

Review of the legislative scrutiny processes for Public Bills, and Member Bills:

Issues raised by Members and officials with experience of Member Bills

June 2025

Background

1. To inform the Business Committee's review of the Member Bill process, semi-structured interviews and group discussions were conducted between February and March 2025 with 26 individuals including:

- Former and current Members of the Senedd¹ with experience of being selected in Member Bill ballots.
- Senedd Commission officials with experience of being part of Member Bill teams.
- Current Members of the House of Commons, the Northern Ireland Assembly and the Scottish Parliament with experience of engaging with their legislature's Member Bill process.

2. Participants were asked about the overall purpose of Member Bill procedures, and to reflect on their experiences of the processes and procedures in the relevant legislature. In particular, they were asked for their views on what was working well, what was not, and what they would change if they could.

3. This note summarises the themes raised. Where relevant, the note identifies whether the issues were raised by Members or officials, and/or the legislature to which the issues relate. Where the specific legislature is not relevant, quotes may have been redacted to reduce the potential for participants to be identifiable.

¹ The term Senedd is used regardless of whether the institution was known as the National Assembly for Wales at the relevant time.



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Inclusion of an issue does not mean that the issue was raised, or the views shared, by all participants.

4. Inclusion of an issue in this note does not mean that the views of participants are shared or endorsed by the Business Committee.

What Member Bills are for

Objectives

5. Member Bills were generally described as enabling non-government Members² to change the law, as well as enabling them to:

- Set the agenda instead of reacting to government priorities.
- Influence the government's own legislative, policy or spending proposals and priorities, or seek government commitments.
- Progress issues about which they are passionate or on which they have expertise, or bring profile to an issue or provide a voice to seldom heard groups or communities.
- Deliver key manifesto commitments or political priorities (even if not in government), or give effect to commitments made to stakeholders.
- Demonstrate their impact (if the Bill passes or they secure tangible outcomes) or advance a political perspective (if their Bill is 'blocked' by a different political party who is in government).
- Gain an insight into the role of Ministers.

Motivations

6. Members' motivations vary: some will have clear objectives, others may not. Some Members of the Senedd may feel pressure to enter Bill ballots, especially early in a Senedd.

7. Objectives may change during the lifecycle of a particular proposal, or vary between Bills. For example, one Member's first proposal aimed to resolve a

² The term 'non-government Members' is used throughout the note to include both Members representing political groups or parties that do not have executive roles, and Members who represent political groups or parties that do have executive roles, but who do not themselves hold a government office.

technical matter, so was framed narrowly, gained government support and passed. Their second Bill mainly aimed to bring profile to an overlooked community rather than become law; so was framed broadly and ambitiously.

8. Demand to introduce Member Bills was expected to increase in the Seventh Senedd, with potential implications for the Senedd's capacity to scrutinise government policy and legislation.³

Subject-matter

9. There are few formal rules about what Member Bills can do. Members should consider what they want to achieve and how the framing of their proposal could affect the outcomes.

10. Matters suggested as appropriate for Member Bills included those that:

- Are not expected to be addressed within the relevant government's legislative programme (whether because of lack of time, legislative capacity,⁴ or flexibility to react to emerging circumstances, or government's reluctance to address them).
- Draw on the evidence gathered by parliamentary committees or cross-party groups, or give effect to their recommendations.
- Address issues raised by constituents, campaigners or petitioners, including topical issues arising during a parliament.
- Are specific, niche or focused, and able to be addressed in a short and simple Bill.
- Are not broad or complex, and do not seek to bring about whole-system change.
- Do not give rise to significant financial implications, or place significant burdens on public services.

³ Scrutinising a Member Bill can have a greater impact on a committee's workload than scrutinising a government Bill, as committees will usually take evidence from the Member in charge and the relevant Minister. It also has a greater impact on Commission support service capacity, as officials provide support for the Member in charge and the Senedd's scrutiny of the Bill.

⁴ Government 'handout' Bills are not common in the Northern Ireland Assembly, Scottish Parliament or Senedd.

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- Are either not party political or politically controversial, or, conversely, are deeply controversial (as a route to provide the legislature with an opportunity to express a view).
- Have been addressed in Member Bills or uncontroversial government Bills elsewhere in the UK.⁵

11. Non-government Members can propose Bills, but cannot directly change policy, spending or secondary legislation; the result is that Member Bills sometimes seek to effect changes that would be more appropriately addressed in other ways.

