

**Annex B – ‘Clean versions’ of the relevant Standing Orders, incorporating all the proposed changes and reflecting any decisions taken at the 9 November meeting.**

## **STANDING ORDER 10 – Rules of committee operation**

### **General**

- 10.1 Standing Order 10 applies to every committee of the Assembly other than where disapplied by another Standing Order.
- 10.2 Any Member may table a motion to give specific or general instructions to any committee.

### **Membership of Committees**

- 10.3 The Assembly must consider a motion tabled by the Business Committee to determine the membership of each committee established by a resolution of the Assembly.
- 10.4 No amendment may be tabled to a motion under Standing Order 10.3.
- 10.5 A motion to determine the membership of a committee under Standing Order 10.3 cannot be passed unless:
- (i) the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and
  - (ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.
- 10.6 If a motion to determine the membership of a committee under Standing Order 10.3 is not passed:
- (i) the Assembly must consider a motion tabled by the Business Committee to determine the size of the committee; and
  - (ii) places on that committee must be allocated in accordance with the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 10.7.
- 10.7 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:

- (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.

10.8 If places on any committee are to be allocated to a political group in accordance with Standing Order 10.6, it is for that political group to determine the names of the Members allocated from their group.

10.9 Any motion under Standing Order 10.3 or 10.6 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:

- (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.

10.10 A vacancy occurs on a committee when a Member:

- (i) resigns from the committee by notifying the Business Committee;
- (ii) is removed from the committee by a resolution of the Assembly;
- (iii) ceases to be a Member; or
- (iv) ceases to be a member of the committee in accordance with Standing Order 10.11.

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

10.12 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 10.3 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 10.3 proposing changes to the membership of any other committee.

10.12A If a political group informs the Business Committee that they wish to change a member representing the group on a committee, the Business Committee must table a motion to give effect to that proposal.

10.13 If the effect of a motion referred to in Standing Order 10.12(ii) or 10.12A is only to fill the vacancy with a Member from the same political group, then Standing Order 10.5(ii) does not apply.

10.14 Any question arising under Standing Orders 10.5 and 10.9 must be determined by the Presiding Officer.

### **Sub-committees**

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

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

10.16A A sub-committee shall report to the committee which established it.

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

### **Chairs**

10.18 Each committee must elect a chair. In doing so the committee must, in consultation with the Business Committee, have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.

10.18A Proceedings for the election of a chair are to be chaired by the clerk to the committee. The clerk to the committee must invite nominations. If there is only one nomination, the clerk to the committee must propose

that the Member nominated be elected as chair. If that is opposed, or if there are two or more nominations, the clerk to the committee must make arrangements for the election to take place in accordance with Standing Order 10.32.

- 10.19 Each committee has the power to appoint a temporary chair in the absence of its chair in accordance Standing Order 10.18A.
- 10.20 Except where Standing Orders provide otherwise, the chair of a committee must determine its procedures, having regard to any written guidance which may be issued by the Presiding Officer in accordance with Standing Order 2.17.
- 10.21 In relation to the business of a sub-committee, the chair of the sub-committee has the powers of the chair of the committee of which it is a sub-committee.

### **Behaviour in Committees**

- 10.22 The chair is to maintain order in committee meetings and must call to order any Member who:
- (i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;
  - (ii) is obstructing the business of the Assembly;
  - (iii) seeks to raise a matter outside the scope of the issue before the committee;
  - (iv) is guilty of discourteous or unbecoming conduct;
  - (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;
  - (vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or
  - (vii) disregards the authority of the chair.
- 10.23 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.
- 10.24 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required

to do so, the chair may adjourn the meeting and report the matter to the Presiding Officer; and, with the permission of the Presiding Officer obtained in advance, a Member may propose that the Member be excluded from Assembly proceedings for a period in accordance with Standing Order 8.13.

[Remove SO 10.25]

### **Sub Judice**

- 10.26 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter 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 or the Commissioner for Older People in 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, 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;
  - (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**

- 10.27 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; and in Standing Order 10.27 "judge" includes persons holding the position of judge, whether full-time or part-time.
- 10.28 Committees must not discuss individual judicial appointments.

