

# Committee on Standing Orders

**CSO(2)-07-06 (p2)**

**Date: 3 July 2006**

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

**Title: Standing Order 2 – First Minister and Assembly Cabinet**

## **1. Background**

Currently SO 2 sets out the procedures for the election and resignation of the First Minister, appointment of Ministers and provisions relating to the Cabinet and Ministerial Code. Clauses 46 & 47 of the Bill provide for the First Minister to be appointed by Her Majesty following a nomination from the Assembly. The Presiding Officer is to recommend the appointment to Her Majesty.

## **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 choice of First Minister are made in clause 47 of the Bill. The clause sets out:

That a First Minister must be nominated by the Assembly before the end of the relevant period if certain events occur. [clause 47(1)]

The events which would trigger a nomination for First Minister [clause 47(2)]. The events are:

- The holding of a poll at a general election,
- The Assembly resolving that the Welsh Ministers no longer enjoy the confidence of the Assembly,
- The First Minister tendering resignation to her Majesty,
- The First Minister dying or becoming permanently unable to act and to tender resignation, and
- The First Minister ceasing to be an Assembly member otherwise than by reason of dissolution.

The relevant period. [clause 47(3)]

That the Presiding Officer must recommend to Her Majesty the appointment of the person nominated by the Assembly. [clause 47(4)]

The Bill does not contain any reference to provisions which must be included in SOs in relation to the choice of First Minister.

## **4. Points to note**

### **4.1 Tenure of Office**

In much the same way as the office of the Presiding Officer, Schedule 11 para 20(2) provides for the First Minister (and Welsh Ministers) in post immediately before the beginning of the initial period (i.e. polling day May 2007) to remain in post until the nomination of a new First Minister, (within 28 days of the poll) so long as that person (or persons) is a candidate at the election and is returned as an Assembly member.

In the event that the office of the First Minister is vacant, the First Minister is unable to act, or ceases to be an Assembly member during the initial period (i.e. 2007), Schedule 11 para 21 (b) provides for that person's (FM's) functions to be carried out by a person designated by the other members of the Assembly (i.e. Welsh Ministers who are still Assembly members).

For subsequent vacancies, after 2007 the Bill provides for the Presiding Officer to designate another person to exercise functions of the First Minister if he or she is unable to act or is not returned.  
[clauses 46 (5)-(8)]

## **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.

Government of Wales Bill Procedures Unit

June 2006