Outcomes

12. The chances of a Member Bill becoming law vary, but are rarely high. Members must manage their own expectations, and those of stakeholders.

13. Parliamentary procedures can influence outcomes, for example when mechanisms for testing political support take place, or how parliamentary time is allocated.

14. Member Bills require significant Member, official, parliamentary, government and stakeholder time and resource. Some participants were unsure if the outcomes justify the inputs when compared to other avenues (such as debates, amendments to government Bills and committee inquiries).

15. While public visibility of the outcomes from Member Bills that had not become law is generally low, most Members could identify specific outcomes arising from their Bills, such as:

- Government commitments to address some or all of the Bill's objectives (in government Bills, secondary legislation, or policy or spending changes), or to involve the Member in further discussions or government activities. In the majority of cases, Members reported the commitments being delivered, at least in the short term.
- Clarifying or drawing out government policies or positions and/or testing the legislature's opinion on the relevant issue.

⁵ Provided they are suitably adjusted to apply within the context of the relevant jurisdiction

- Building an evidence base and/or draft Bill for further use by the Member, their political party⁶ or campaigners.
- Establishing coalitions of interested stakeholders who were continuing to campaign for the Bill and/or some of its objectives.

16. Even when Member Bills pass, they still need to be implemented. Members have no formal role, and some had to maintain pressure on government to ensure implementation as intended within a reasonable timescale.

Role of the Member in charge

Member expectations

17. The key factor in the success of a Member Bill is the Member themselves, including their policy and procedural knowledge, parliamentary experience, interpersonal relationships, ability to work with and negotiate with others, and their use of available support and resources.

18. Being a Member in charge requires significant work and commitment. Members must have (or develop) strong policy knowledge, provide leadership, and manage complex engagement and negotiation with government, other political groups and stakeholders.

19. Awareness about what is involved is low.

"I think it's fair to say that I didn't fully understand the process and appreciate how much work would be involved and also how long it would take." (Member)

"I hadn't got a clue what to expect. [...] I'd had a good idea; did somebody take it away and shape it? I didn't realise I was going to have to be standing by it and opening it and defending it and, you know, living it for as long as we did." (Member)

"[...] sometimes I think that people go into a private members bill because it sounds like a sexy thing to do, and maybe it's going to get the media attention or something. Oh my

⁶ Some Members said their Bills would feature in their political party's manifesto for the next election.

goodness, no, it is hard, heavy slog. It's a lot of maintenance. It feels at some stages that you're living eating and breathing 'what does must mean? What does may mean?' You know, the exact details of the legislation." (Member)

20. Specific issues included:

- The length of time the process could take (in one case the process lasted six years).
- The level and complexity of stakeholder management and engagement.
- The level and complexity of work involved in formulating a robust evidence base, developing proposals and identifying/resolving potential unintended consequences.
- The public and/or media reaction, with one Member reporting receiving threats and an attack on their office.
- The experience and requirements varies between Bills, but the workload is consistently substantial.

21. Some Members said they were unlikely to engage with the process a second time. Reasons included the impact on their capacity to undertake other parliamentary or constituency work, and the low chance of Member Bills becoming law.

Induction, training and guidance

22. Member Bills can be particularly challenging for newer or less-experienced Members:

"When you're a new Member [...], you're setting up your office, you're recruiting your staff, you're getting used to how parliament works, you're getting used to participating in debates and so on. And everything is new. So it's not a good thing really to be taking up a chunk of that time to take a private members bill through. You can do it, of course, nothing wrong with that, but I would always say to people learn to be [a Member] first." (Member)

23. Some Members said newly-elected Members could feel marginalised or isolated by expectations that they would already know how parliaments work. They may struggle to ask for help because they do not know what their options might be.

24. A large number of new Members are likely to be elected in the Seventh Senedd, providing an opportunity to refocus induction, training and guidance.

25. Suggestions made included:

- Focusing on how procedures offer opportunities to progress and achieve Members' objectives rather than the procedures themselves.
- Outlining the objectives Member Bills can achieve, the potential/likely outcomes, how to focus proposals to maximise the chances of success, and what alternative approaches there are other than a Member Bill.
- Explaining what is involved in being a Member in charge, including the timescales and the importance of engagement with the government, other political groups, and stakeholders (including with those in favour and opposed to the Bill).
- Identifying the parliamentary support, resource and advice available, and what the Member will need to provide for themselves from their own staff or external sources.
- The need to assess potential risks, including the possibility of public or media backlash, or wellbeing or security considerations.

