a reconsidered Hybrid Bill be approved may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer's view any provision of the Bill relates to a protected subject-matter.

26B.117B Where the Presiding Officer has made a statement that in his or her view any provision of the Hybrid Bill after reconsideration stage relates to a protected subject-matter, that Hybrid Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.

### **Reconsideration of Hybrid Bills rejected**

26B.117C Any Member may by motion propose that the Senedd reconsider the Hybrid Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Hybrid Bill rejected by the Senedd, that no provision of the Hybrid Bill that is subject to the reference relates to a protected subject-matter.

26B.117D If the Senedd agrees to a motion under Standing Order 26B.117C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26B.117E A Hybrid Bill reconsidered in accordance with Standing Order 26B.117C may not be amended.

26B.117F At Reconsideration Stage in accordance with Standing Order 26B.117C, any Member may table a motion that the Hybrid Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.

26B.117G No motion under Standing Order 26B.117F may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in his or her view any provision of the Hybrid Bill relates to a protected subject-matter.

### **Amendments to Hybrid Bills**

26B.118 Standing Orders 26B.119 to 26B.127 apply to amendments in Detailed Committee Consideration proceedings, Detailed Senedd Consideration proceedings and Reconsideration Stage proceedings.

- 26B.119 The Presiding Officer must determine the proper form of amendments to a Hybrid Bill.
- 26B.120 No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.
- 26B.12 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.
- 26B.122 An amendment is not admissible if:
- (i) it is not in its proper form in accordance with Standing Order 26B.119;
  - (ii) it is not relevant to the Hybrid Bill or the provisions of the Hybrid Bill which it would amend;
  - (iii) it is inconsistent with the general principles as reported on by the committee and deemed agreed by the Senedd; or
  - (iv) it is inconsistent with a decision already taken at the stage at which the amendment is proposed.
- 26B.123 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 26B.119 to 26B.127 must apply accordingly.
- 26B.124 Subject to Standing Order 26B.72, 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.
- 26B.125 The Chair of the committee or the Presiding Officer, as the case may be, may group amendments for the purpose 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.

26B.126 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 the committee at Detailed Committee Consideration, by a member of the committee; or
- (ii) in Detailed Senedd Consideration or Reconsideration proceedings, by any other Member.

26B.127 An amendment which has been moved may be withdrawn by the Member who moved it, but only:

- (i) in the committee at Detailed Committee Consideration, if no member of the committee objects; or
- (ii) in Detailed Senedd Consideration or Reconsideration proceedings, if no Member objects.

### **Her Majesty's and Duke of Cornwall's Consent**

26B.128 If a Hybrid Bill contains provision, or is amended so as to include any provision, that would, if the Hybrid Bill were a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Senedd must not debate the question whether the Hybrid Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Senedd.

### **Financial Resolutions**

26B.129 The Presiding Officer must decide in every case whether a resolution is required for a Hybrid Bill under Standing Orders 26B.130 to 26B.135.

26B.130 If a Hybrid Bill 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 Hybrid Bill at any Stage after the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii) unless the Senedd 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.

26B.131 If:

- (i) a Hybrid Bill 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 by or under section 120(2));

no proceedings may be taken on the Hybrid Bill at any Stage after the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii) unless the Senedd has by financial resolution agreed to the charge, increase or payment.

26B.132 Standing Order 26B.131:

- (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.

26B.133 Where the effect of an amendment (or amendments) to a Hybrid Bill, if agreed to, would be that the Hybrid Bill would require a financial

resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Senedd has agreed to a motion for such a financial resolution.

26B.134 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.

26B.135 Unless:

- (i) notice of a motion for any financial resolution required in relation to a Hybrid Bill by Standing Orders 26B.130 or 26B.131 is tabled within 6 months of the date on which the Hybrid Bill Committee has reported in accordance with Standing Order 26B.52(i), (ii) and (iii); and
- (ii) the motion is agreed to;

the Hybrid Bill falls.

### **Notification of Royal Assent to Hybrid Acts of the Senedd**

26B.136 The Clerk must notify the Senedd of the date of Royal Assent to a Hybrid Act of the Senedd.

