

**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.