

Business Committee

Meeting Venue:
Committee Room 4 - Ty Hywel

Meeting date:
21 June 2011

Meeting time:
08:50

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Agenda

1 Introduction, Apologies and Substitutions

2 Proposed changes to Standing Orders following the Assembly powers referendum (Pages 1 - 85)

BC(4)04-11 Paper 1

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2(i) Bills and Acts of the Assembly

2(ii) Orders in Council to amend the Assembly's legislative competence

2(iii) Member proposed legislation

2(iv) Additional consequential changes

Agenda Item 2

To: Business Committee

From: Business Committee Secretariat

Date: June 2011

Changes to Standing Orders following the Assembly powers referendum

Purpose

1. Business Managers are invited to consider the proposals for changes to Standing Orders in light of the 'yes' vote in the March 2011 Assembly powers referendum.
2. The changes relate to Standing Orders 21, 24, 25 and 26 and the interpretation section of Standing Orders. Consequential changes to terminology used in Standing Orders will also be necessary (e.g. Standing Order 11.22).

Procedure

3. In accordance with Standing Order 11.7(iv), 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.
4. Any proposal to re-make or revise Standing Orders must be tabled and proposed in Plenary by the Business Committee in accordance with Standing Order 33. Any proposal must be supported by at least two-thirds of Members voting for it to have effect.

Background

5. The Third Assembly's Business Committee undertook a review of Standing Orders from May 2010 – March 2011. The Committee's proposals for changes were published on 9 March 2011 in its Report on the review.¹ The Assembly agreed to remake Standing Orders in accordance with the Committee's recommendations in Plenary on 16 March 2011.² The revised Standing Orders came into effect on 5 May 2011.
6. In its Report, the Committee recognised that Standing Orders would require further review and amendment to reflect the 'yes' vote in the

¹ Business Committee, [Review of Standing Orders in preparation for the Fourth Assembly](#), 9 March 2011

² RoP, p 42, 16 March 2011

Assembly powers referendum in March 2011. The Committee recommended that any changes necessary to Standing Orders as a result of the commencement of Part 4 provisions of the Government of Wales Act 2006 (“the Act”) should be presented to the Fourth Assembly for their consideration and agreement after the election in May 2011.

7. To enable the Assembly’s Standing Orders to cater for powers under Part 4 of the Act with immediate effect, transitional arrangements were included in the interpretation section of the revised Standing Orders. These arrangements provide that, as of 5 May 2011 and until the necessary revisions to Standing Orders are made, legislation can progress in accordance with Part 4 of the Act.

Proposal

8. Following the commencement of The Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011, the Assembly is now able to pass legislation, in the form of “Acts of the Assembly”, under all of the areas outlined in the 20 subjects included in schedule 7 to the Act.

9. It is not proposed that the fundamental procedure for legislative scrutiny under Part 4 will differ from that under Part 3. The majority of changes necessary, therefore, relate to terminology. The detailed proposals and explanatory notes can be found in Annex A – E. A clean copy of relevant Standing Orders, reflecting all proposed changes, can be found in Annex F.

(i) Bills and Acts (Standing Order 26)

10. No significant changes to the procedures for the proposal and consideration of the Assembly’s primary legislation are necessary in light of the referendum result. Proposals for Assembly laws will still be subject to the same four-stage process as seen for proposed Measures during the Third Assembly.

Terminology

11. Following the ‘yes’ vote and in accordance with Part 4 (section 107(1)) of the Act, the Assembly may make laws to be known as “Acts of the National Assembly for Wales” or “Deddfau Cynulliad Cenedlaethol Cymru”. In accordance with section 107(2) of the Act, proposed Acts of the Assembly are to be known as Bills. As such, it is proposed that the same terminology is used in the Standing Orders and that:

- all current references to “Measures” are replaced with references to “Acts of the Assembly”; and
- all current references to “proposed Measures” are replaced with references to “Bills”.

12. Following the commencement of Part 4, and in accordance with section 115 of the Act, Bills will now be submitted for Royal Assent. This contrasts to the arrangements for proposed Measures under Part 3, which were submitted for Royal Approval by Her Majesty in Council.

13. Proposed amendments to effect these terminological changes to Standing Order 26 are detailed in Annex A.

Cross-referencing

14. References to Part 3 of the Act within Standing Orders will also need to be updated with correct cross-references to Part 4. Proposed amendments are detailed in Annex A.

(ii) Orders in Council to be made under section 109 of the Act (Standing Order 25)

15. Following the commencement of Part 4 provisions of the Act, schedule 7 defines the Assembly’s legislative competence. Schedule 7 can be amended (for example to add new subjects, to expand or clarify existing ones or to remove exceptions) by an Order in Council under section 109 of the Act (“section 109 Order”). This can only happen with the approval of the Assembly and both Houses of the UK Parliament.

16. This replaces the arrangement under Part 3 of the Act where the Assembly’s legislative competence was defined by schedule 5 and could be amended by an Order in Council under section 95 of the Act (referred to as a “Legislative Competence Order”).

Procedures for section 109 Orders

17. A process is required by which section 109 Orders can be proposed and considered by the Assembly. It is proposed that a similar process to that used during the Third Assembly for Legislative Competence Orders is retained in order to permit the Assembly to propose and consider Orders of this kind, where appropriate.

18. Retention of the process by which the Business Committee can either:

- refer Orders for detailed consideration by a committee; or
- propose (by motion in Plenary) that there should be no detailed consideration of the Order,

provides flexibility for the Business Committee, on an Order by Order basis, to assess the need for detailed scrutiny.

19. Proposed amendments to Standing Order 25 are detailed in Annex B.

Notice of refusal

20. The requirement to publish any notice of refusal by the Secretary of State for Wales to lay a draft Legislative Competence Order was a requirement under Part 3 of the Government of Wales Act 2006. There is no equivalent requirement under Part 4 provisions of the Act therefore Standing Order 25.19 is no longer necessary.

(iii) Members in charge (Standing Order 24 and consequential changes to Standing Orders 25 and 26)

21. During the Third Assembly, the Welsh Government, the Assembly Commission, committees and individual Members were permitted to propose Measures and Legislative Competence Orders, subject to specific Standing Order requirements. The Member responsible for steering the progress of any of the four types of proposed legislation was referred to as “the Member in charge”.

Bills

22. No changes are proposed to arrangements for proposing Bills. The Business Committee is invited to agree that the necessary technical changes are made to reflect the change in terminology i.e. Acts and Bills.

Section 109 Orders

23. The Business Committee is invited to consider arrangements for the proposal of section 109 Orders following the ‘yes’ vote in the March 2011 referendum and the commencement of Part 4 of the Act.

24. Given that the Assembly is now able to legislate within the 20 subject areas listed in schedule 7 to the Act, it is anticipated that the need to bring forward Orders in Council to amend schedule 7 is likely to be substantially reduced in comparison with the level of Legislative Competence Orders brought forward during the Third Assembly to amend schedule 5.

25. Given the difficulty experienced by individual Members in the Third Assembly in gaining legislative competence under schedule 5 Business Managers are invited to consider whether a mechanism for individual Members to propose section 109 Orders is necessary or whether Government proposed Orders and cross-party Committee proposed Orders are sufficient given the more limited likelihood of amendments to schedule 7 being required.

26. Options for amendment are detailed in Annex C. Consequential changes, should the Committee decide to narrow the ability to propose section 109 Orders to the government and committees only, are detailed in Annex A and B.

(iv) Constitutional and Legislative Affairs (Standing Order 21)

27. Standing Order 21 outlines functions relating to constitutional and legislative affairs which must be delivered by the Assembly's committee structure. The terminological changes outlined in paragraph 11 of this paper, and the introduction of section 109 Orders as explained in paragraph 16, need to be reflected in Standing Order 21. Proposed amendments are detailed in Annex D.

(v) Interpretation and consequential changes

28. The interpretation section of Standing Orders defines terms used within the Standing Orders themselves. To reflect the changes to terminology and process required in light of the 'yes' vote in the Assembly powers referendum, the interpretation section requires amendment. Proposed amendments to the interpretation section are detailed in Annex E.

29. Any other consequential terminological changes to Standing Orders – that is, replacing references to proposed Measures with references to Bills and references to legislative competence orders with references to Orders in Council to be made under section 109 of the Act – will also need to be made (e.g. Standing Order 11.22).

Decision

30. In relation to **Standing Order 26**, the Business Committee is invited to agree:

- (i) that it is amended to reflect the terminological changes required by the commencement of Part 4 of the Act, replacing references to proposed Measures and Measures with references

to Bills and Acts respectively (*as detailed in paragraph 11 and Annex A*);

- (ii) that it is updated to refer to Bills being submitted for Royal Assent in accordance with section 115 of the Act (*as detailed in paragraph 12 and Annex A*); and
- (iii) that it is updated with correct cross-references to Part 4 of the Act (*as detailed in paragraph 14 and Annex A*).

31. In relation to **Standing Order 25**, the Business Committee is invited to agree:

- (i) that it is amended to allow a process by which section 109 Orders are considered by the Assembly (*as detailed in paragraph 17 and 18 and Annex B*); and
- (ii) that it is updated to reflect the fact that there is no provision in Part 4 of the Act requiring the Secretary of State for Wales to lay a section 109 order within 60 days or give notice in writing of refusal to lay (*as detailed in paragraph 20 and Annex B*).

32. In relation to **Member proposed legislation**, the Business Committee is invited to:

- (i) consider whether a mechanism for individual Members to propose section 109 Order is necessary (*as detailed in paragraphs 23 - 25 and Annex B & C*).