### **Fall, Rejection or Withdrawal of Hybrid Bills**

26B.137 Subject to Standing Order 26B.117C, if a Hybrid Bill falls or is rejected by the Senedd, no further proceedings may be taken on that Hybrid Bill and a Hybrid Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Senedd within the period of 6 months from the date on which the Hybrid Bill fell or was rejected.

26B.138 A Hybrid Bill falls if it has not been passed or approved by the Senedd before the end of the Senedd in which it was introduced.

26B.139 Where a Hybrid Bill falls under Standing Order 26B.138, a member of the government may introduce a Hybrid Bill in the same terms in the next Senedd. The text of the Hybrid Bill introduced must be the version that was under consideration by the previous Senedd at the date of dissolution.

26B.140 Those documents to accompany the Bill in the previous Senedd that had been published or laid in accordance with Standing Order 15 up to the



date of dissolution must be used for the purposes of the Hybrid Bill on re-introduction in the next Senedd.

- 26B.141 A Hybrid Bill under Standing Order 26B.139 may only be introduced during the period commencing with the date of the first meeting of the next Senedd and ending on the thirtieth working day after that date.
- 26B.142 Any objections submitted during the previous Senedd must be treated as objections to the Hybrid Bill introduced in the next Senedd and any decision of the Hybrid Bill Committee taken during the previous Senedd in respect of those objections must apply. There must be no further objection period for the Hybrid Bill introduced in the next Senedd in addition to the objection period for the Hybrid Bill in the previous Senedd.
- 26B.143 Subject to Standing Order 26B.144 if at the date of dissolution the Stage that the Hybrid Bill was at had not been completed, the proceedings on the Hybrid Bill introduced in the next Senedd must usually commence at the beginning of that Stage.
- 26B.144 Proceedings may commence at a later point during Detailed Committee Consideration Stage if the Member in charge and each person who had given oral evidence to the Hybrid Bill Committee established in the previous Senedd either;
- (i) gives that evidence orally to the Hybrid Bill Committee established in the next Senedd (“the new Committee”); or
  - (ii) agrees that the members of the new Committee may instead view a recording or read a transcript of all the evidence that was given.
- 26B.145 Where an assessor has been appointed but not reported before the Senedd is dissolved, the assessor’s report must be considered by the Hybrid Bill Committee established in the next Senedd.
- 26B.146 A Hybrid Bill may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Initial Consideration except with the agreement of the Senedd.

## **27. STANDING ORDER 27 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Senedd Procedure)**

### **Explanatory Memoranda**

- 23.1 Any statutory instrument or draft statutory instrument laid before the Senedd must be accompanied by an Explanatory Memorandum, which must include any Regulatory Impact Assessment prepared in relation to the instrument.
- 27.1A Any Explanatory Memorandum accompanying a draft statutory instrument laid before the Senedd to which paragraph 4 of Schedule 7 to the European (Withdrawal) Act applies must include the statement and reasoning required by paragraph 4(3) of Schedule 7 to the European Union (Withdrawal) Act 2018.
- 27.1B In the case of any draft Order in Council to be made under section 116C of the Act, the Explanatory Memorandum must provide the following information:
- (i) the impact the draft Order would have on the Senedd's legislative competence;
  - (ii) an explanation of why the draft Order is appropriate;
  - (iii) the policy objectives of devolving the tax; and
  - (iv) details of any consultation carried out and a summary of the outcome of that consultation.

### **Motion for Annulment (Negative Resolution Procedure)**

- 23.1 In the case of any statutory instrument which:
- (i) is subject to annulment in pursuance of a resolution of the Senedd; or
  - (ii) is laid in draft but cannot be made if the draft is disapproved,
- the Senedd 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.

23.1 Any Member may table a motion for resolution under Standing Order 27.2.

23.1 A motion for resolution under Standing Order 27.2 is not amendable.

### **Motion for Approval (Affirmative Resolution Procedure)**

23.1 In the case of any statutory instrument or draft statutory instrument laid before the Senedd which, unless the Senedd 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.