### **Quorum**

- 10.29 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, whichever is the greater, present.

- 10.30 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.
- 10.31 On declaring a meeting inquorate under Standing Order 10.29 or 10.30 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within a time specified by the chair (or in the absence of the chair the clerk to the committee) the meeting will stand adjourned.

**Voting**

- 10.31A Where a vote is necessary to dispose of a motion or amendment, the Chair must invite the committee to agree the motion or amendment. If any Member objects, a vote must be taken in accordance with provision in Standing Order 10.32. If no Member objects, the motion or amendment is deemed agreed by the committee.
- 10.32 Subject to Standing Order 10.31A, 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.
- 10.33 Chairs of committees may vote. If there is an equality of votes, the chair must rule as to the disposal of the business in accordance with Standing Order 2.20.
- 10.34 No vote in any committee is valid if fewer than one-third of its members vote. Members recording an abstention are to be regarded as having voted.
- 10.35 If a vote is not valid under Standing Order 10.34, the chair must adjourn the item of business of which it formed a part to the next meeting of the committee.

**Openness of Committees**

- 10.36 Subject to Standing Orders 10.37, committees must meet in public and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Commission from time to time agrees.
- 10.36A Where written material submitted to a committee by members of the public in relation to proceedings of the committee, including evidence

submitted or documents produced in response to an invitation under Standing Orders 10.44, is published on behalf of the Committee, that material is to be regarded as published:

- (i) under the authority of the Assembly (for the purpose of section 42(1)(b) of the Act (Defamation); and
- (ii) for the purposes of Assembly proceedings (for the purpose of section 43(1)(b) of the Act (Contempt of Court).

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

- (i) international relations, national security, the investigation of alleged illegality, the effectiveness of law enforcement or the proper administration of justice requires the proceedings to be held in private;
- (ii) a particular item of business cannot be discussed without disclosing personal information relating to specific identified or identifiable individuals which ought not to be disclosed;
- (iii) discussion in public of a particular item of business would be likely to cause harm to commercial or economic interests;
- (iv) discussion in public of a particular item of business would be likely to cause harm to the health or safety of an individual, the public, or the environment;
- (v) a particular item of business cannot be discussed without reference to material which would be likely to be considered defamatory of any person;
- (vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;
- (vii) a particular item of business cannot be discussed without disclosing either legal advice supplied in confidence, or information supplied in confidence by, or confidential correspondence with, a person or organisation (including a public authority) which was not under any legal obligation to disclose that information and has not consented to its disclosure to the public;

- (viii) a particular item of business cannot be discussed without reference to a document or documents which would be excluded or exempted from disclosure under legislation; or
- (ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.

- 10.38 A motion proposed under Standing Order 10.37 must identify the grounds which the Member proposing it believes should give rise to the exclusion of the public.
- 10.39 So far as is appropriate in the circumstances and reasonably practicable, notice of motions and documents relating to business to be taken at any committee must be made available to all members of that committee in English and Welsh at least two working days before the meeting to which they relate.
- 10.40 Members of committees and other persons addressing committees, may speak in English or in Welsh and simultaneous interpretation facilities must be available for proceedings in Welsh. Persons other than Members may address committees in other languages by prior agreement with the chair.

### **Meetings**

- 10.41 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is not a sitting week.
- 10.41A The chair may adjourn a meeting or may suspend the meeting for a specified time in any circumstance where he or she thinks it appropriate to do so.

### **Substitutions at Meetings**

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

### **Attendance at Meetings**



- 10.43 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.
- 10.44 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents.
- 10.45 Any committee may, subject to sections 38 and 40 of the Act, exercise the powers in section 37 of the Act, to require persons to attend their proceedings or to produce documents.
- 10.46 Chairs may require a person who has been required to attend a committee to take an oath (or make an affirmation), to be administered by the clerk to the committee.

**Meetings with Other Committees**

- 10.47 Committees may meet concurrently with other committees of the Assembly.
- 10.48 Committees may meet concurrently with any committee or joint committee of any UK legislature.