33. In relation to **additional consequential changes**, the Business Committee is invited to agree:

- (i) that the 'interpretation' section of Standing Orders is updated to provide the necessary definitions of terminology used following the referendum (*as detailed in paragraph 28 and Annex E*); and
- (ii) that terminological changes in relation to Bills, Acts and section 109 Orders are reflected throughout Standing Orders (*as detailed in paragraph 27 and 29 and Annex D & F*).

STANDING ORDER 26 – Assembly Measures <u>Acts of the Assembly</u>	
STANDING ORDER 26 – Assembly Measures <u>Acts of the Assembly</u>	<p>Amend title of Standing Order In accordance with Part 4 (section 107) of the Government of Wales Act 2006, the Assembly may make laws to be known as Acts of the National Assembly for Wales or “Deddfau Cynulliad Cenedlaethol Cymru”. These are referred to throughout the 2006 Act as “Acts of the Assembly”.</p> <p>It is proposed that the same terminology is used in the Standing Orders and that there is a general interpretation provision in the Standing Orders which says that a reference to an Act of the Assembly means an Act of the National Assembly for Wales as defined in section 107(1) of the Government of Wales Act 2006.</p>
Form and Introduction of Proposed Measures <u>Bills</u>	<p>Amend sub-heading In accordance with section 107(2) of the Government of Wales Act 2006, proposed Acts of the Assembly are to be known as Bills.</p>
26.1 Subject to Standing Orders 26.80 to 26.94, a proposed Measure <u>Bill</u> may be introduced on a working day in a sitting week.	<p>Amend this Standing Order Replace “proposed Measure” with “Bill” to reflect that the Assembly, following the March 2011 referendum result, will operate under Part 4 provisions of the Government of Wales Act 2006 after 5 May 2011.</p>
26.2 A proposed Measure <u>Bill</u> must be introduced by being laid.	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
26.3 A proposed Measure <u>Bill</u> must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
26.4 A proposed Measure <u>Bill</u> must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<ul style="list-style-type: none"> (i) indicate whether or not the provisions of the proposed Measure <u>Bill</u> would be, in his or her opinion, within the legislative competence of the Assembly; and (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion. 	
<p>26.5 A proposed Measure <u>Bill</u> must be introduced in both English and Welsh except in the following cases:</p> <ul style="list-style-type: none"> (i) when, in respect of a government proposed Measure <u>Bill</u>, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the proposed Measure <u>Bill</u> 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. 	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>Documentation to Accompany a Proposed Measure <u>Bill</u></p>	<p>Amend this sub-heading Replace “proposed Measure” with “Bill”.</p>
<p>26.6 At the same time as the Member in charge introduces a proposed Measure <u>Bill</u>, he or she must also lay an Explanatory Memorandum which must:</p> <ul style="list-style-type: none"> (i) state that in his or her view the provisions of the 	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<p>proposed Measure Bill would be within the legislative competence of the Assembly;</p> <p>(ii) set out the policy objectives of the proposed Measure Bill;</p> <p>(iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the proposed Measure Bill was adopted;</p> <p>(iv) set out the consultation, if any, which was undertaken on:</p> <p style="padding-left: 40px;">(a) the policy objectives of the proposed Measure Bill and the ways of meeting them; and</p> <p style="padding-left: 40px;">(b) the detail of the proposed Measure Bill,</p> <p>together with a summary of the outcome of that consultation;</p> <p>(v) summarise objectively what each of the provisions of the proposed Measure 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 proposed Measure Bill;</p>	
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<p>(vi) set out the best estimates of:</p> <ul style="list-style-type: none">(a) the gross administrative, compliance and other costs to which the provisions of the proposed Measure <u>Bill</u> would give rise;(b) the timescales over which such costs would be expected to arise; and(c) on whom the costs would fall; <p>(vii) where the proposed Measure <u>Bill</u> contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <ul style="list-style-type: none">(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;(b) why it is considered appropriate to delegate the power; and(c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to	
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<p>make it subject to any other procedure); and</p> <p>(viii) where the proposed Measure 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.</p>	
<p>Timetable for Consideration of a Proposed Measure Bill</p>	<p>Amend this sub-heading Replace “proposed Measure” with “Bill”.</p>
<p>26.7 The Business Committee must establish and publish a timetable for the consideration of a proposed Measure 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).</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.8 The Business Committee may make such subsequent changes to a timetable established under Standing Order 26.7 as it considers appropriate but must give reasons for such changes.</p>	<p>No amendment necessary</p>
<p>Stage 1: Consideration of General Principles</p>	<p>No amendment necessary</p>
<p>26.9 Once a proposed Measure 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”).</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.10 If the Business Committee agrees under Standing Order 26.9 to refer the proposed Measure Bill to a responsible committee, that responsible committee must consider and report on the general principles of the proposed Measure Bill.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<p>26.11 Not earlier than five working days after either:</p> <ul style="list-style-type: none"> (i) the responsible committee has reported on the general principles of the proposed Measure Bill; or (ii) the deadline by which the responsible committee is required to report has been reached, <p>the Member in charge of the proposed Measure Bill may propose that the Assembly agree to the general principles of the proposed Measure Bill.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.12 If the Business Committee decides not to refer consideration of the general principles to a responsible committee, the Member in charge may propose that the Assembly agree to the general principles of the proposed Measure Bill.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.13 If the Assembly agrees to the general principles of the proposed Measure Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the proposed Measure Bill proceeds to Stage 2.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.14 If the Assembly does not agree to the general principles of the proposed Measure Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the proposed Measure Bill falls.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.15 Stage 1 is completed when the general principles of the</p>	<p>Amend this Standing Order</p>

<p>proposed Measure Bill have been agreed to or the proposed Measure Bill falls under Stage 1.</p>	<p>Replace “proposed Measure” with “Bill”.</p>
<p>Stage 2: Detailed Consideration by Committee</p>	<p>No amendment necessary</p>
<p>26.16 Stage 2 starts on the first working day after Stage 1 is completed.</p>	<p>No amendment necessary</p>
<p>26.17 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the proposed Measure Bill.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.18 If the Assembly has agreed to the proposed Measure Bill’s general principles, the Business Committee must:</p> <ul style="list-style-type: none"> (i) refer the proposed Measure Bill back to the responsible committee for Stage 2 proceedings; (ii) refer the proposed Measure 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 Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20. 	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.19 A proposed Measure Bill may be amended in Stage 2</p>	<p>Amend this Standing Order</p>

proceedings.	Replace “proposed Measure” with “Bill”.
26.20 Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.	No amendment necessary
26.21 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure <u>Bill</u> , unless the committee considering Stage 2 proceedings has decided otherwise.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.22 Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of: <ul style="list-style-type: none"> (i) moving or seeking agreement to withdraw an amendment; or (ii) voting. 	No amendment necessary
26.23 An amendment tabled by a Member who is not a member of the committee considering Stage 2 proceedings, may be moved by a member of the committee.	No amendment necessary
26.24 Where any amendment is tabled to a section or schedule of the proposed Measure <u>Bill</u> , once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.25 If no amendment is tabled to a section or schedule of the proposed Measure <u>Bill</u> , then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2	Amend this Standing Order Replace “proposed Measure” with “Bill”.

proceedings.	
26.26 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.	No amendment necessary
26.27 If a proposed Measure <u>Bill</u> is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.28 Any revised Explanatory Memorandum requested under Standing Order 26.27 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.	No amendment necessary
Stage 3: Detailed Consideration by the Assembly	No amendment necessary
26.29 Stage 3 starts on the first working day after Stage 2 is completed.	No amendment necessary
26.30 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.	No amendment necessary
26.31 Stage 3 proceedings of a proposed Measure <u>Bill</u> must be considered by the Assembly in plenary.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.32 A proposed Measure <u>Bill</u> may be amended in Stage 3 proceedings.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.33 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.	No amendment necessary

<p>26.34 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.</p>	<p>No amendment necessary</p>
<p>26.35 The Presiding Officer may in exceptional circumstances accept an amendment at Stage 3 proceedings of which less notice has been given than is required under Standing Order 26.59. Such an amendment is referred to as a “late amendment”.</p>	<p>No amendment necessary</p>
<p>26.36 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure-Bill, unless the Assembly has decided otherwise on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be).</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.37 The Assembly may, on a motion without notice of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).</p>	<p>No amendment necessary</p>
<p>26.38 If a motion under Standing Order 26.37 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <ul style="list-style-type: none"> (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 	<p>No amendment necessary</p>

<p>that has already begun when a time-limit is reached from being unreasonably curtailed.</p>	
<p>26.39 When all amendments selected at Stage 3 proceedings have been disposed of, the Member in charge, or any member of the government, may without notice move that the Assembly consider further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.</p>	<p>No amendment necessary</p>
<p>26.40 If a motion under Standing Order 26.39 is agreed to, the Member in charge of the proposed Measure <u>Bill</u>, or any member of the government, may table amendments to the proposed Measure <u>Bill</u> to be moved at the further Stage 3 proceedings.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.41 Amendments under Standing Order 26.40 are only admissible if, in addition to the criteria in Standing Order 26.61, they are for the purpose of clarifying a provision of a proposed Measure <u>Bill</u> (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.42 Where any amendment is tabled to a section or schedule of the proposed Measure <u>Bill</u>, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.43 If no amendment is tabled to a section or schedule of the proposed Measure <u>Bill</u>, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.44 Stage 3 is completed when the last amendment has been</p>	<p>No amendment necessary</p>

disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.	
Report Stage	No amendment necessary
26.45 Once Stage 3 is completed in accordance with Standing Order 26.44, the Member in charge may, without notice, move that the Assembly consider amendments at Report Stage. Such a motion may be debated but not amended.	No amendment necessary
26.46 Standing Orders 26.29 to 26.44 apply to Report Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Report Stage" and "further Report Stage" accordingly.	No amendment necessary
Stage 4: Final Stage	No amendment necessary
26.47 Subject to Standing Order 26.50, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may without notice move that the proposed Measure <u>Bill</u> be passed.	Amend this Standing Order Replace "proposed Measure" with "Bill".
26.48 If no motion is moved under Standing Order 26.47, or if a motion is moved under that Standing Order but no decision is taken upon it, the government or the Business Committee must determine (under Standing Orders 11.12 or 11.7(ii) as the case may be) when the motion that the proposed Measure <u>Bill</u> be passed is to be considered in plenary.	Amend this Standing Order Replace "proposed Measure" with "Bill".
26.49 A motion that a proposed Measure <u>Bill</u> be passed may not be amended.	Amend this Standing Order Replace "proposed Measure" with "Bill".
26.50 No motion that a proposed Measure <u>Bill</u> be passed may be moved unless the text of the proposed Measure <u>Bill</u> is available in both English and Welsh.	Amend this Standing Order Replace "proposed Measure" with "Bill".

