

# Committee on Standing Orders

## CSO(2)-07-06 (p1)

**Date: 3 July 2006**

**Venue: National Assembly for Wales, Cardiff Bay**

**Title: Standing Order 1 – Presiding Officer and Deputy**

### 1. Background

Currently SO 1 regulates the election of the PO and DPO and sets out their duties and powers. It also sets out the procedure for dealing with resignations and vacancies. The offices of the PO and DPO were created by the 1998 Act but the current Bill sets out their responsibilities in further detail.

### 2. New Standing Order

The attached annex sets out changes that will need to be made to the current SO to accommodate the Bill, and asks specific questions where there are options available. Once the Committee has agreed what will need to be included in the new SO the Clerks will draft a new SO for the Committee to agree.

### 3. Provisions in the Bill

Provisions for the PO and DPO are made in clause 25 of the Bill. They set out:

Procedures for election of a PO and DPO from among Assembly Members. [clause 25(1)]

Description of the titles of the posts and provision for SOs to amend the titles. [clause 25(2)]

The tenure of office, which is different for both. [clauses 25(3) & (4)]. See below for further detail.

Provision for resignation and removal from office of the PO and DPO. [clause 25 (5)]

That the PO and DPO must not belong to the same political group or groups which both have an executive role [clauses 25(7)–(9)]

Under what circumstances the DPO may exercise the functions of the PO [clauses 25 (10) & (11)].

That SOs may provide for the functions of the PO to be exercised by any person specified in, or determined in accordance with SOs in the event that both the PO and DPO are unable to act. [clause 25(12)]

That SOs may include provision as to the participation (including voting) in Assembly proceedings of the PO and DPO [clause 25(13)].

The Bill does not contain any reference to provisions which must be included in Standing Orders in relation to the PO and DPO.

The committee might wish to consider the discussion had in the Government of Wales Bill Committee on clause 4 2(b), which states that the Assembly must meet within seven days of the election. This impacts on SO 1.8 regarding party balance and 1.12 concerning voting. [Record of Proceedings. GWB 03-06 - 719]

## **4. Points to note**

### **4.1 Tenure of Office**

The Bill states that the PO holds office until the conclusion of the next election of a PO. The DPO only holds office until the Assembly is dissolved. [clauses 25 (3) & (4)].

Provision is made for the "initial period" i.e. between polling day in May 2007 and the election of a new FM in Schedule 11 [para 20(2)]. In practice it means that the holder of the office of PO prior to the 2007 election will continue in office, providing that person is a candidate at the election and is returned as an Assembly Member until the election of a new PO.

In the event that the PO is not returned as an Assembly Member Schedule 11 provides for the Clerk to carry out certain delegated functions and for Ministers to sign subordinate legislation instruments. [Schedule 11 paras 22 & 23]

### **4.2 Assembly Commission**

The PO will be Chair of the Assembly Commission [Schedule 2 para 11(2)]. In considering SOs which allow other persons to carry out the functions of the PO it will need to be made clear that this will not apply to the PO's role as a member of the Commission. It is for the Commission to appoint another of its members to chair meetings if the office of PO is vacant or the PO is unable to act. Schedule 2 para 11(2)].

### **4.3 Oath of affirmation of allegiance**

Currently SOs make no provision for this but the Bill states that SOs must specify the person before whom the oath is to be taken or the affirmation made [clause 23(2)]. If this is to be the PO it might impact on this SO but Members can participate in proceedings of the Assembly for the election of the PO and DPO without having taken the oath or made an affirmation [clause 23(4)]. This issue will be considered further when the Committee considers SO3 which relates to Members.

## **5. Action**

To agree the principles to be included in this SO as outlined in the attached annex. The Clerks will then prepare a draft of an amended SO for the Committee's consideration. The Committee may wish to specifically consult the PO and DPO on this SO.

Government of Wales Bill Procedures Unit

June 2006