

To: Business Committee
From: Business Committee Secretariat
Date: 18 March 2013

Amendments to Standing Orders 26 and 26A: Reconsideration Stage

Purpose

1. The Business Committee is invited to consider proposals to amend Standing Orders 26 and 26A regarding Reconsideration Stage for Acts and Private Acts of the Assembly.

Background

Government of Wales Act 2006

2. The Act, in Section 111(6), states that:

The standing orders must provide for an opportunity for the reconsideration of a Bill after its passing if (and only if) —

- (a) the Supreme Court decides on a reference made in relation to the Bill under section 112 that the Bill or any provision of it would not be within the Assembly's legislative competence,
- (b) a reference made in relation to the Bill under section 112 is withdrawn following a request for withdrawal of the reference under section 113(2)(b), or
- (c) an order is made in relation to the Bill under section 114.

Standing Orders

3. Standing Orders 26.52 – 26.56 make the relevant provision for the reconsideration of a Bill after its passing. The same provision appears in Standing Orders 26A.90 – 26A.95 in relation to Private Bills.

4. A review of these procedures at the end of 2012, in anticipation of a possible Reconsideration Stage on the Byelaws Bill, highlighted some gaps in the Standing Orders that need addressing.

Proposals for Change

5. Amendments are proposed to the relevant Standing Orders to address the issues identified. The proposed changes will provide a clearer and more comprehensive set of procedures for Reconsideration Stage.
6. The proposals as set out at Annexes A and B are designed to clarify the following:
 - that a motion that the Assembly reconsiders a Bill must be passed before Reconsideration Stage actually starts, rather than it being considered on the same day as amendments to the Bill. This is not clear at the moment;
 - that a minimum of fifteen days must elapse between the start of Reconsideration Stage (i.e. the Assembly agreeing the motion that the Bill be reconsidered) and the first meeting of the Assembly that considers amendments. This is consistent with the provisions for Stage 2 and Stage 3;
 - that the motion that the Bill be passed is moved without notice, as at Final Stage.

Action

7. Business Managers are invited to consider and **agree in principle** the proposed draft Standing Orders at Annex B.

Annex A

STANDING ORDER 26 – Acts of the Assembly	
Reconsideration of Bills Passed	
<p>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:</p> <ul style="list-style-type: none"> (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. 	Retain this Standing Order
<p>26.53 Any Member may by motion propose that the Assembly reconsider the Bill if:</p> <ul style="list-style-type: none"> (i) the Supreme Court decides that the Bill or any provision of it would not be within the 	Retain this Standing Order

<p>legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the Bill under section 114 of the Act.</p>	
<p><u>26.53A Reconsideration Stage starts on the first working day after a motion proposed under Standing Order 26.52 or 26.53 is agreed to by the Assembly.</u></p>	<p>Insert New Standing Order</p> <p>This new SO is an adaptation of SO26.29 for Stage 3 proceedings. It makes clear that agreement of a motion under 26.52 or 26.53 is the starting point for Reconsideration Stage, and for the tabling of amendments.</p>
<p><u>26.53B At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.</u></p>	<p>Insert New Standing Order</p> <p>This SO is an adaptation of SO26.30 for Stage 3 proceedings. A 15 day period applies between Stages 2 and 3 and the same period is proposed for Reconsideration Stage.</p> <p>In practice, the fifteen day period means that there are a minimum of ten days between the Assembly resolving to reconsider a Bill and the deadline for tabling amendments for Reconsideration Stage. The Member in Charge is at liberty to extend this period by scheduling Reconsideration Stage proceedings later than required by the minimum period.</p>

<p>26.54 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.</p>	<p>Retain this Standing Order</p>
<p>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:</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 114 of the Act. 	<p>Retain this Standing Order</p>
<p>26.56 <u>Immediately after the completion of Reconsideration Stage proceedings</u>, any Member may <u>without notice</u> <u>move propose</u> that the Assembly approves a Bill amended on reconsideration. Such a motion may not be amended.</p>	<p>Amend this Standing Order</p> <p>This amendment brings this SO into line with that for the Stage 4: Final Stage, and removes the need for a formal motion that the Bill be passed to be tabled five days in advance.</p>

STANDING ORDER 26A – Private Acts of the Assembly	
Reconsideration of Private Bills Passed	
<p>26A.90 Any Member may, after the Private Bill is passed, by motion propose that the Assembly reconsider the Private Bill, or any provision of it, if:</p> <ul style="list-style-type: none"> (i) a question in relation to the Private Bill 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. 	<p>Retain this Standing Order</p>
<p>26A.91 Any Member may by motion propose that the Assembly reconsider the Private Bill if:</p> <ul style="list-style-type: none"> (i) the Supreme Court decides that the Private Bill or any provision of it would not be within 	<p>Retain this Standing Order</p>

<p>the legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the Private Bill under section 114 of the Act.</p>	
<p><u>26A.91A</u> Reconsideration Stage starts on the first working day after a motion proposed under Standing Order 26A.90 or 26A.91 is agreed to by the Assembly.</p>	<p>Insert New Standing Order</p> <p>This new SO is an adaptation of SO26.29 for Stage 3 proceedings. It makes clear that agreement of a motion under 26.52 or 26.53 is the starting point for Reconsideration Stage, and for the tabling of amendments.</p>
<p><u>26A.91B</u> At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.</p>	<p>Insert New Standing Order</p> <p>This SO is an adaptation of SO26.30 for Stage 3 proceedings. A 15 day period applies between Stages 2 and 3 and the same period is proposed for Reconsideration Stage.</p> <p>In practice, the fifteen day period means that there are a minimum of ten days between the Assembly resolving to reconsider a Bill and the deadline for tabling amendments for Reconsideration Stage. The Member in Charge is at liberty to extend this period by scheduling Reconsideration Stage proceedings later than required by the minimum period.</p>

26A.92 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.	Retain this Standing Order
26A.93 A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.100, 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.	Retain this Standing Order
26A.94 Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.	Retain this Standing Order
26A.95 <u>Immediately after the completion of Reconsideration Stage proceedings</u> , any Member may <u>without notice</u>	Amend this Standing Order

<p><u>move</u> propose that the Assembly approves a Private Bill amended on reconsideration. Such a motion may not be amended.</p>	<p>This amendment brings this SO into line with that for the Stage 4: Final Stage, and removes the need for a formal motion that the Bill be passed to be tabled five days in advance.</p>
---	--

Annex B

STANDING ORDER 26 – Acts of the Assembly

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.
- 26.53A Reconsideration Stage starts on the first working day after a motion proposed under Standing Order 26.52 or 26.53 is agreed to by the Assembly.

- 26.53B At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.
- 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 Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move propose that the Assembly approves a Bill amended on reconsideration. Such a motion may not be amended.

STANDING ORDER 26A – Private Acts of the Assembly

Reconsideration of Private Bills Passed

- 26A.90 Any Member may, after the Private Bill is passed, by motion propose that the Assembly reconsider the Private Bill, or any provision of it, if:

- (i) a question in relation to the Private Bill 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.

26A.91 Any Member may by motion propose that the Assembly reconsider the Private Bill if:

- (i) the Supreme Court decides that the Private 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 Private Bill under section 114 of the Act.

26A.91A Reconsideration Stage starts on the first working day after a motion proposed under Standing Order 26A.90 or 26A.91 is agreed to by the Assembly.

26A.91B At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.

26A.92 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.

26A.93 A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.100, 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.

26A.94 Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.

26A.95 Immediately after the completion of Reconsideration Stage proceedings, any Member may without notice move propose that the Assembly approves a Private Bill amended on reconsideration. Such a motion may not be amended.