<p>26.51 No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.</p>	<p>No amendment necessary</p>
<p>Reconsideration of proposed Measures <u>Bills</u> Passed</p>	<p>Amend this sub-heading Replace “proposed Measures” with “Bills”.</p>
<p>26.52 Any Member may, after the proposed Measure <u>Bill</u> is passed, by motion propose that the Assembly reconsider the proposed Measure <u>Bill</u>, or any provision of it, if:</p> <p>(i) a question has been referred to the Supreme Court under section 99 <u>112</u> of the Act;</p> <p>(ii) a reference for a preliminary ruling (within the meaning of section 100(1)(b) <u>113(1)(b)</u> of the Act) has been made by the Supreme Court in connection with that reference; and</p> <p>(iii) neither of those references has been decided or otherwise disposed of.</p>	<p>Amend this Standing Order</p> <ul style="list-style-type: none"> • Replace “proposed Measure” with “Bill”. • Replace reference to section 99 of the 2006 Act – which relates to Part 3 provisions – with a reference to the equivalent Part 4 provision under section 112. • Replace reference to section 100(1)(b) of the 2006 Act – which relates to Part 3 provisions – with a reference to the equivalent Part 4 provision under section to 113(1)(b).
<p>26.53 Any Member may by motion propose that the Assembly reconsider the proposed Measure <u>Bill</u> if:</p> <p>(i) the Supreme Court decides that the proposed Measure <u>Bill</u> or any provision of it would not be within the legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the proposed Measure <u>Bill</u> under section 107 <u>114</u> of the Act.</p>	<p>Amend this Standing Order</p> <ul style="list-style-type: none"> • Replace “proposed Measure” with “Bill”. • Replace reference to section 101 of the 2006 Act – which relates to Part 3 provisions – with a reference to the equivalent Part 4 provision under section 114.
<p>26.54 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.</p>	<p>No amendment necessary</p>

<p>26.55 A proposed Measure <u>Bill</u> 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:</p> <ul style="list-style-type: none"> (i) the reference to the Supreme Court for a preliminary ruling; (ii) the decision of the Supreme Court; or (iii) the Order under section 101 <u>114</u> of the Act. 	<p>Amend this Standing Order</p> <ul style="list-style-type: none"> • Replace “proposed Measure” with “Bill”. • Replace reference to section 101 of the 2006 Act – which relates to Part 3 provisions – with a reference to the equivalent Part 4 provision under section 114.
<p>26.56 Any Member may propose that the Assembly approves a proposed Measure <u>Bill</u> amended on reconsideration. Such a motion may not be amended.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>General Provisions in Relation to Amendments to proposed Measures <u>Bills</u></p>	<p>Amend this sub-heading Replace “proposed Measures” with “Bills”.</p>
<p>26.57 Standing Orders 26.58 to 26.66 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, Report Stage proceedings or on Reconsideration.</p>	<p>No amendment necessary</p>
<p>26.58 The Presiding Officer must determine the proper form of amendments to a proposed Measure <u>Bill</u>.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.59 No amendment, other than a late amendment, may be considered unless it has been tabled five working days before it is considered.</p>	<p>No amendment necessary</p>
<p>26.60 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be</p>	<p>No amendment necessary</p>

<p>considered.</p>	
<p>26.61 An amendment is not admissible if:</p> <ul style="list-style-type: none"> (i) it is not in its proper form in accordance with Standing Order 26.58; (ii) it is not relevant to the proposed Measure <u>Bill</u> or the provisions of the proposed Measure <u>Bill</u> which it would amend; (iii) it is inconsistent with the general principles of the proposed Measure <u>Bill</u> as agreed by the Assembly; or (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed. 	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.62 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26.57 to 26.66 must apply accordingly.</p>	<p>No amendment necessary</p>
<p>26.63 Subject to Standing Order 26.22, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.</p>	<p>No amendment necessary</p>

<p>26.64 The chair of a committee considering Stage 2 proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.</p>	<p>No amendment necessary</p>
<p>26.65 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:</p> <ul style="list-style-type: none"> (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. 	<p>No amendment necessary</p>
<p>26.66 An amendment which has been moved may be withdrawn by the Member who moved it, but only:</p> <ul style="list-style-type: none"> (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. 	<p>No amendment necessary</p>
<p>Her Majesty’s and Duke of Cornwall’s Consent</p>	<p>No amendment necessary</p>
<p>26.67 If a proposed Measure <u>Bill</u> contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<p>the proposed Measure Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government during proceedings on the proposed Measure Bill at a meeting of the Assembly.</p>	
<p>Financial Resolutions</p>	<p>No amendment necessary</p>
<p>26.68 The Presiding Officer must decide in every case whether a financial resolution is required for a proposed Measure Bill under Standing Orders 26.69 to 26.74.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.69 If a proposed Measure Bill contains a provision:</p> <ul style="list-style-type: none"> (i) which charges expenditure on the Welsh Consolidated Fund; or (ii) the likely effect of which would be to: <ul style="list-style-type: none"> (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, <p>no proceedings may be taken on the proposed Measure Bill at any Stage after Stage 1 unless the Assembly has by financial</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<p>resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.</p>	
<p>26.70 If:</p> <ul style="list-style-type: none"> (i) a proposed Measure <u>Bill</u> 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)), <p>no proceedings may be taken on the proposed Measure <u>Bill</u> at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.71 Standing Order 26.70:</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) in respect of the provision of goods and is reasonable in relation to the 	<p>No amendment necessary</p>

<p>goods provided; or</p> <p>(b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.</p>	
<p>26.72 Where the effect of an amendment (or amendments) to a proposed Measure Bill if agreed to, would be that the proposed Measure Bill would require a financial resolution which it would not otherwise require, no proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.73 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.</p>	<p>No amendment necessary</p>
<p>26.74 Unless:</p> <p>(i) notice of a motion for any financial resolution required in relation to a proposed Measure Bill by Standing Orders 26.69 or 26.70 is tabled within 6 months of the completion of Stage 1; and</p> <p>(ii) the motion is agreed to,</p> <p>the proposed Measure Bill falls.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p><u>Notification of Approved Measures Royal Assent to Acts of the Assembly</u></p>	<p>Amend this sub-heading Replace “Approved Measures” with “Royal Assent to Acts of the Assembly”. This change is necessary to reflect the fact that Acts of the Assembly under Part 4 of the Government of Wales Act 2006 receive</p>

	Royal Assent. This contrasts with Assembly Measures which were given Royal Approval by Her Majesty in Council under Part 3 arrangements.
26.75 The Clerk must notify the Assembly of the date of the approval <u>Royal Assent to of an Assembly Measure Act of the Assembly by Her Majesty in Council.</u>	Amend this Standing Order These changes are necessary to ensure that Standing Orders adhere to section 115(6) of the Act which states that the Standing Orders must include provision for notification by the Clerk to the Assembly of the date of Royal Assent to an Act of the Assembly.
Fall, Rejection or Withdrawal of Proposed Measures Bills	Amend this sub-heading Replace “proposed Measures” with “Bills”.
26.76 If a proposed Measure Bill falls or is rejected by the Assembly, no further proceedings may be taken on that proposed Measure Bill and a proposed Measure Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the proposed Measure Bill fell or was rejected.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.77 A proposed Measure Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.78 Approval to introduce a proposed Measure Bill in accordance with Standing Order 26.91 ceases at dissolution.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
26.79 A proposed Measure 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 Assembly.	Amend this Standing Order Replace “proposed Measure” with “Bill”.
Committee proposed Measures Bills	Amend this sub-heading Replace “proposed Measures” with “Bills”.