23.1 A motion under Standing Order 27.5 is not amendable.

27.6A In the case of a draft Order in Council to be made under section 116C of the Act, Standing Order 27.6 does not apply, but no amendment to a motion under Standing Order 27.5 may be tabled if it would not be clear from a resolution of the Senedd approving the motion as amended by such an amendment that the Senedd has approved the draft Order.

23.1 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, 21.3 and 27.8A (where relevant) 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.

27.7A Where the enactment requiring the statutory instrument or draft statutory instrument to be laid before the Senedd specifies timings in relation to the Senedd's consideration of the statutory instrument or draft statutory instrument, Standing Order 27.7 does not apply.

27.7B In the case of a draft Order in Council to be made under section 116C of the Act, Standing Order 27.7 does not apply, and 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, 21.3, and any other committee, which has given the notice mentioned in Standing Order 27.8, has reported on the draft Order; or
- (ii) 40 days have elapsed since the instrument or draft instrument was laid;

whichever is the earlier.

23.1 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.

27.8A Any instrument or draft instrument relating to devolved taxes to which Standing Order 27.5 applies may be considered by the responsible committee under Standing Order 19, as well as the committee responsible for the functions specified in Standing Orders 21.2 and 21.3. Standing Order 27.8 does not apply to the

responsible committee under Standing Order 19 in relation to any such instrument or draft instrument.

- 23.1 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.

### **Draft Statutory Instruments to which paragraph 4 of Schedule 7 to the European Union (Withdrawal) Bill applies**

27.9A A member of the government must lay any draft statutory instrument to which paragraph 4 of Schedule 7 to the European (Withdrawal) Act applies before the Senedd.

27.9B If:

- (i) the responsible committee under Standing Order 21.3B reported in accordance with Standing Order 21.4B with a recommendation that the appropriate procedure for an instrument is the affirmative procedure; and
- (ii) the Welsh Ministers are nevertheless of the opinion that the appropriate procedure for the instrument is the negative resolution procedure;

the Explanatory Memorandum laid in accordance with Standing Order 27.1 must explain why the Welsh Ministers do not agree with the committee's recommendation.

### **No Amendment of Instruments**

- 23.1 A statutory instrument or draft statutory instrument, to which Standing Orders 27.2 or 27.5 apply, cannot be amended.

## **Withdrawal of Instruments**

- 23.1 A statutory instrument or draft statutory instrument laid before the Senedd may be withdrawn at any time by the member of the government with responsibility for that instrument.

## **Calculation of Days**

- 23.1 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 Senedd is dissolved or is in recess for more than four days.

## **Other Motions in Respect of Instruments or Draft Instruments**

- 23.1 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**

- 23.1 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 Senedd 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 Senedd; and
  - (ii) subject to any form of Senedd procedure having the same or equivalent effect to those mentioned in Standing Orders 27.2 or 27.5.

## **28. STANDING ORDER 28 – Special Senedd Procedure**

- 23.1 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 Senedd procedure.
- 23.1 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.
- 23.1 Any subordinate legislation subject to special Senedd procedure cannot be made or confirmed unless it has been laid before the Senedd and has complied with Standing Orders 28.4 to 28.26.
- 23.1 No subordinate legislation to which Standing Order 28 applies can be laid before the Senedd 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.
- 23.1 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 Senedd and must give public notice of the entitlement of any person to present a petition to the Senedd against its making or confirmation.

- 23.1 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 Senedd 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.
- 23.1 The Presiding Officer is to be responsible for receiving petitions.
- 23.1 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 Senedd.
- 23.1 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.
- 23.1 The Presiding Officer must consider any petition received and inform the Senedd of its content and the number of signatures as soon as possible after the expiry of the period specified in the public notice.
- 23.1 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.

- 23.1 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.
- 23.1 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 Senedd and inform the petitioner accordingly.
- 23.1 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 Senedd.
- 23.1 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.
- 23.1 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.
- 23.1 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 Senedd 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.

23.1 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.

23.1 Where the Presiding Officer reports to the Senedd that a petition must be considered by the Senedd, 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.

23.1 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.

23.1 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.