26. Other issues included:

- Delivery: roles were identified for parliamentary services and political groups (including whips). Some suggested experienced Members could provide case studies or peer mentoring.
- Audience: Members and their staff should be included. Some suggested parties should do more to help candidates and potential candidates understand the role of a legislator.
- Format: suggestions included seminars, drop-in sessions, handbooks, and one page guides.

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- Timing: balance between early enough to enable Members to decide whether to take up any opportunities and develop workable proposals, and late enough to avoid being lost in the initial rush to set up offices and to take place after the government has set out its legislative agenda, opposition parties have established their spokespeople, and committee chairs/memberships have been identified. Refresher training and guidance should be aligned to announcement of ballots.

Role of the government

Engagement with the Member in charge

27. The political reality is that governments may have many reasons for supporting or opposing a Bill (including the potential impact on their own resources) and may deploy a range of tactics. There were mixed views about whether, if a government is not initially minded to support a Bill, it should:

- “Kill it off” at the earliest opportunity.
- Allow it to progress through the scrutiny process to enable all potential for compromise to be explored.

28. Effective and timely engagement between the Member in charge and the relevant Minister is essential. Members must be pragmatic and willing to work collaboratively to find compromise. Individual personalities and relationships often affect the extent and effectiveness of engagement, including the chance of government support and access to information. Engagement and support are therefore vulnerable to Ministerial changes.

29. Some Members received full support and cooperation, some received “warm words” in the chamber but poor engagement in private, others had no engagement at all. Most Members had met the relevant Minister to discuss their proposals, but few subsequently received tangible support or assistance. Lack of provision of information or evidence to inform financial estimates or policy development was a frequent complaint. Where assistance was provided (such as reviews of provisions by specialist drafters) it was welcome, but could be associated with complex and time-consuming processes.

30. Individual non-government Members’ influence is affected by the size of a government’s working majority, whether there is a coalition government, the overall size of the legislature, whether the Member was in a position to offer their political group’s votes on other issues, and any prevailing attitude towards Member Bills within the government as a whole. Some of these factors could be affected by the increase in the size of the Senedd and the change of electoral system.

Duty to the statute book

31. Governments have a responsibility to ensure that laws are technically sound, regardless of whether they support the policy.

"It's sort of tough because it's up to the [...] vote of the [legislature], but when they are so opposed that they refuse to provide information, they refuse to answer questions. They refuse to meet. That's not really in keeping with the spirit of the game. If we all believe in democracy, then whatever happens in the chamber is what goes forward. [...] if we are legislators, then we should be able to develop legislation, but there has to be something that requires Ministers who are opposed to help, to provide help, to support good legislation." (Member)

32. Suggestions included:

- Once a legislature has indicated any formal support for a proposal, the government should be required to engage; for example by the relevant Minister meeting the Member and/or providing requested information.
- The government being responsible for bringing forward any consequential or technical amendments required to ensure the final Bill is workable.

Financial resolutions

33. In the Senedd, only a member of the Welsh Government may move a motion for a financial resolution. Some participants said the government could block a Member Bill without facing accountability. Suggestions included enabling Members in charge to move motions for financial resolutions, or requiring government to do so after a specific period had elapsed.

Engagement with other Members and political groups

34. Effective parliamentary handling strategies, engagement and collaborative working across party lines are essential. Members in charge of Member Bills rarely have access to the usual whipping arrangements, so must build and maintain support themselves. This can be time consuming, but, if neglected, is likely to result in a Bill failing.

35. Working across party lines can give Members greater freedom to shape their proposals and take on board improvements suggested by other political parties.

Engagement with stakeholders and the media

36. Effective stakeholder, public and media communication and engagement strategies are necessary to explain proposals, generate support, apply political pressure on government, and ensure that consultation helps to improve the policy and legislative proposals.

37. Members' approaches vary, with some establishing informal advisory groups to assist in developing and disseminating messaging, and managing expectations.

38. Media coverage can be negative, and Members may need to consider how they and their staff will deal with criticism, backlashes, and any security considerations or wellbeing issues.

Senedd's selection procedures

Ballots

39. Views on ballots varied. Some felt ballots give all Members a fair chance; others were concerned about the lack of prioritisation or mechanisms to assess merit, workability or political support.