<p>26.80 Standing Orders 26.81 to 26.83 apply only to committee proposed Measures <u>Bills</u>.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.81 Any committee may introduce a committee proposed Measure <u>Bill</u> relating to the committee’s remit.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.82 Standing Orders 26.9 to 26.12 do not apply to committee proposed Measures <u>Bills</u>.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.83 At Stage 1, the Member in charge of a committee proposed Measure <u>Bill</u> may table a motion proposing that the Assembly agree to the general principles of the proposed Measure <u>Bill</u>.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>Commission Proposed Measures <u>Bills</u></p>	<p>Amend this sub-heading Replace “proposed Measures” with “Bills”.</p>
<p>26.84 The Commission may introduce a proposed Measure <u>Bill</u> relating to the Commission’s functions.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>Member Proposed Measures <u>Bills</u></p>	<p>Amend this sub-heading Replace “proposed Measures” with “Bills”.</p>
<p>26.85 Standing Orders 26.86 to 26.94 apply only to Member proposed Measures <u>Bills</u>.</p>	<p>Amend this Standing Order Replace “proposed Measures” with “Bills”.</p>
<p>26.86 Where a Member was the Member in charge of a Member proposed Order which became an Order in Council made by Her Majesty under section 95<u>109</u> of the Act, that Member may introduce one Member proposed Measure <u>a Bill</u> relating to that Order within nine months of the Order being made. This does not affect a Member’s right to enter a ballot held under Standing Order 26.87.</p>	<p>Option to remove this Standing Order</p> <p>Members of the Third Assembly were able to propose Legislative Competence Orders under Part 3 of the Government of Wales Act 2006. This Standing Order provided that any Member who successfully steered a Legislative Competence Order to Royal Approval would automatically be able to introduce a proposed Measure which related to his or her original Legislative Competence Order.</p> <p>If the Business Committee decides to limit the ability to propose section 109 Orders to the Government and cross-party committees</p>

	only, this Standing Order will need to be deleted. If the Business Committee decides to retain Member proposed Orders, the changes as marked in the left-hand column will be necessary.
26.87 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to introduce a Member proposed Measure <u>Bill</u> .	Amend this Standing Order Replace “Member proposed Measure” with “Bill”.
26.88 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 26.90.	No amendment necessary
26.89 No Member who has previously had agreement to introduce a Member proposed Measure <u>Bill</u> in that Assembly may apply to be included in the ballot.	Amend this Standing Order Replace “Member proposed Measure” with “Bill”.
26.90 The required pre-ballot information is: <ul style="list-style-type: none"> (i) the proposed title of the proposed Measure <u>Bill</u>; and (ii) an Explanatory Memorandum which must contain: <ul style="list-style-type: none"> (a) the policy objectives of the proposed Measure <u>Bill</u>; and (b) details of any support received for the proposed Measure <u>Bill</u>, including details of any consultation carried out. 	Amend this Standing Order Replace “proposed Measure” with “Bill”.

<p>26.91 A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Assembly’s agreement to introduce a Member proposed Measure Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.</p>	<p>Amend this Standing Order Replace “Member proposed Measure” with “Bill”.</p>
<p>26.92 Time must be made available for a motion tabled under Standing Order 26.91 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).</p>	<p>No amendment necessary</p>
<p>26.93 If a motion under Standing Order 26.91 is agreed to, then the Member who has had agreement to introduce a proposed Measure Bill may within nine months of the motion being agreed introduce a Member proposed Measure Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.</p>	<p>Amend this Standing Order Replace “Member proposed Measure” with “Bill”.</p>
<p>26.94 If a motion under Standing Order 26.91 is disagreed to, then no Member may enter any ballot held under Standing Order 26.87 for a period of six months after the motion has been disagreed to if the policy objectives of the proposed Measure Bill which he or she seeks agreement to introduce are substantially the same as those of the proposed Measure Bill referred to in the motion which has been disagreed to.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>Government Proposed Emergency Measures Bills</p>	<p>Amend this sub-heading Replace “proposed Measures” with “Bills”.</p>
<p>26.95 If it appears to a member of the government that an Emergency proposed Measure Bill is required, he or she may by motion propose that a government proposed Measure Bill, to be introduced in the Assembly, be treated as a government proposed Emergency Measure Bill.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<p>26.96 A motion under Standing Order 26.95 may also propose that a government proposed Emergency Measure <u>Bill</u> may be introduced without the Explanatory Memorandum required by Standing Order 26.6.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.97 A government proposed Emergency Measure <u>Bill</u> must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the proposed <u>Measure Bill</u> would be within the legislative competence of the Assembly.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.98 If the Assembly agrees to a motion under Standing Order 26.95:</p> <ul style="list-style-type: none"> (i) the provisions of Standing Orders 26.99 to 26.104 must apply to such a proposed <u>Measure Bill</u>; and (ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government proposed Emergency Measure <u>Bill</u>. 	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.99 A motion under Standing Order 26.98(ii) may propose that all stages be taken on a single working day in a sitting week.</p>	<p>No amendment necessary</p>
<p>26.100 The Member in charge may make such subsequent changes to a timetable established under Standing Order 26.98(ii) as he or she considers appropriate, but must give reasons for such changes.</p>	<p>No amendment necessary</p>
<p>26.101 Standing Orders 26.7 to 26.12, 26.16 to 26.18, 26.28 to 26.30, 26.45 and 26.46, 26.50 and 26.59 do not apply in</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

<p>relation to government proposed Emergency <u>Bill</u> Measures.</p>	
<p>26.102 At Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government proposed Emergency <u>Bill</u> Measure.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>
<p>26.103 Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20.</p>	<p>No amendment necessary</p>
<p>26.104 When a Member intends to table an amendment to a government proposed Emergency <u>Bill</u> Measure, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.</p>	<p>Amend this Standing Order Replace “proposed Measure” with “Bill”.</p>

STANDING ORDER 25 – Legislative Competence Orders <u>in Council to be made under section 109 of the Act</u>	
STANDING ORDER 25 – Legislative Competence Orders <u>in Council to be made under section 109 of the Act</u>	<p>Amend the title of this Standing Order Following the ‘yes’ vote in March’s referendum (and the approval of the Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011), provisions of Part 4 of the Government of Wales Act 2006 commenced on 5 May 2011.</p> <p>Schedule 7 – which outlines the Assembly’s legislative competence – can be amended (for example to add new subjects, to expand or clarify existing ones or to remove exceptions) by an Order in Council under section 109 of the Act. This can only happen with the approval of the Assembly and both houses of the UK Parliament.</p> <p>A process is required by which Orders of this kind can be considered by the National Assembly for Wales where necessary. It is proposed that the process used during the Third Assembly for Orders in Council made under section 95 of the Act (referred to as “Legislative Competence Orders”) is retained (subject to the amendments listed below) for the purpose of Orders in Council to be made under section 109 of the Act.</p>
General	No amendment to sub-heading necessary
25.1 Standing Order 25 applies only to Orders in Council within the meaning of section 95 <u>109</u> of the Act.	Amend this Standing Order The reference to section 95 in current Standing Order 25.1 refers to Part 3 of the Act. The reference needs to be updated to reflect Part 4 provisions by replacing the reference to section 95 with a reference to section 109 of the Act.
25.2 A “proposed Order” is a proposal for an Order in Council that is to be subject to scrutiny under Standing Order 25.4 to	No amendment necessary

25.11.	
25.3 A “draft Order” is a draft Order in Council that is to be subject to approval by the Assembly under Standing Order 25.15.	No amendment necessary
25.4 Subject to Standing Orders 25.25 to 25.34, a proposed Order may be laid on any working day in a sitting week.	No amendment necessary
Form and Laying of Proposed Orders	No amendment to sub-heading necessary
25.5 At the same time as the Member in charge lays a proposed Order under Standing Order 25.4, he or she must lay an Explanatory Memorandum.	No amendment necessary
25.6 A proposed Order must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.	No amendment necessary
Detailed Consideration of a Proposed Order	No amendment to sub-heading necessary
25.7 The Business Committee must either: <ul style="list-style-type: none"> (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. 	No amendment necessary
25.8 The responsible committee must consider and report on the	No amendment necessary

proposed Order.	
25.9 The Business Committee must establish and publish a timetable for the responsible committee’s consideration of a proposed Order and may make subsequent changes to that timetable as it considers appropriate but must give reasons for such changes.	No amendment necessary
25.10 If a motion under Standing Order 25.7(ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which, in the view of the Presiding Officer, relates to the proposed Order, under Standing Order 25.12.	No amendment necessary
25.11 If a motion under Standing Order 25.7(ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration to a responsible committee established in accordance with Standing Order 16.1 (referred to within Standing Order 25 as “the responsible committee”).	No amendment necessary
Introduction of a Draft Order	No amendment to sub-heading necessary
25.12 A draft Order may be introduced by being laid on a working day in a sitting week, provided that: <ul style="list-style-type: none"> (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 	No amendment necessary

timetable set by the Business Committee in accordance with Standing Order 25.9.	
Explanatory Memorandum to Accompany a Draft Order	No amendment to sub-heading necessary
25.13 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.	No amendment necessary
25.14 The Explanatory Memorandum must include: <ul style="list-style-type: none"> (i) an explanation of how account has been taken of the recommendations made by any Assembly committee, any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament; and (ii) the reasons for any significant differences between the draft Order and the proposed Order to which it relates. 	No amendment necessary
Final Consideration	No amendment to sub-heading necessary
25.15 Not later than 40 working days after a draft Order has been introduced, the Assembly must consider a motion proposed by the Member in charge that the draft Order be approved.	No amendment necessary
25.16 A motion proposed under Standing Order 25.15 may be considered no earlier than ten working days after the draft Order has been introduced (not counting working days in a non-sitting week) unless, having consulted with the responsible committee, the Business Committee agrees otherwise.	No amendment necessary