23.1 The committee must report to the Senedd 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.

- 23.1 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 Senedd.
- 23.1 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.
- 23.1 Where the committee reports that the subordinate legislation should be made or confirmed with amendments, it may be made or confirmed with such amendments.
- 23.1 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 Senedd of further draft subordinate legislation) or the member of the government with responsibility for it may table a motion that the Senedd should agree that it be made or confirmed without the amendments recommended by the committee.

## **29. STANDING ORDER 29 – Consent in relation to UK Parliament Bills**

### **UK Parliament Bills Making Provision Requiring the Senedd’s Consent**

- 23.1 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 Senedd (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Senedd); or
  - (ii) which modifies the legislative competence of the Senedd.

### **Legislative Consent Memorandum**

- 23.1 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 Senedd, normally no later than two weeks after the amendments are tabled or agreed to.

- 29.2A Any member, other than a member of the government, who intends to table a legislative consent motion in relation to a relevant Bill must first lay a legislative consent memorandum, but must not normally do so until after a member of the government has laid a legislative consent memorandum in respect of that Bill.
- 29.2B The Presiding Officer must lay a legislative consent memorandum in relation to any UK Private Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction.
- 29.2C Any member, other than the Presiding Officer, who intends to table a legislative consent motion in relation to a relevant Private Bill must first lay a legislative consent memorandum, but must not normally do so until after the Presiding Officer has laid a legislative consent memorandum in respect of that Private Bill.
- 23.1 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;
  - (iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill;
  - (iv) where the Bill contains any relevant provision conferring power to make subordinate legislation on Welsh Ministers, set out the Senedd procedure (if any) to which the subordinate legislation to be made in the exercise of the power is to be subject; and

- (v) where a legislative consent memorandum has already been laid in relation to the same provisions in the same Bill, set out how and why the new memorandum differs from the previous memorandum.

29.3A Standing Order 29.3(iii) does not apply to a memorandum laid by the Presiding Officer under Standing Order 29.2B.

23.1 The Business Committee must:

- (i) normally refer any legislative consent memorandum to a committee or committees for consideration; and
- (ii) establish and publish a timetable for the committee or committees to consider and report on it.

23.1 *[Standing Order removed by resolution in Plenary on 01 May 2013]*

### **Legislative Consent Motion**

23.1 After a legislative consent memorandum has been laid, any member may, subject to Standing Orders 29.2A and 29.2C, table a motion (“a legislative consent motion”) seeking the Senedd’s agreement to the inclusion of a relevant provision in a relevant Bill.

23.1 The Senedd must consider a legislative consent motion which has been tabled.

23.1 When a legislative consent memorandum is referred by the Business Committee for consideration by a committee or committees in accordance with Standing Order 29.4, a related legislative consent motion must not be debated, until either:

- (i) the committee or committees have 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 29.4 has been reached.



## **30. STANDING ORDER 30 – Notification in relation to UK Parliament Bills**

### **UK Parliament Bills Making Provision Requiring Notification to the Senedd**

23.1 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) which modifies the functions of the Welsh Ministers or of the Counsel General (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Senedd), or, to the government’s knowledge, the Senedd or Senedd Commission.

### **Written Statements in Relation to Relevant UK Parliament Bills**

23.1 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.

23.1 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.

## **30A. STANDING ORDER 30A – Consent in Relation to Statutory Instruments made by UK Ministers**

### **Subordinate Legislation made by UK Ministers Making Provision Requiring the Senedd’s Consent**

30A.1 In Standing Order 30A, “relevant statutory instrument” means a statutory instrument or draft statutory instrument laid before the UK Parliament by UK Ministers which makes provision (“relevant provision”) in relation to Wales amending primary legislation within the legislative competence of the Senedd (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Senedd).

### **Statutory Instrument Consent Memorandum**

30A.2 A member of the government must lay a memorandum (“a statutory instrument consent memorandum”) in relation to any relevant statutory instrument laid before the UK Parliament by UK Ministers, normally no later than three days after it is laid before the UK Parliament.

30A.3 Any member, other than a member of the government, who intends to table a statutory instrument consent motion in relation to a relevant statutory instrument must first lay a statutory instrument consent memorandum, but must not normally do so until after a member of the government has laid a statutory instrument consent memorandum in respect of that statutory instrument.