*"A ballot is fair. It's frustrating sometimes when you have to wait a long time and never perhaps get it through at all."
(Member of the Senedd)*

"It's the only mechanism you can do, really, isn't it? I mean, it very much mirrors what's in the House of Commons. [...] So I don't suppose there's a better way of doing it, I mean a ballot is about the only way I think." (Member of the Senedd)

"[...] lottery is not the way to do law [...] it would be better if I or whoever got the idea of doing a Bill, had got support from a number of colleagues and then done pre-work on it, pre-legislative scrutiny, and then presented it and then a committee of our peers effectively would oversee and say, 'right,

OK, this is the work has been done on this, this takes merit to go forward and then proceed”. (Member of the House of Commons)

40. Ballots help to regulate the flow of Member Bills, potentially taking into account the Senedd's legislative capacity and resource demands.

41. After the point in a Senedd when there is no longer time for a Bill to be developed, introduced and scrutinised, there is no point in holding further ballots. Pressure on timing will increase in a four year term.

“Members need to be thinking from day one of the Senedd. You will have an opportunity, maybe two opportunities to change the law. You need to start thinking what that’s going to be and start preparing for that”. (Member)

Pre-ballot proposals

42. Issues raised included:

- The breadth and complexity of some pre-ballot proposals makes them unlikely to be feasible within the time and resource constraints of the Member Bill process.
- Significant variation in the extent to which pre-ballot proposals are underpinned by research, consultation, detailed policy development and assessment of workability.
- The low chance of being selected deters Members from expending time and resource on developing robust proposals.

“I can’t remember having any great expectations, but just kind of chucked something into the ballot because I thought it’s probably the right thing to do in my role and my name got pulled out. Oh, crikey. [...] I did the odds on it and thought the very slim odds of me actually getting [...] selected for this, so I didn’t put a huge amount of thought into it.” (Member of the Senedd)

- Limited awareness of the extent to which pre-ballot proposals shape and constrain the leave to proceed proposal and the Bill itself. Examples were given of Members tabling broad proposals to provide

scope for negotiation without realising their proposal had to remain broadly consistent, and Members including very specific elements that subsequently caused them difficulties.

“So that’s something I hadn’t appreciated until I guess it was too late [...]. With that sort of collar, that restriction which is put on you by whatever words you happen to choose. And I know I didn’t think a huge amount about that. I hadn’t appreciated that that restriction would be in place. And again in hindsight I would have changed the wording.” (Member of the Senedd)

43. Increasing pre-ballot requirements would make the process more onerous, but could improve the quality of proposals and ensure Members were more aware of what being selected would entail.

“You don’t change the law on a whim. Changing the law is a serious thing, isn’t it? [...] You should have more developed, rounded, committed ideas before you think you can exercise the privilege of going into a ballot to potentially create a law.” (official)

Leave to proceed

44. The purposes of the leave to proceed stage include:

- A ‘filter’ to ensure that only Bills with some chance of success continue and avoid Bills with no chance “drag[ging] on”. The importance of this will increase in a larger Senedd elected for four year terms.
- Opportunity for the government to outline its views, including support or opposition, proposed alternative approaches, and any commitments it is willing to make. Examples were given of Members being satisfied with government responses and withdrawing leave to proceed requests.
- Authorisation by the Senedd of significant time, capacity and resource expenditure.

45. Members of the Senedd were generally content that the information provided gives the Senedd a sufficient basis on which to make decisions.

46. Some felt the 25 working day deadline focused efforts; others felt it was too short to prepare sufficient information to enable the Senedd to take informed decisions.

47. Issues raised included:

- The disincentive to undertake policy development before being selected in a ballot leaves substantial work to be done in a short space of time.
- Where Members rely on support from external stakeholders, tight timescales favour larger or better-resourced organisations.
- Including recess periods within the 25 working days causes issues.
- Doubt about the robustness of preliminary financial estimates prepared before detailed policy development and consultation have been done, and concern that extending the deadline would raise unrealistic expectations about the robustness of the information that could be provided.