<p>25.17 No amendment to a motion under Standing Order 25.15 may be tabled if:</p> <ul style="list-style-type: none"> (i) it would not be clear from a resolution of the Assembly approving the motion as amended by such an amendment that the Assembly has approved the draft Order; or (ii) it seeks to amend the draft Order. 	<p>No amendment necessary</p>
<p>25.18 A draft Order cannot be amended.</p>	<p>No amendment necessary</p>
<p>Publication of Notice of Refusal</p>	<p>Remove this sub-heading</p>
<p>25.19 The Presiding Officer must, as soon as reasonably practicable, publish any notice laid in accordance with section 95(8) of the Act.</p>	<p>Remove this Standing Order The requirement to publish any notice of refusal by the Secretary of State for Wales to lay a draft Legislative Competence Order was a requirement under Part 3 of the Government of Wales Act 2006. There is no equivalent requirement under Part 4 provisions of the 2006 Act therefore this Standing Order is no longer required.</p>
<p>Withdrawal of a Proposed or Draft Order</p>	<p>No amendment to sub-heading necessary</p>
<p>25.20 A proposed or draft Order may be withdrawn at any time by the Member in charge, except in the case of a committee proposed or draft Order, when the Member in charge must first obtain the agreement (by unanimous resolution of those voting) of the committee before withdrawing the Order.</p>	<p>No amendment necessary</p> <p>If the provision for committees to propose Orders is retained, this Standing Order must also be retained. This Standing Order ensures that any Order proposed by a committee cannot be withdrawn unless all members of the committee agree when a vote on the matter is held.</p>
<p>Fall of a Proposed or Draft Order</p>	<p>No amendment to sub-heading necessary</p>
<p>25.21 A proposed or draft Order falls at dissolution.</p>	<p>No amendment necessary</p>

25.22 Approval to lay a proposed Order in accordance with Standing Order 25.30 ceases at dissolution.	No amendment necessary
25.23 A proposed Order falls if the draft Order to which it relates is approved or falls.	No amendment necessary
25.24 A draft Order falls if it is not approved by the Assembly.	No amendment necessary
Committee Proposed and Draft Orders	No amendment to sub-heading necessary
25.25 Any committee may: <ul style="list-style-type: none"> (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. 	No amendment necessary This Standing Order ensures that any committee may propose an Order as long as it relates to its remit.
Member Proposed and Draft Orders	Option to amend these Standing Orders
25.26 Standing Orders 25.27 to 25.34 apply only to Member proposed and draft Orders.	Standing Orders 25.26 – 25.34 provided procedures for Members of the Third Assembly to propose Legislative Competence Orders under Part 3 of the Government of Wales Act 2006.
25.27 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to lay a Member proposed Order under Standing Order 25.30.	Given that the Assembly is now able to legislate within the 20 subject areas listed in schedule 7 to the Act, it is anticipated that the need to bring forward Orders in Council to amend schedule 7 are brought forward is likely to be substantially reduced in comparison with the level of Legislative Competence Orders brought forward during the Third Assembly to amend schedule 5.
25.28 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have provided an outline proposed Order and an Explanatory Memorandum.	Given the difficulty experienced by individual Members in the Third Assembly in gaining legislative competence under schedule 5,
25.29 No Member who has previously had agreement to lay a	

<p>proposed Order in that Assembly may apply to be included in the ballot.</p>	<p>Business Managers are invited to consider whether a mechanism for individual Members to propose section 109 Orders is now necessary or whether Government proposed Orders and cross-party Committee proposed Orders are sufficient given the more limited likelihood of amendments to schedule 7 being required.</p> <p>If the Business Committee decides to limit the ability to propose section 109 Orders to the Government and cross-party committees only, Standing Orders 25.26 – 25.34 will need to be removed. If the Business Committee decides to retain the mechanism for Member proposed Orders, no amendments are necessary to these Standing Orders.</p>
<p>25.30 A Member who is successful in a ballot may, within 25 working days of the date of the ballot, table a motion that the Assembly agrees that the Member may lay a proposed Order, to give effect to the outline proposed Order to which it relates, and an Explanatory Memorandum.</p>	
<p>25.31 A motion under Standing Order 25.30 is not amendable.</p>	
<p>25.32 Time must be made available for a motion tabled under Standing Order 25.30 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).</p>	
<p>25.33 Unless a motion under Standing Order 25.30 is agreed to, no further proceedings are to be taken on the proposed Order.</p>	
<p>25.34 If a motion under Standing Order 25.30 is disagreed to, then no Member may enter any ballot held under Standing Order 25.27 for a period of six months after the motion has been disagreed to if, in the opinion of the Presiding Officer, the proposed Order which he or she is intending to lay seeks to confer the same, or substantially the same, legislative competence as the proposed Order referred to in the motion which has been disagreed to.</p>	

STANDING ORDER 24 – Definition of Member in Charge of Legislation	
General	No amendment to sub-heading necessary
24.1 Standing Order 24 defines the “Member in charge” of an item of legislation.	No amendment necessary
24.2 In Standing Order 24 “legislation” means: (i) proposed Orders under Standing Order 25; or (ii) draft Orders under Standing Order 25;or (iii) proposed Measures <u>Bills</u> under Standing Order 26.	Amend this Standing Order Replace “proposed Measures” with “Bills” to reflect that the Assembly, following the March 2011 referendum result, will operate under Part 4 provisions of the Government of Wales Act 2006 after 5 May 2011.
Government Legislation	No amendment to sub-heading necessary
24.3 Legislation laid or introduced by a member of the government is referred to as “government legislation”.	No amendment necessary
24.4 The Member in charge of an item of government legislation is: (i) the member of the government who laid or introduced the legislation (or, in the case of a draft Order, the Member of the government who introduced the proposed Order to which the draft Order relates); (ii) a member of the government who is authorised by the First Minister; or (iii) a member of the government who is authorised by virtue of Standing Orders 24.9 or 24.16.	No amendment necessary

<p>24.5 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of government legislation.</p>	<p>No amendment necessary</p>
<p>Committee Legislation</p>	<p>No amendment to sub-heading necessary</p>
<p>24.6 Legislation laid or introduced by a committee is referred to as “committee legislation”.</p>	<p>No amendment necessary</p>
<p>24.7 The Member in charge of an item of committee legislation is:</p> <ul style="list-style-type: none"> (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. 	<p>No amendment necessary</p>
<p>24.8 An authorisation under Standing Orders 24.7 (i) or (ii) no longer has effect if the Member so authorised ceases to be a member of the committee.</p>	<p>No amendment necessary</p>
<p>24.9 A committee may, with the agreement of the government, transfer an item of committee legislation to a member of the government authorised by the First Minister, but only with the</p>	<p>No amendment necessary</p>

<p>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).</p>	
<p>24.10 When a committee transfers an item of committee legislation to a Member of the government (in accordance with Standing Order 24.9), that item of legislation is to be regarded, from then on, as an item of government legislation.</p>	<p>No amendment necessary</p>
<p>Commission Legislation</p>	<p>No amendment to sub-heading necessary</p>
<p>24.11 Legislation laid or introduced by the Commission is referred to as “Commission legislation”.</p>	<p>No amendment necessary</p>
<p>24.12 The Member in charge of an item of Commission legislation is the member of the Commission authorised by the Commission.</p>	<p>No amendment necessary</p>
<p>24.13 An authorisation under Standing Order 24.12 no longer has effect if the Member so authorised ceases to be a member of the Commission.</p>	<p>No amendment necessary</p>
<p>Member Legislation</p>	<p>No amendment to sub-heading necessary</p>
<p>24.14 Legislation, which is neither government legislation, committee legislation nor Commission legislation, is referred to as “Member legislation”.</p>	<p>No amendment necessary</p>
<p>24.15 The Member in charge of an item of Member legislation is:</p> <p>(i) the Member who laid or introduced the legislation, or who has had agreement to</p>	<p>Option to amend these Standing Orders [The proposed amendments to Standing Orders 24.15 – 24.17 are only necessary if Business Committee decide that Members should be able to propose Bills but not section 109 Orders]</p>

<p>introduce or lay the legislation <u>a Bill</u> under Standing Orders 25.30 or 26.91 (or, in the case of a draft Order, the Member who introduced the proposed Order to which the draft Order relates);</p> <p>(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</p> <p>(iii) if no such authorisation is made, any Member authorised by the Assembly.</p>	<p>Members of the Third Assembly were able to propose Legislative Competence Orders under Part 3 of the Government of Wales Act 2006. Legislative Competence Orders provided a mechanism by which Schedule 5 to the Act could be amended to modify the competence of the Assembly.</p> <p>Part 4 of the Act commenced on 5 May, following the ‘yes’ vote in the March 2011 referendum. The Assembly’s competence is now defined by Schedule 7. Schedule 7 can be amended (for example to add new subjects, to expand or clarify existing ones or to remove exceptions) by an Order in Council under section 109 of the Act. This can only happen with the approval of the Assembly and both houses of the UK Parliament.</p>
<p>24.16 A Member may transfer an item of Member legislation <u>a Bill</u> to a member of the government authorised by the First Minister, by means of a statement to that effect laid by that Member.</p>	<p>If Business Committee takes the decision to remove provision for Members to propose section 109 Orders, this Standing Order will need to be amended to replace references to Member legislation (which encompasses both Bills and Orders) with references to Bills only. If Business Committee retains provision for Members to propose section 109 Orders, the amendments to SO 24.14 - 17 will not be necessary.</p>
<p>24.17 When a Member transfers an item of Member legislation <u>a Bill</u> to a member of the government (in accordance with Standing Order 24.16), that item of legislation <u>Bill</u> is to be regarded, from then on, as an item of <u>a government Bill</u> legislation.</p>	<p>If Business Committee takes the decision to remove provision for Members to propose section 109 Orders, this Standing Order will need to be amended to replace references to Member legislation (which encompasses both Bills and Orders) with references to Bills only. If Business Committee retains provision for Members to propose section 109 Orders, the amendments to SO 24.14 - 17 will not be necessary.</p>