30A.4 A statutory instrument consent memorandum must:

- (i) summarise the objective of the statutory instrument;
- (ii) specify the extent to which the statutory instrument makes (or would make) relevant provision;

- (iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the statutory instrument;
  - (iv) where a statutory instrument consent memorandum has already been laid in relation to the same provisions in the same statutory instrument set out how and why the new memorandum differs from the previous memorandum.
- 30A.5 At the same time as it lays a statutory instrument consent memorandum, the government must also lay the statutory instrument or draft statutory instrument and any supporting material, including Explanatory Memoranda and Regulatory Impact Assessments, prepared by UK Ministers.
- 30A.6 Any statutory instrument consent memorandum may be considered by the committee responsible for the functions specified in Standing Order 21.7 (referred to within Standing Order 30A as “the responsible committee”).
- 30A.7 The responsible committee may invite other committees also to consider a memorandum.
- 30A.8 The responsible committee and any other committee considering the memorandum must report to the Senedd within 35 days of the memorandum being laid, unless the Business Committee establishes and publishes a different timetable providing for a longer period.
- 30A.9 In calculating for the purposes of Standing Order 30A.8 a period of days, no account is to be taken of any time during which the Senedd is dissolved or in recess for more than 4 days.

### **Statutory Instrument Consent Motion**

- 30A.10 After a statutory instrument consent memorandum has been laid, any member may, subject to Standing Order 30A.3, table a motion (“a statutory instrument consent motion”) seeking the

Senedd's agreement to the inclusion of a relevant provision in a relevant statutory instrument.

30A.11 The Senedd must consider a statutory instrument consent motion which has been tabled.

30A.12 A statutory instrument consent motion must not be debated until after the responsible committee and any other committee considering the statutory instrument consent memorandum has reported, or the relevant deadline for reporting in accordance with Standing Order 30A.8 has passed.

### **Conforming with Acts of Parliament**

30A.13 Where procedures for gaining the Senedd's consent to a statutory instrument are set out in an Act of Parliament, the Business Committee may adapt the procedure set out in Standing Order 30A as required in order to conform with the relevant Act.

**30B. STANDING ORDER 30B –Statutory Instruments made by UK Ministers under the Act temporarily restricting the Senedd’s legislative competence or the Welsh Ministers’ executive competence**

**Regulations made by a Minister of the Crown under sections 109A and 80(8) of the Act**

- 30B.1 In Standing Order 30B, “relevant draft regulations” means draft regulations that a Minister of the Crown proposes to lay before the UK Parliament, in accordance with section 109A or 80(8) of the Act.
- 30B.2 The Welsh Ministers must lay relevant draft regulations before the Senedd no later than one working day after they are provided with a copy of them in accordance with section 109A(6)(a) or 80(8F)(a) of the Act.

**Consent Decision Memorandum**

- 30B.3 A member of the government must lay a memorandum (“a consent decision memorandum”) in relation to any relevant draft regulations no later than seven days after the Welsh Ministers are provided with a copy of the relevant draft regulations in accordance with section 109A(6)(a) or 80(8F)(a) of the Act.
- 30B.4 A consent decision memorandum must:
- (i) summarise the effect of the relevant draft regulations on the Senedd’s legislative competence and/or the Welsh Ministers’ functions;
  - (ii) make a recommendation as to whether the relevant draft regulations should be subsequently approved by the UK Parliament;
  - (iii) explain the reasons for the recommendation made in (ii).
- 30B.5 The Business Committee must refer any consent decision memorandum to a committee or committees for consideration.

## **Consent Decision Motion**

- 30B.5 After a consent decision memorandum has been laid, and no later than 33 days after the Welsh Ministers were provided with a copy of the relevant draft regulations in accordance with section 109A(6)(a) or 80(8F)(a) of the Act, a member of the government must table a motion (“a consent decision motion”) for a decision either giving or refusing the Senedd’s consent to the relevant draft regulations being laid before the UK Parliament.
- 30B.7 The Senedd must consider a consent decision motion which has been tabled.
- 30B.8 A consent decision motion must not be debated until either:
- (i) the committee or committees have reported on the related consent decision memorandum; or
  - (ii) 33 days have elapsed since the Welsh Ministers were provided with a copy of the relevant draft regulations in accordance with section 109A(6)(a) or 80(8F)(a) of the Act.