**Committee Advisers**

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

**Committee Reports**

- 10.50 Any committee may report to the Assembly on matters within its remit.

[Remove SO 10.51 and 10.52]

**Standing Order 11**

*NB. Following the agreement reached in principle by Business Committee on 9 November, Standing Order 11 will now be re-located to Standing Order 6 – Organisation of Business. It is presented as SO 11 in this paper for ease of reference.*

**STANDING ORDER 11: Organisation of Business****Business Committee**

- 11.1 There is to be a Business Committee, to facilitate the effective organisation of Assembly proceedings.
- 11.2 Standing Orders 10.4 to 10.5 do not apply to the Committee.
- 11.3 As soon as possible after an Assembly election, the Minister with responsibility for government business must table a motion to appoint as members of the Committee, the Presiding Officer, one Member nominated by each leader of the political groups represented in the Assembly and (if any three or more Members who are not members of a political group decide to form a grouping for the purposes of Standing Order 11) a Member nominated by each grouping of Members. No amendments may be tabled to a motion under Standing Order 11.3.
- 11.4 A motion under Standing Order 11.3 cannot be passed (if the motion for it is passed on a vote) unless at least two-thirds of the Members voting support it.
- 11.5 If a motion under Standing Order 11.3 is passed:
  - (i) the Committee must be chaired by the Presiding Officer (who may vote only in the exercise of a casting vote, subject to Standing Order 11.5(iii));;
  - (ii) each other member of the Committee carries one vote for each member of the political group (or grouping, as the case may be) which he or she represents (including himself or herself and the Presiding Officer and Deputy if they are members of his or her political group or grouping);
  - (iii) where the number of Members who are not members of a political group is such that it is (for that reason only) not possible for them to form a political group or grouping, each such Member is entitled to attend proceedings of the Committee and may vote;

- (iv) in determining the organisation of Assembly business in plenary under Standing Order 11.7(ii), 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;
- (vi) Standing Orders 10.18, 10.19 and 10.33 to 10.35 do not apply to the Committee.

11.6 If a motion under Standing Order 11.3 is proposed but not passed, then Standing Orders 10.6 to 10.9 apply to the Committee with the substitution of the words “under Standing Order 11.3 to appoint the members of the Business Committee” in 10.6 for the words “to determine the membership of a committee under Standing Order 10.3”, and of the words “Minister with responsibility for government business” for “Business Committee”.

11.7 The Committee must:

- (i) comment on proposals for the organisation of government business in plenary (which must be determined under Standing Order 6.4);
- (ii) determine the organisation of Assembly business in plenary, subject to Standing Order 11.5(iv);
- (ii)A determine the proposal for the titles and remits of committees under Standing Order 12.2 or 12.3, subject to Standing Order 11.5(iv)
- (iii) make recommendations on the general practice and procedure of the Assembly in the conduct of its business (including any proposals for the re-making or revision of Standing Orders, or any part thereof);
- (iv) undertake the functions assigned to the Committee in Standing Orders.

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

**STANDING ORDER 12 – Establishment and remit of committees****General**

- 12.1 The Assembly must establish committees with power within their remit to:
- (i) examine the expenditure, administration, statutory duties 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.
- 12.2 The Business Committee must, as soon as possible after every Assembly election, table a motion or motions proposing the titles and remits of committees.
- 12.3 If it appears necessary to the Business Committee during the course of an Assembly to alter the number, title or remit of one or more 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.
- 12.4 In tabling any motion under Standing Order 12.2 or 12.3, 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;
  - (ii) all matters relating to the legislative competence of the Assembly or executive competence of Welsh Ministers may be subject to the scrutiny of a committee; and
  - (iii) where reasonably practicable, there is broad balance between the delivery of responsibilities specified in Standing Order 12.1(i) and 12.1(ii).

**Other committees**

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

**Duration**

- 12.6           Subject to Standing Order 12.3, all committees established under Standing Order 12 will exist for the duration of the Assembly unless otherwise specified in the motion to establish the committee.