STANDING ORDER 21 – Constitutional and Legislative Affairs	
Committee or Committees	No amendment to sub-heading necessary
21.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 21 is assigned to a committee or committees (referred to within Standing Order 21 as “a responsible committee”).	No amendment necessary
Functions	No amendment to sub-heading necessary
21.2 A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Assembly and report on whether the Assembly should pay special attention to the instrument or draft on any of the following grounds: <ul style="list-style-type: none"> (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; 	No amendment necessary

<ul style="list-style-type: none"> (v) that for any particular reason its form or meaning needs further explanation; (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements; (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts; (viii) that it uses gender specific language; (ix) that it is not made or to be made in both English and Welsh; (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly; or (xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified). 	
<p>21.3 A responsible committee may consider and report on whether the Assembly should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Assembly on any of the following grounds:</p> <ul style="list-style-type: none"> (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; 	<p>No amendment necessary</p>

<ul style="list-style-type: none"> (ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly; (iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made; (iv) that it inappropriately implements European Union legislation; or (v) that it imperfectly achieves its policy objectives. 	
<p>21.4 A responsible committee must make any report under Standing Order 21.2 or 21.3 in respect of any statutory instrument or draft statutory instrument no later than 20 days after the instrument or draft has been laid.</p>	<p>No amendment necessary</p>
<p>21.5 In calculating for the purposes of Standing Order 21.4 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.</p>	<p>No amendment necessary</p>
<p>21.6 Standing Orders 21.2 and 21.3 do not apply to proposed or draft Legislative Competence Orders <u>Orders in Council to be made, in accordance with Standing Order 25, under section 109 of the Act</u> under Standing Order 25 or subordinate legislation subject to Special Assembly Procedure under Standing Order 28.</p>	<p>Amend this Standing Order The amendment to this Standing Order ensures that any committee or committees responsible for constitutional and legislative affairs are not required by Standing Orders to consider the technical aspects of any proposed or draft Orders to be made under section 109 (“section 109 Orders”). This replicates the provision which was in place during the Third Assembly excluding Legislative Competence Orders from this technical scrutiny. If it transpires that section 109 Orders are</p>

	<p>routinely technical in nature in the future, this exclusion may require reconsideration.</p>
<p>21.7 A responsible committee may consider and report on:</p> <ul style="list-style-type: none"> (i) any other subordinate legislation laid before the Assembly other than that subject to Special Assembly Procedure under Standing Order 28; (ii) the appropriateness of provisions in proposed Assembly Measures <u>Bills</u> and in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General; (iii) consequences for legislation subject to the consideration of the Assembly of draft orders under Part 1 of the Legislative and Regulatory Reform Act 2006; (iv) the exercise of commencement powers by the Welsh Ministers; (v) any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers; or (vi) draft legislation which is the subject of consultation. 	<p>Amend this Standing Order This is a linguistic change to replace “proposed Measures” with “Bills” to reflect Part 4 provisions of the Government of Wales Act 2006.</p>
<p>21.8 A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Assembly or to the functions of the Welsh Ministers and of the Counsel General in order to consider whether it complies with the principle of subsidiarity.</p>	<p>No amendment necessary</p>
<p>21.9 If a responsible committee considers that draft European Union legislation does not comply with the principle of subsidiarity it may make written representations, on behalf of the Assembly,</p>	<p>No amendment necessary</p>

<p>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.</p>	
<p>21.10 If a responsible committee makes written representations in accordance with Standing Order 21.9, it must lay a copy of those written representations before the Assembly.</p>	<p>No amendment necessary</p>
<p>21.11 A responsible committee may, to enable its functions under Standing Order 21.9 to be exercised during any non-sitting week, delegate those functions to the chair of the responsible committee who must, if they are exercised, report that fact to the responsible committee as soon as possible.</p>	<p>No amendment necessary</p>

INTERPRETATION	
<p>In these Standing Orders:</p> <p>“the Act” means the Government of Wales Act 2006;</p>	<p>No amendment necessary</p>
<p>“an Act of the Assembly” means an Act of the National Assembly for Wales as defined in section 107(1) of the Act;</p>	<p>Insert new interpretation Following the ‘yes’ vote in March’s referendum (and the approval of the Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011), provisions of Part 4 of the Government of Wales Act 2006 commenced on 5 May 2011. This means that primary legislation which has been passed by the Assembly and has received Royal Assent is to be known as “an Act of the Assembly” in accordance with section 107(1) of the Act.</p>
<p>“an Assembly” means the period from an Assembly election to dissolution;</p> <p>“Assembly election” means a general election held under the Act;</p> <p>“Assembly proceedings” means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee;</p> <p>“Assembly year” means the period from 1 May in one year to 30 April in the following year;</p> <p>“Auditor General” means the Auditor General for Wales appointed under paragraph 1 of Schedule 8 to the Act;</p>	<p>No amendment necessary</p>
<p>“a Bill” means a proposed Act of the Assembly as defined in section 107(2) of the Act;</p>	<p>Insert new interpretation Following the ‘yes’ vote in March’s referendum (and the approval of</p>

	<p>the Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011), provisions of Part 4 of the Government of Wales Act 2006 commenced on 5 May 2011. This means that proposed Acts of the Assembly are to be known as Bills and a Bill becomes an Act of the Assembly when it has been passed by the Assembly and has received Royal Assent.</p>
<p>“Clerk” means the Clerk of the Assembly appointed under section 26(1) of the Act;</p> <p>“the Commission” means the Assembly Commission as defined in section 27 of the Act;</p> <p>“Counsel General” means the Counsel General to the government appointed under section 49 of the Act;</p> <p>“Deputy” means the Deputy Presiding Officer elected under section 25(1)(b) of the Act;</p> <p>“Deputy Welsh Minister” means a Member appointed under section 50(1) of the Act;</p> <p>“First Minister” means the Member appointed under section 46(1) of the Act;</p> <p>“government” means Welsh Assembly Government, as defined in section 45(1) of the Act;</p> <p>“laid” means laid in accordance with Standing Order 29;</p>	
<p>“legislative competence order” means an Order in Council under section 95 of the Act;</p>	<p>Remove this interpretation Following the ‘yes’ vote in March’s referendum (and the approval of the Government of Wales Act 2006 (Commencement of Assembly Act</p>

	<p>Provisions, Transitional and Saving Provisions and Modifications) Order 2011), provisions of Part 4 of the Government of Wales Act 2006 commenced on 5 May 2011. This means that there is no longer a need to amend Schedule 5 of the Act by Legislative Competence Order.</p> <p>As such, this interpretation is no longer necessary.</p>
<p>“Member” means an Assembly Member returned either for an Assembly constituency or for an Assembly electoral region;</p> <p>“member of the government” means the First Minister, a Welsh Minister, the Counsel General or a Deputy Welsh Minister;</p> <p>“non-sitting week” means a week in which the Assembly does not sit in plenary;</p> <p>“Ombudsman” means the Public Services Ombudsman for Wales appointed under the Public Services Ombudsman (Wales) Act 2005;</p> <p>“published” means publication on the Assembly website as a minimum requirement;</p> <p>“sitting week” means a week in which the Assembly sits in plenary;</p>	<p>No amendment necessary</p>
<p>“subordinate legislation” means an Order in Council, order, rule, regulation, scheme, warrant, bye-law and other instrument made or to be made under any <u>Act of the Assembly</u>, Act of the UK Parliament or Assembly Measure, or made or to be made under subordinate legislation;</p>	<p>Amend this interpretation</p> <p>Following the commencement of Part 4 provisions of the Government of Wales Act 2006, subordinate legislation can now be made under any Act of the Assembly. To reflect this, the underlined change is necessary.</p> <p>The reference to Assembly Measures must be retained to ensure that Standing Orders reflect the fact that subordinate legislation may still be made under Assembly Measures made in accordance with Part 3 of the Act during the Third Assembly.</p>

<p>“the Supreme Court” means the Supreme Court of the United Kingdom established under section 23(1) of the Constitutional Reform Act 2005;</p> <p>“Welsh Minister” means any Member appointed as a Welsh Minister under section 48(1) of the Act;</p> <p>“the Welsh Ministers” is to be construed in accordance with section 45(2) of the Act;</p> <p>“working day” means any day unless it is:</p> <ul style="list-style-type: none"> (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. 	<p>No amendment necessary</p>
<p>Transitional arrangements</p> <p>At any time after the coming into force of the Assembly Act provisions (contained in Part 4 of the Act) and until the coming into force of revisions to these Standing Orders consequential on that event:</p> <ul style="list-style-type: none"> (i) references in these Standing Orders to Measures and Proposed Measures are to be interpreted as including references to Acts of the Assembly and Bills for Acts; and (ii) the reference in Standing Order 26.75 to the approval of an Assembly Measure by Her Majesty 	<p>Remove this interpretation</p> <p>This interpretation was included as a temporary measure following the result of the March 2011 powers referendum. It was included to ensure that the introduction of legislation was not prohibited whilst changes to reflect the commencement of Part 4 provisions of the Government of Wales Act 2006 were considered by the Business Committee early in the Fourth Assembly.</p> <p>The provisions contained here are reflected in – and will be captured by – the proposed changes to Standing Orders to be considered by the Business Committee post-Whitsun 2011.</p>

<p>in Council is to be interpreted as a reference to Royal Assent to a Bill; and</p> <p>references in these Standing Orders to sections 99, 100 and 101 of the Act are to be interpreted as including, in relation to Bills for Acts, references to sections 112, 113 and 114, respectively.</p>	
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ANNEX F – Clean Standing Orders reflecting changes proposed in light of the Assembly powers referendum.

Annex F includes the text of all Standing Orders (and the interpretation section) affected by the changes proposed in light of the Assembly powers referendum result.