## **Calculation of Days**

- 30B.9 In calculating for the purposes of Standing Order 30A any period of days, no account is to be taken of any time during which the Senedd is dissolved or is in recess for more than four days.

## **Written Statements**

- 30B.10 A member of the government must lay before the Senedd any written statement provided by the Welsh Ministers to a Minister of the Crown as mentioned in section 157ZA(2)(b)(ii) of the Act, normally no later than one working day after the statement is provided.

## **Reports in Connection with Retained EU Law Restrictions**

- 30B.11 A member of the government must lay before the Senedd a copy of any report provided to the Welsh Ministers in accordance with

paragraph 4(4) of Part 2 of Schedule 3 to the European Union (Withdrawal) Act 2018 no later than one working day after the report is received.

30B.12 In relation to any draft regulations that would, if approved by the UK Parliament, revoke retained EU law restrictions imposed on the Senedd or the Welsh Ministers under section 109A or 80(8) of the Act, a member of the government must lay before the Senedd a statement explaining the effect that the draft regulations would have on the competence of the Senedd or the Welsh Ministers, no later than seven days after the draft regulations have been laid before the UK Parliament.

## **30C. STANDING ORDER 30C – Notification in Relation to Statutory Instruments made by UK Ministers in devolved areas under the European Union (Withdrawal) Act 2018 not laid before the Senedd**

### **Statutory Instruments Requiring Notification to the Senedd**

30C.1 In Standing Order 30C, “relevant statutory instrument” means a statutory instrument, or draft statutory instrument, made, or to be made, by a UK Minister acting alone under sections 8, 9 or 23 of, or Schedule 4 to, the European Union (Withdrawal) Act 2018 which contains provision within the legislative competence of the Senedd or the executive competence of the Welsh Ministers.

### **Written Statements in Relation to Relevant Statutory Instruments**

30C.2 A member of the government must lay a written statement giving notification of any relevant statutory instrument, normally within three working days of it being laid before the UK Parliament.

30C.3 The written statement must:

- (i) summarise the purpose of the statutory instrument;
- (ii) specify any impact the statutory instrument may have on the Senedd’s legislative competence and/or the Welsh Ministers’ executive competence; and
- (iii) where the Welsh Ministers consented to UK Ministers making the relevant statutory instruments, explain the reasons why consent was given.



### **31. STANDING ORDER 31 – Reports of Proceedings**

23.1 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 Senedd, including the decisions of committees and sub-committees;
- (ii) reporting Senedd 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.

## **32. STANDING ORDER 32 – Conduct of the Public**

- 23.1 The Presiding Officer may make rules specifying the conditions with which members of the public attending or participating in Senedd proceedings must comply.
- 23.1 The Presiding Officer may require any member of the public to be excluded from Senedd proceedings if he or she is acting in a disruptive or disorderly manner, or is otherwise interfering in the Senedd's proper conduct of its business.
- 23.1 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.

### **33. STANDING ORDER 33 – Remaking, Revision and Suspension of Standing Orders**

#### **Re-making and Revision**

- 23.1 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).
- 23.1 A motion to remake the Standing Orders or revise Standing Orders must be tabled and proposed in plenary by the Business Committee.
- 23.1 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.
- 23.1 A resolution to remake the Standing Orders or revise Standing Orders has immediate effect unless the resolution provides otherwise.
- 23.1 A resolution to revise Standing Orders may provide that any Standing Order, or any revision thereto, may be temporary (and its duration specified).

#### **Suspension**

- 23.1 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.
- 23.1 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.
- 23.1 A motion under Standing Order 33.6 must be tabled not less than one working day before it is to be considered by the Senedd, 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 Senedd's procedures or an infringement of the rights of minorities in the Senedd.

23.1 Members must be notified forthwith as soon as a motion under Standing Order 33.6 is tabled.