

The Rt Hon. Elin Jones MS
Y Llywydd and Chair of the Business Committee

28 September 2023

Annwyl Lywydd,

Standing Order 26C – Consolidation Acts of the Senedd

At our meeting of 18 September 2023 we looked back on our scrutiny of the first Consolidation Bill to be laid before the Senedd, the Historic Environment (Wales) Bill.

We know of the Business Committee's plans to review Standing Order 26C after the second Consolidation Bill has been considered by the Senedd. Nonetheless there are a number of matters which we have agreed to draw to your attention at this stage in the event that you agree there is sufficient time and merit in reviewing our comments ahead of the future full review.

Standing Orders 26C.35 and 26C.36

We are aware that the wording in Standing Order 26C.35 is based on the similar provision in Standing Order 26.26 which relates to the end of Stage 2 proceedings on a Public Bill introduced to the Senedd. In the case of Consolidation Bills, you will know that the requirement in Standing Order 26C.36 for the responsible committee to subsequently report on the outcome of Detailed Committee Consideration is a new addition specific to the Senedd's scrutiny of Consolidation Bills. As such, we are mindful of a potential issue with the idea that Detailed Committee Consideration is completed when the last amendment is disposed of or last section/Schedule has been deemed agreed given the obligation to report, and agreed to draw this to your attention.

Standing Orders 26C.36, 26C.39, 26C.40 and 26C.41

In discussing the matters we wished to include in our report to the Senedd on the outcome of our Detailed Committee Consideration and then agreeing our final report (in accordance with Standing Order 26C.36), we took into account a possibility that we, as the responsible committee, may not be

able to unanimously agree on a recommendation to make to the Senedd about whether the Bill should proceed to Detailed Senedd Consideration or to Final Stage.

We acknowledge that, in other situations, if a Senedd Committee cannot as a whole agree on a matter, voting to determine the way forward is permitted in accordance with Standing Orders 17.34. However, we were mindful that the binary choice between two fixed options does not lend itself to compromise between views. We were also mindful of the interaction between, and consequential implications of, Standing Orders 26C.39 to 41 and Standing Orders 6.20 and 17.37 (the requirements of the casting vote).

In practice this did not prove an issue for us as our recommendation in relation to the Historic Environment (Wales) Bill was unanimous, but we agreed that we would draw the matter to your attention should you consider that the combination of relevant Standing Orders should be reviewed.

Standing Order 26C.42

You will know that, if any Member of the Senedd objects to the recommendation of the responsible committee made in accordance with Standing Order 26C.36, the Standing Orders provide a way of enabling a motion to be tabled and debated which counters the recommendation of the responsible committee (Standing Orders 26C.39 to 26C.42).

In discussing these matters as we were finalising our report to the Senedd, we became aware of the tight timescales involved should a Member of the Senedd wish to act. In the case of the Historic Environment (Wales) Bill, if a non-government Member disagreed with our recommendation in our report laid before the Senedd on 10 March 2023 and wanted to debate a motion under either Standing Order 26C.39 or 26C.40, we believe that the Member needed to have put the request to the Business Committee by 14 March 2023. Again, we agreed that we would draw this matter to your attention.

I hope these comments are helpful and we look forward to participating in any future full review of Standing Order 26C.

Yours sincerely,

A handwritten signature in black ink that reads "Huw Irranca-Davies". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Huw Irranca-Davies
Chair