INTERPRETATION

In these Standing Orders:

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

“**an Act of the Assembly**” means an Act of the National Assembly for Wales as defined in section 107(1) of the Act;

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

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

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

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

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

“**a Bill**” means a proposed Act of the Assembly as defined in section 107(2) of the Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“**subordinate legislation**” means an Order in Council, order, rule, regulation, scheme, warrant, bye-law and other instrument made or to be made under any Act of the Assembly, 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
- (i) a day appointed for public thanksgiving or mourning.

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

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

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

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

11.7 The Committee must:

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

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

Assembly Timetable

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

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

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

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

Weekly Business

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

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

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

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

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

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

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

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

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

Categories of Plenary Business

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

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

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

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

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

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

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

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

Notice of Business

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

- (i) oral and written questions;
- (ii) motions and amendments to motions;
- (iii) proposed and draft 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 Assembly.

STANDING ORDER 21 – Constitutional and Legislative Affairs

Committee or Committees

21.1 In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that responsibility for the functions in Standing Order 21 is assigned to a committee or committees (referred to within Standing Order 21 as “a responsible committee”).

Functions

21.2 A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Assembly and report on whether the Assembly should pay special attention to the instrument or draft on any of the following grounds:

- (i) that there appears to be doubt as to whether it is intra vires;
- (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made;
- (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;
- (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;
- (v) that for any particular reason its form or meaning needs further explanation;
- (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;
- (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;
- (viii) that it uses gender specific language;
- (ix) that it is not made or to be made in both English and Welsh;
- (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly; or

- (xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified).

21.3 A responsible committee may consider and report on whether the Assembly should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Assembly on any of the following grounds:

- (i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;
- (ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;
- (iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made;
- (iv) that it inappropriately implements European Union legislation; or
- (v) that it imperfectly achieves its policy objectives.

21.4 A responsible committee must make any report under Standing Order 21.2 or 21.3 in respect of any statutory instrument or draft statutory instrument no later than 20 days after the instrument or draft has been laid.

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

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

21.7 A responsible committee may consider and report on:

- (i) any other subordinate legislation laid before the Assembly other than that subject to Special Assembly Procedure under Standing Order 28;

- (ii) the appropriateness of provisions in Assembly 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) consequences for legislation subject to the consideration of the Assembly of draft orders under Part 1 of the Legislative and Regulatory Reform Act 2006;
- (iv) the exercise of commencement powers by the Welsh Ministers;
- (v) any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers; or
- (vi) draft legislation which is the subject of consultation.

21.8 A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Assembly or to the functions of the Welsh Ministers and of the Counsel General in order to consider whether it complies with the principle of subsidiarity.

21.9 If a responsible committee considers that draft European Union legislation does not comply with the principle of subsidiarity it may make written representations, on behalf of the Assembly, to the relevant committee of the House of Commons or the House of Lords with a view to having those representations incorporated into a reasoned opinion to be submitted by that committee to the relevant European Union authorities.

21.10 If a responsible committee makes written representations in accordance with Standing Order 21.9, it must lay a copy of those written representations before the Assembly.

21.11 A responsible committee may, to enable its functions under Standing Order 21.9 to be exercised during any non-sitting week, delegate those functions to the chair of the responsible committee who must, if they are exercised, report that fact to the responsible committee as soon as possible.

STANDING ORDER 24 – Definition of Member in Charge of Legislation**General**

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

24.2 In Standing Order 24 “legislation” means:

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

Government Legislation

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

24.4 The Member in charge of an item of government legislation is:

- (i) the member of the government who laid or introduced the legislation (or, in the case of a draft Order, the Member of the government who introduced the proposed Order to which the draft Order relates);
- (ii) a member of the government who is authorised by the First Minister; or
- (iii) a member of the government who is authorised by virtue of Standing Orders 24.9 or 24.16.

24.5 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of government legislation.

Committee Legislation

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

24.7 The Member in charge of an item of committee legislation is:

- (i) the member of the committee authorised by the committee that laid or introduced the legislation (or, in the case of a draft Order, the member of the committee

authorised by the committee that introduced the proposed Order to which the draft Order relates); or

- (ii) if that committee no longer exists and another committee is specified by the Business Committee as being responsible for the item of committee legislation, a member of that other committee authorised by that other committee.

- 24.8 An authorisation under Standing Orders 24.7 (i) or (ii) no longer has effect if the Member so authorised ceases to be a member of the committee.
- 24.9 A committee may, with the agreement of the government, transfer an item of committee legislation to a member of the government authorised by the First Minister, but only with the agreement (by unanimous resolution of those voting) of the committee referred to in Standing Order 24.7(i) or, if that committee no longer exists, of the committee specified by the Business Committee under Standing Order 24.7(ii).
- 24.10 When a committee transfers an item of committee legislation to a Member of the government (in accordance with Standing Order 24.9), that item of legislation is to be regarded, from then on, as an item of government legislation.

Commission legislation

- 24.11 Legislation laid or introduced by the Commission is referred to as “Commission legislation”.
- 24.12 The Member in charge of an item of Commission legislation is the member of the Commission authorised by the Commission.
- 24.13 An authorisation under Standing Order 24.12 no longer has effect if the Member so authorised ceases to be a member of the Commission.

Member legislation

- 24.14 Legislation, which is neither government legislation, committee legislation nor Commission legislation, is referred to as “Member legislation”.
- 24.15 The Member in charge of an item of Member legislation is:

- (i) the Member who 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 Assembly.

24.16 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.

24.17 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.

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

General

- 25.1 Standing Order 25 applies only to Orders in Council within the meaning of section 109 of the Act.
- 25.2 A “proposed Order” is a proposal for an Order in Council that is to be subject to scrutiny under Standing Order 25.4 to 25.11.
- 25.3 A “draft Order” is a draft Order in Council that is to be subject to approval by the Assembly under Standing Order 25.15.

Form and Laying of Proposed Orders

- 25.4 Subject to Standing Orders 25.25 to 25.34, a proposed Order may be laid on any working day in a sitting week.
- 25.5 At the same time as the Member in charge lays a proposed Order under Standing Order 25.4, he or she must lay an Explanatory Memorandum.
- 25.6 A proposed Order must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.

Detailed Consideration of a Proposed Order

- 25.7 The Business Committee must either:
- (i) refer the proposed Order for detailed consideration to a responsible committee established in accordance with Standing Order 16.1 (referred to within Standing Order 25 as “the responsible committee”); or
 - (ii) by motion in plenary propose that there should be no detailed consideration of the proposed Order.
- 25.8 The responsible committee must consider and report on the proposed Order.
- 25.9 The Business Committee must establish and publish a timetable for the responsible committee’s consideration of a proposed Order and may make subsequent changes to that timetable as it considers appropriate but must give reasons for such changes.

25.10 If a motion under Standing Order 25.7(ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which, in the view of the Presiding Officer, relates to the proposed Order, under Standing Order 25.12.

25.11 If a motion under Standing Order 25.7(ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration to a responsible committee established in accordance with Standing Order 16.1 (referred to within Standing Order 25 as “the responsible committee”).

Introduction of a Draft Order

25.12 A draft Order may be introduced by being laid on a working day in a sitting week, provided that:

- (i) the draft Order is introduced in accordance with Standing Order 25.10;
- (ii) a committee has reported on a proposed Order to which the draft Order relates in accordance with Standing Order 25.8; or
- (iii) a committee has not so reported within the timetable set by the Business Committee in accordance with Standing Order 25.9.

Explanatory Memorandum to Accompany a Draft Order

25.13 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.

25.14 The Explanatory Memorandum must include:

- (i) an explanation of how account has been taken of the recommendations made by any Assembly committee, any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament; and
- (ii) the reasons for any significant differences between the draft Order and the proposed Order to which it relates.

Final Consideration

- 25.15 Not later than 40 working days after a draft Order has been introduced, the Assembly must consider a motion proposed by the Member in charge that the draft Order be approved.
- 25.16 A motion proposed under Standing Order 25.15 may be considered no earlier than ten working days after the draft Order has been introduced (not counting working days in a non-sitting week) unless, having consulted with the responsible committee, the Business Committee agrees otherwise.
- 25.17 No amendment to a motion under Standing Order 25.15 may be tabled if:
- (i) it would not be clear from a resolution of the Assembly approving the motion as amended by such an amendment that the Assembly has approved the draft Order; or
 - (ii) it seeks to amend the draft Order.

25.18 A draft Order cannot be amended.

25.19 [Standing Order removed by resolution of the Assembly on (insert date of Plenary resolution)]

Withdrawal of a Proposed or Draft Order

25.20 A proposed or draft Order may be withdrawn at any time by the Member in charge, except in the case of a committee proposed or draft Order, when the Member in charge must first obtain the agreement (by unanimous resolution of those voting) of the committee before withdrawing the Order.

Fall of a Proposed or Draft Order

25.21 A proposed or draft Order falls at dissolution.

25.22 Approval to lay a proposed Order in accordance with Standing Order 25.30 ceases at dissolution.

25.23 A proposed Order falls if the draft Order to which it relates is approved or falls.

25.24 A draft Order falls if it is not approved by the Assembly.

Committee Proposed and Draft Orders

25.25 Any committee may:

- (i) lay a committee proposed Order relating to its remit; or
- (ii) subject to Standing Order 25.12, introduce a draft Order relating to its remit.