Potential changes

48. Suggestions for changes included:

- Requirements for pre-ballot information to include evidence of any policy research and consultation undertaken (including any engagement with government), and an explanation of what the Member is trying to achieve, how it would work in practice and why primary legislation is the appropriate vehicle.
- Introduce a pre-ballot mechanism for assessing cross-party political support.
- Introduce a pre-ballot mechanism for the government to indicate whether it intends to legislate on the matter within a reasonable timeframe.
- Discount recess periods when calculating the 25 working day period.
- Extend the deadline for seeking leave to proceed to six or seven months, with access to a Commission Bill team provide only if leave to proceed is granted.

- Draw multiple proposals from each ballot, and invite the Senedd at the leave to proceed stage to determine which single proposal should be allowed to progress.
- Hold a single, name-only ballot early in a Senedd to identify a specified number of Members who could each introduce one Member Bill at any point before a specified deadline, subject to securing the Senedd's leave to proceed (within a longer timescale than the current procedure allows).
- Create an additional route by making the Member's Legislative Proposal debate procedure the equivalent of the current leave to proceed stage.
- Encourage the Welsh Government to develop a list of potential Bills on which it would be willing to work with Members of the Senedd.

Other legislature's selection procedures

49. Member Bill selection procedures work differently in the House of Commons, Northern Ireland Assembly and Scottish Parliament, but in each legislature the barriers to entry are lower than those in the ballot/leave to proceed system used in the Senedd. In all three legislatures, the extent of parliamentary support available to the Members in charge of Member Bills is more restricted than that available to Members in charge of Member Bills in the Senedd.⁷

50. Issues raised include:

- Members value the flexibility, but some have concerns about the resulting number of Member Bills. Issues raised included: Members using Member Bill procedures when other procedures would be more appropriate, or when it is clear political support is very limited; unrealistic raising of public or campaigner expectations; and the impact on parliamentary time and resources.
- With no test of political support at an early stage, Members can undertake significant consultation or development work, supported by

⁷ Further details are provided in the resourcing and support section.

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parliamentary resources, without clarity about their likelihood of success.

- Members may select an issue too soon, and regret their decision later on.
- Short timescales, such as those between the name-only ballot in the House of Commons and the date on which the short and long title of the Bill must be presented, can favour better-resourced external organisations.

“My phone burst into life with every charity in the country and every good cause in the country saying congratulations. We’ve got this Bill ready for you. All you have to do is put your name to it and we’ll make sure it all happens.” (Member of the House of Commons)

Developing Bills and explanatory materials

Framework Bills

51. Member Bills are often framework in nature. Issues raised included:

- Members may develop framework Bills because of a lack of time, policy expertise or information, or to provide greater flexibility.
- Governments may sometimes refuse to provide information, and later criticise Members for a lack of detail in their Bill or explanatory materials.
- Some Members were concerned (up to the point of deciding not to introduce Bills) because they did not consider framework Bills to be good legislative practice.
- Some had intentionally introduced framework Bills to provide greater scope for negotiation with government and other Members during the scrutiny process, or to increase the chance of government support for their proposal.

Explanatory materials

52. Where rules require Bills to be accompanied by explanatory materials, there was general consensus that the same rules should apply to all Bills.

53. Preparing explanatory materials, especially financial estimates, was generally regarded as one of the most challenging aspects. As noted above, difficulties in accessing information held by government was a common complaint and suggestions were made that any formal support for a proposal from the legislature should place an onus on government to provide information.

54. Members' direct involvement in preparing explanatory materials varied, with some leaving this to their staff or parliamentary officials. Officials described risks that could arise during scrutiny if the Member was not fully involved in all decisions taken during the development of the Bill and explanatory materials.

55. Senedd participants raised the fixed 13 month deadline. All Bills are different, and Members will take different approaches, but, in general, time must be allocated to consultation, policy and legislative development, preparation of drafting instructions, drafting, preparation of explanatory materials, stakeholder engagement and communication, and formal pre-introduction checks. Some found the deadline provided focus; others found the timescales inadequate, inflexible⁸ and the cause of pressure on Members and officials.

56. The 13 month deadline regulates the flow of Member Bills. Some participants favoured the model in the Northern Ireland Assembly and the Scottish Parliament (where there is a final deadline by which all Member Bills must be introduced). Members from those legislatures agreed the model provides flexibility, but warned that potential Member Bill logjams in the final year of a parliament can result in inadequate scrutiny and defective legislation.

Scrutiny

57. There was general consensus that Member Bills should be subject to the same scrutiny as other Bills.

58. Most Members enjoyed the scrutiny experience, finding it positive and constructive, provided they were fully prepared to deal with detailed and technical questions about the policy, their Bill and the explanatory materials.

