

# Review of the legislative scrutiny processes for Public Bills, and Member Bills: Issues raised by the Chairs' Forum

June 2025

## Purpose

1. On 31 March 2025, the Chairs' Forum was invited to share its views as part of the Business Committee's review of the legislative scrutiny process for Public Bills, and Member Bills.
2. This note summarises the themes raised. Inclusion of an issue does not mean that the issue was raised, or the views shared, by all Chairs.
3. Inclusion of an issue in this note does not mean that the views of participants are shared or endorsed by the Business Committee.

## Framework Bills

4. Framework Bills present particular challenges for committee scrutiny as the details of how the legislation will operate in practice are determined by the subsequent delegated legislation:
  - Committees often have to ask the government for an indication of what the delegated legislation will contain (or, ideally, early drafts). Examples were given of such information not being provided until a late stage of the scrutiny process, meaning committees have either no, or very limited, opportunities to seek stakeholders' views.
  - There is often limited information about the potential financial implications of delegated legislation at the time the Senedd and its committees are scrutinising the primary legislation. This reduces the



extent to which decisions on Bills can be informed by a meaningful understanding of the potential costs.

- The Senedd and its committees have limited opportunity to shape delegated legislation, as such legislation is subject only to a yes/no vote.

## **Scrutiny of implementation**

5. Committees rarely routinely monitor the implementation of legislation, including whether or when delegated legislation is brought forward. Such monitoring (and/or post-legislative scrutiny) may be more achievable within a larger Senedd.

## **Impact of the increase in Members**

6. While scrutiny capacity will be increased in a larger Senedd, there is a need to be realistic when considering potential committee structures, functions and remits about the scale of the overall capacity increase and how best it can be deployed. Specific issues raised included the size of committees, and separate vs dual function policy and legislation committees.

## **Impact of the move to four-year terms**

7. A government with a four-year term wishing to bring about change requiring primary and delegated legislation will need to work more quickly than a government with a five-year term, but this should not be at the expense of opportunities for effective scrutiny.

## **Hybrid working**

8. Flexibility for committee members and people giving evidence to participate virtually in policy scrutiny is an important part of ensuring diverse voices can be heard. The ability for Members to participate virtually can also assist in achieving or maintaining quorum when doing so may not be possible through in person attendance.

9. But, the nature and importance of legislative scrutiny may be better reflected by in person participation by committee members and Ministers. There can, in particular, be risks associated with virtual participation in Stage 2 proceedings.

10. The guidance on virtual and hybrid participation currently states:

*“Decisions about the format of meetings*

*Members of committees may choose the mode (virtual or in person) through which they participate in committee proceedings on a meeting-by-meeting basis. In doing so, they should take account of the business under consideration, any decision or agreement made by the chair or committee about the optimal format for a specific meeting and any guidance issued by the Llywydd. It is expected that hybrid will become the usual format for committee meetings.*

*In circumstances where a committee has determined that it will meet in person for a given meeting, but a member of that committee is unable to attend in person, consideration should be given to arranging a substitute for that meeting.*

*Standing Order 17.23 provides that overall meeting procedures are determined by the chair. In making decisions related to the format of meetings, chairs should consult the other committee members and witnesses, consider the business at hand, and take advice from clerks.” [emphasis added]*

11. It was suggested that the Business Committee may wish to consider whether the guidance should be strengthened in respect of Bill scrutiny, including:

- An expectation that committee members, the Members in charge of all Bills and the lead Minister on non-government Bills will attend Stage 2 proceedings in person.
- An expectation that the Members in charge of all Bills and the lead Minister on non-government Bills will attend any Stage 1 evidence sessions in person if requested to do so by the committee.

## **Amendments to give effect to committee recommendations**

12. Members of committees that make unanimous recommendations in their Stage 1 reports for amendments to be made to a Bill may be directed by their political groups to vote against such amendments during amending stages. While any directions given by political groups to their members are a matter for

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those groups not for the Senedd, it was suggested that the Business Committee may wish to consider whether it is reasonable to indicate an expectation that committee members should be allowed to maintain a consistent position during the amending stages.