25.26 – 25.34 [Standing Orders removed by resolution of the Assembly on (insert date of Plenary resolution)]

STANDING ORDER 26 – Acts of the Assembly**Form and Introduction of Bills**

- 26.1 Subject to Standing Orders 26.80 to 26.94, a Bill may be introduced on a working day in a sitting week.
- 26.2 A Bill must be introduced by being laid.
- 26.3 A Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 26.4 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 Assembly; and
 - (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.
- 26.5 A 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

- 26.6 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 Assembly;
 - (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; and
 - (b) the detail of the Bill,together with a summary of the outcome of that consultation;
- (v) 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;
- (vi) 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 timescales over which such costs would be expected to arise; and
 - (c) on whom the costs would fall;
- (vii) 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 Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it

subject to that procedure (and not to make it subject to any other procedure); and

- (viii) where the 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.

Timetable for Consideration of a Bill

- 26.7 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).
- 26.8 The Business Committee may make such subsequent changes to a timetable established under Standing Order 26.7 as it considers appropriate but must give reasons for such changes.

Stage 1: Consideration of General Principles

- 26.9 Once a 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”).
- 26.10 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.
- 26.11 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 Assembly agree to the general principles of the Bill.

- 26.12 If the Business Committee decides not to refer consideration of the general principles to a responsible committee, the Member in charge may propose that the Assembly agree to the general principles of the Bill.

- 26.13 If the Assembly agrees to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill proceeds to Stage 2.
- 26.14 If the Assembly does not agree to the general principles of the Bill under Standing Orders 26.11, 26.12, 26.83 or 26.102, the Bill falls.
- 26.15 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

- 26.16 Stage 2 starts on the first working day after Stage 1 is completed.
- 26.17 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the Bill.
- 26.18 If the Assembly has agreed to the Bill's general principles, 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 Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20.
- 26.19 A Bill may be amended in Stage 2 proceedings.
- 26.20 Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.
- 26.21 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the committee considering Stage 2 proceedings has decided otherwise.

26.22 Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:

- (i) moving or seeking agreement to withdraw an amendment;
or
- (ii) voting.

26.23 An amendment tabled by a Member who is not a member of the committee considering Stage 2 proceedings, may be moved by a member of the committee.

26.24 Where any amendment is tabled to a section or schedule of the Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.

26.25 If no amendment is tabled to a section or schedule of the Bill, then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.

26.26 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.

26.27 If a Bill is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.

26.28 Any revised Explanatory Memorandum requested under Standing Order 26.27 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.

Stage 3: Detailed Consideration by the Assembly

26.29 Stage 3 starts on the first working day after Stage 2 is completed.

26.30 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.

26.31 Stage 3 proceedings of a Bill must be considered by the Assembly in plenary.

- 26.32 A Bill may be amended in Stage 3 proceedings.
- 26.33 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.
- 26.34 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.
- 26.35 The Presiding Officer may in exceptional circumstances accept an amendment at Stage 3 proceedings of which less notice has been given than is required under Standing Order 26.59. Such an amendment is referred to as a “late amendment”.
- 26.36 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the Assembly has decided otherwise on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be).
- 26.37 The Assembly may, on a motion without notice of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 11.12 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).
- 26.38 If a motion under Standing Order 26.37 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:
- (i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or
 - (ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.
- 26.39 When all amendments selected at Stage 3 proceedings have been disposed of, the Member in charge, or any member of the government, may without notice move that the Assembly consider further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.

- 26.40 If a motion under Standing Order 26.39 is agreed to, the Member in charge of the Bill, or any member of the government, may table amendments to the Bill to be moved at the further Stage 3 proceedings.
- 26.41 Amendments under Standing Order 26.40 are only admissible if, in addition to the criteria in Standing Order 26.61, they are for the purpose of clarifying a provision of a Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.
- 26.42 Where any amendment is tabled to a section or schedule of the Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.
- 26.43 If no amendment is tabled to a section or schedule of the Bill, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.
- 26.44 Stage 3 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.

Report Stage

- 26.45 Once Stage 3 is completed in accordance with Standing Order 26.44, the Member in charge may, without notice, move that the Assembly consider amendments at Report Stage. Such a motion may be debated but not amended.
- 26.46 Standing Orders 26.29 to 26.44 apply to Report Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Report Stage" and "further Report Stage" accordingly.

Stage 4: Final Stage

- 26.47 Subject to Standing Order 26.50, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may without notice move that the Bill be passed.
- 26.48 If no motion is moved under Standing Order 26.47, or if a motion is moved under that Standing Order but no decision is taken upon it, the government or the Business Committee must determine (under

Standing Orders 11.12 or 11.7(ii) as the case may be) when the motion that the Bill be passed is to be considered in plenary.

26.49 A motion that a Bill be passed may not be amended.

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

26.51 No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.

Reconsideration of Bills Passed

26.52 Any Member may, after the Bill is passed, by motion propose that the Assembly 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;
- (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.

26.53 Any Member may by motion propose that the Assembly reconsider the Bill if:

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

26.54 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.

26.55 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 to the Supreme Court for a preliminary ruling;

- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

26.56 Any Member may propose that the Assembly approves a Bill amended on reconsideration. Such a motion may not be amended.

General Provisions in Relation to Amendments to Bills

26.57 Standing Orders 26.58 to 26.66 apply to amendments in Stage 2 proceedings, Stage 3 proceedings, Report Stage proceedings or on Reconsideration.

26.58 The Presiding Officer must determine the proper form of amendments to a Bill.

26.59 No amendment, other than a late amendment, may be considered unless it has been tabled five working days before it is considered.

26.60 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.

26.61 An amendment is not admissible if:

- (i) it is not in its proper form in accordance with Standing Order 26.58;
- (ii) it is not relevant to the 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 Assembly; or
- (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.

26.62 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26.57 to 26.66 must apply accordingly.

26.63 Subject to Standing Order 26.22, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment

becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.

26.64 The chair of a committee considering Stage 2 proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.

26.65 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:

- (i) in a committee considering Stage 2 proceedings, by a member of that committee; or
- (ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, by any other Member.

26.66 An amendment which has been moved may be withdrawn by the Member who moved it, but only:

- (i) in a committee considering Stage 2 proceedings, if no member of that committee objects; or
- (ii) in Stage 3 proceedings, Report Stage proceedings or on Reconsideration, if no Member objects.

Her Majesty's and Duke of Cornwall's Consent

26.67 If a 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 Assembly 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 during proceedings on the Bill at a meeting of the Assembly.

Financial Resolutions

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

26.69 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 Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.

26.70 If:

- (i) a 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 Assembly has by financial resolution agreed to the charge, increase or payment.

26.71 Standing Order 26.70:

- (i) applies only where the charge, increase in charge or payment is significant; and
- (ii) does not apply where the charge, increase in charge or payment is:

- (a) in respect of the provision of goods and is reasonable in relation to the goods provided; or
- (b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.

26.72 Where the effect of an amendment (or amendments) to a 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 Assembly has agreed to a motion for such a financial resolution.

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

26.74 Unless:

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

26.75 The Clerk must notify the Assembly of the date of Royal Assent to an Act of the Assembly.

Fall, Rejection or Withdrawal of Bills

26.76 If a Bill falls or is rejected by the Assembly, 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 Assembly within the period of 6 months from the date on which the Bill fell or was rejected.

26.77 A Bill falls if it has not been passed or approved by the Assembly before the end of the Assembly in which it was introduced.

26.78 Approval to introduce a Bill in accordance with Standing Order 26.91 ceases at dissolution

26.79 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 Assembly.

Committee Bills

26.80 Standing Orders 26.81 to 26.83 apply only to committee Bills.

26.81 Any committee may introduce a committee Bill relating to the committee's remit.

26.82 Standing Orders 26.9 to 26.12 do not apply to committee Bills.

26.83 At Stage 1, the Member in charge of a committee Bill may table a motion proposing that the Assembly agree to the general principles of the Bill.

Commission Bills

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

Member Bills

26.85 Standing Orders 26.86 to 26.94 apply only to Member Bills.

26.86 [Standing Order removed by resolution of the Assembly on (insert date of plenary resolution)]

26.87 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to introduce a Bill.

26.88 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 26.90.

26.89 No Member who has previously had agreement to introduce a Bill in that Assembly may apply to be included in the ballot.

26.90 The required pre-ballot information is:

- (i) the proposed title of the Bill; and
- (ii) an Explanatory Memorandum which must contain:

- (a) the policy objectives of the Bill; and
- (b) details of any support received for the Bill, including details of any consultation carried out.

26.91 A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Assembly's agreement to introduce a Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.

26.92 Time must be made available for a motion tabled under Standing Order 26.91 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).

26.93 If a motion under Standing Order 26.91 is agreed to, then the Member who has had agreement to introduce a Bill may within nine months of the motion being agreed introduce a Bill to give effect to the pre-ballot information tabled under Standing Order 26.90.

26.94 If a motion under Standing Order 26.91 is disagreed to, then no Member may enter any ballot held under Standing Order 26.87 for a period of six months after the motion has been disagreed to if the policy objectives of the 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.

Government Emergency Bills

26.95 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 Assembly, be treated as a government Emergency Bill.

26.96 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.

26.97 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 Assembly.

26.98 If the Assembly agrees to a motion under Standing Order 26.95:

- (i) the provisions of Standing Orders 26.99 to 26.104 must apply to such a 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.

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

26.100 The Member in charge may make such subsequent changes to a timetable established under Standing Order 26.98(ii) as he or she considers appropriate, but must give reasons for such changes.

26.101 Standing Orders 26.7 to 26.12, 26.16 to 26.18, 26.28 to 26.30, 26.45 and 26.46, 26.50 and 26.59 do not apply in relation to government Emergency Bills.

26.102 At Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government Emergency Bill.

26.103 Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 6.20.

26.104 When a Member intends to table an amendment to a government Emergency Bill, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.