⁸ There is no mechanism by which the Senedd's leave can be sought to extend the deadline.

"I really enjoyed [being scrutinised in committee], mainly because, you know, at the moment we stand in the chamber and it's all rehearsed. We just read off what we got to do. But there you never knew really what was coming. [...] I enjoyed it, I really did, because I believed in it." (Member)

59. Some Members said informal discussions with chairs or committees before evidence sessions had helped the process run smoothly.

60. Officials described giving evidence as stressful, especially appearing before committees they usually advised. Unlike civil servants giving evidence on government Bills—who are accountable to their Ministers—Commission officials are accountable to the Commission, not the Member in charge of the Bill. The Member must take full ownership of the Bill, and the Member and committee must be clear on what officials can and cannot answer.

Resourcing and support in the Senedd

Support from Senedd Commission services

61. Members of the Senedd were unanimously positive about the level and nature of support they had received from Commission officials:

“So the main positive for me certainly was the support from the Commission staff. They were excellent, professional and they were hard working as well, and excellent advice they gave, so I was really impressed with that” (Member of the Senedd)

“Once you’ve got leave to progress, you’ve got your 13 months or whatever it is and you know, the Commission are great in wrapping a Bill team around you and, you know, it’s all hands on deck and, and the support was really, really good for me.” (Member of the Senedd)

62. When deciding whether to enter a ballot, Members were generally unaware whether support would be available.

“I went on the assumption that it would be there. I didn’t actually know what would be there, but I went on that assumption.” (Member of the Senedd)

63. Commission services are designed for a 60-Member Senedd. Current models may be unsustainable in a larger Senedd. The transition to the Seventh Senedd—including the likelihood of a large number of new Members—provides opportunities to redesign services and reset expectations.

64. Members of the Senedd emphasised the Senedd’s role as a legislature, and said priority should be given to legislative functions.

“[...] we are supposed to be a legislature and therefore [...] although much of the focus on the Commission’s budget is on infrastructure, buildings, accommodation, security, catering, surely the most important thing is legislation, which is what we’re actually here for.” (Member of the Senedd)

“The Commission would probably say we don’t have the resources to help [if the volume of Member Bills increased], but then you do have to look— well do we need to look to bring in

some external advice to help and all the rest of it because government have a full legal team behind them and the legislative team to help them. We've only got [named official] and a few others who sit in the office to help Members do it. But I think for a parliament, you know, we should be prioritising the parliamentary work. You know, [named official] runs a small team. That team should be bigger to allow the parliamentary process to happen." (Member of the Senedd)

65. Members use the resource available from Commission Bill teams in different ways. One said they outlined their requirements to the Bill team and left it to them to deliver/seek additional steers when required. Another described working closely with the Bill team (including regular meetings with them to keep track of progress), supplemented by a small advisory group of external experts to provide policy expertise and challenge, and overall oversight by the Member and a dedicated member of their own support staff.

66. Issues raised by Commission officials included:

- The experience of being part of a Bill team is generally positive.
- The work is usually in addition to other responsibilities, resulting in high workloads. Bill teams cannot be finalised until after ballots are held, making it difficult to reallocate or reprioritise existing responsibilities.
- Where Members are engaged and clear about what they want, it provides focus and keeps work on track. Lower levels of engagement increase the burden on officials, and make it difficult to ensure that work meets the Member's needs and expectations.
- Every Bill is different and every Member is different, so there is no specific training or guidance for officials.
- Supporting a Member Bill is different from supporting scrutiny. This can be positive for professional development, but also risky if officials are working outside their area of expertise.
- Some officials are included in Bill teams because of policy expertise, whereas others bring technical or professional skills but may be working in new policy areas.

- Ethical walls between officials supporting Member Bills and those supporting scrutiny are essential for the integrity of the process and to respect professional requirements for client confidentiality. But, the approach doubles the resource impact, and can reduce services' flexibility and resilience.
- Some were concerned that supporting the achievement of an individual Member's objectives could be inconsistent with the impartiality required from officials.

Support from Senedd Members' own staff

67. Members make different use of their own staff. Some rely predominantly on Commission officials, some use their staff to provide additional capacity, and others deploy their staff to perform specific functions.

"I guess the [Remuneration Board] or whoever might say we've got the Commission staff—and they were absolutely brilliant—but there's something different about having somebody who reports directly to you [...] And I guess Commission staff are probably more cautious in their approach, rightfully so because they always want to give the most balanced [...] sort of response to any questions I might have, whereas a member of my own staff might be a bit more political, I suppose, because I'm a politician, so they may say, well, that's fair advice from the Commission staff. But here's what you probably want to do."
(Member of the Senedd)

"[named member of support staff] bridged that gap between me and the Bill team [...] and they sort of professionalised our side of things very well". (Member of the Senedd)

68. Members said there was little flexibility or provision in the Remuneration Board's Determination for additional staffing resource for Member Bills. Members selected in ballots held early in a Senedd might have some uncommitted staffing allowances, giving them flexibility to recruit staff or advisers with specific skills or expertise (although this could be challenging within the timescales). Members selected in later ballots had already established their teams, and their existing staff may not have the relevant skills or expertise.

External stakeholders

69. It is not possible for the level of technical policy knowledge and expertise required for all Member Bills to be available within the Commission.

70. Examples were given of accessing policy expertise, and additional resource and capacity, from external stakeholders. This also provided access to stakeholders' networks, which facilitated evidence gathering to inform policy development and explanatory materials.

71. Potential barriers to working with external stakeholders included data protection and governance matters, and the strength and depth of capacity (and support for the Bill) within the relevant sector.

72. The experience of working with external stakeholders was generally positive and constructive, although examples were given of some issues with the availability, accuracy and timeliness of information, or stakeholders failing to meet commitments they had made to provide expertise or support. There were also examples of Members having to resolve tensions arising between the support and advice provided by external stakeholders who were actively promoting a Bill and the impartial support and advice provided by Commission officials.

73. One Member of the Senedd suggested that funding should be available from the Commission to enable Members to commission specialist policy expertise to inform the development of Member Bills.

Legislative drafting services

74. Specialist legislative drafting services are not available within the Commission and have to be procured externally. Issues raised included:

- There are no ongoing contractual or procurement arrangements, and the scarcity of specialist drafters presents a risk to the procurement of services within required timescales.
- In some parliaments, drafting of Member Bills is undertaken by the relevant government's parliamentary counsel, but this can give rise to governance and accountability issues.
- Costs vary depending on the size and complexity of a Bill and the iterative process needed to produce a draft that meets the Member's

requirements. Costs are met by the Commission, and there are no formal limits.

- External drafters do not necessarily comply with the relevant government's preferred drafting style. Governments often criticise drafting during the scrutiny process, and may use it as a reason for opposing a Bill (although there are examples in different legislatures of Member Bills being amended to adopt the relevant government's preferred drafting style without changing the underlying legal effect).

Resourcing and support in other legislatures

75. Members of the House of Commons, Northern Ireland Assembly and Scottish Parliament were unanimously positive about the support and advice they received from parliamentary services, praising officials' professionalism and expertise.

76. Specific provision varies across the three legislatures, but in general:

- Members could access advice and guidance from parliamentary services, but the majority of direct support had to be provided by Members' own support staff, external stakeholders, and/or (if the government was supportive) the government.
- Members of the Northern Ireland Assembly and the Scottish Parliament could access some specific services via specialist non-government Bill teams. The specific services are different in the two legislatures, but both include access to specialist drafters, whereas in the House of Commons, limited drafting advice and support is available from parliamentary clerks.

77. Members in the Northern Ireland Assembly and the Scottish Parliament are responsible for running their own consultations informed by advice from parliamentary services (including templates). Some Members found the templates overly-prescriptive in terms of the questions, or restrictive in terms of their ability to tailor consultation and engagement for specific groups or communities. Some consultations receive thousands of responses, generating significant administrative and analytical work for Members and their staff. In some cases data protection or parliamentary rules had prevented Members from being able to take up offers of support and assistance from external stakeholder organisations.

Review of the legislative scrutiny processes for Public Bills, and Member Bills:

Issues raised by Members and officials with experience of Member Bills

"[...] so that's a huge amount of work, and it does take you away from the advocacy side of what you're trying to do because you start to get bogged down on what can feel like quite administrative work, which is unseen by the public and everyone else who thinks, 'oh, what's happening, you've gone quite quiet on this campaign'." (Member)

78. The specialist non-government Bill teams are usually supporting large numbers of Members. Members may have to comply with specified windows during which they can apply to receive support, or be flexible about the deadlines they negotiate with officials.