

26C. STANDING ORDER 26C – Consolidation Acts of the Senedd

Form and Introduction of Consolidation Bills

- 26C.1. A Consolidation Bill is a Bill introduced by a member of the government for the purpose of consolidating existing primary legislation, secondary legislation, and common law.
- 26C.2. A Consolidation Bill may:
- (i) restate existing legislation with any changes of structure, language or format appropriate for the purpose of improving the presentation of the law and ensuring consistency with current drafting practice;
 - (ii) clarify the application or effect of existing law;
 - (iii) remove or omit provisions which are obsolete, spent or no longer of practical utility or effect;
 - (iv) make minor changes to existing law for the purposes of achieving a satisfactory consolidation; and
 - (v) make other changes to the law which the Law Commission of England and Wales recommends are appropriate for inclusion within a Consolidation Bill;
 - (vi) include appropriate transitional and savings provisions, and consequential amendments and repeals of existing legislation (including amendments to ensure the existing legislation continues to operate correctly in relation to England).
- 26C.3. The Presiding Officer, having consulted the Business Committee, may issue written guidance to Members on the interpretation of Standing Orders 26C.1 and 26C.2, and the operation of Standing Order 26C generally.
- 26C.4. A Consolidation Bill may be introduced on a working day in a sitting week.
- 26C.5. A Consolidation Bill must be introduced by being laid.
- 26C.6. A Consolidation Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.
- 26C.7. A Consolidation 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 Consolidation Bill would be, in his or her opinion, within the legislative competence of the Senedd; and
- (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Senedd and the reasons for that opinion.

26C.8. A Consolidation Bill must be introduced in both English and Welsh.

Documentation to Accompany a Consolidation Bill

26C.9. At the same time as the Member in charge introduces a Consolidation Bill, he or she must also lay an Explanatory Memorandum which must:

- (i) state that in his or her view the provisions of the Consolidation Bill would be within the legislative competence of the Senedd;
- (ii) set out the reasons for introducing the Consolidation Bill;
- (iii) state that the Consolidation Bill contains no provisions other than those permitted under Standing Order 26C.2;
- (iv) include tables showing the origins of provisions in the Consolidation Bill, and the destinations in the Consolidation Bill of the existing provisions it consolidates;
- (v) explain how the Consolidation Bill makes any changes of the kind permitted under Standing Order 26C.2(ii) to (v);
- (vi) summarise objectively what each of the provisions of the Consolidation 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 Consolidation Bill;
- (vii) confirm that the provisions of the Consolidation Bill give rise to no additional significant expenditure payable out of the Welsh Consolidated Fund, and where it gives rise to additional expenditure, set out the best estimates for this;
- (viii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Consolidation Bill (a “justice impact assessment”), in accordance with section 110A of the Act; and
- (ix) where the Consolidation 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.

- 26C.10. The Explanatory Memorandum to the Consolidation Bill must state precisely where each of the requirements of Standing Order 26C.9 can be found within it, by means of an index or otherwise.
- 26C.11. The Consolidation Bill must be accompanied by a statement by the Member in Charge, based on the advice of the Counsel General (where the Member in Charge is not the Counsel General) and, where relevant, the Law Commission, endorsing the accuracy of the Explanatory Memorandum and certifying that in the Member in Charge's view the Bill is a Consolidation Bill within the meaning of Standing Order 26C.1 and 26C.2.

Responsible Committee

- 26C.12. In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 26C as "the responsible committee") with responsibility for the functions specified in Standing Order 26C.

Timetable of Consideration of a Consolidation Bill

- 26C.13. The Business Committee must establish and publish a timetable for the consideration of a Consolidation Bill, except for any stage taken in plenary (which must be arranged under the provisions of Standing Order 11.12).
- 26C.14. The Business Committee may make such subsequent changes to a timetable established under Standing Order 26C.13 as it considers appropriate but must give reasons for such changes.

Initial Consideration

- 26C.15. Once a Consolidation Bill has been introduced, the Business Committee must refer the Consolidation Bill to the responsible committee for initial consideration.
- 26C.16. Once the Business Committee refers the Consolidation Bill to the responsible committee under Standing Order 26C.15, that responsible committee must consider and report on whether the Bill should proceed as a Consolidation Bill.
- 26C.17. In considering whether a Bill should proceed as a Consolidation Bill or not, the responsible committee may consider:
- (i) whether the Committee is satisfied that the scope of the consolidation is appropriate;

- (ii) whether the Committee is satisfied that the relevant enactments have been included within the consolidation;
- (iii) whether the Bill correctly consolidates the enactments or changes their substantive legal effect only to the extent allowed by Standing Order 26C.2;
- (iv) whether the Bill consolidates the law clearly and consistently;
- (v) any other matters it considers relevant to Standing Order 26C.

26C.18. Not earlier than five working days after either:

- (i) the responsible committee has reported on whether the Bill should proceed as a Consolidation Bill; or
- (ii) the deadline by which the responsible committee is required to report has passed,

the Member in charge of the Bill may propose that the Senedd agree that the Bill should proceed as a Consolidation Bill.

26C.19. If the Senedd agrees that the Bill should proceed as a Consolidation Bill, the Bill proceeds to Detailed Committee Consideration.

26C.20. If the Senedd does not agree that the Bill should proceed as a Consolidation Bill, the Bill falls.

26C.21. Initial Consideration is completed when the Senedd agrees that the Bill should proceed as a Consolidation Bill or the Consolidation Bill falls at Initial Consideration.

Detailed Committee Consideration

26C.22. Detailed Committee Consideration must be undertaken by the responsible committee.

26C.23. Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.

26C.24. At least 15 working days must elapse between the start of Detailed Committee Consideration and the date of the first meeting at which the responsible committee considers amendments to the Consolidation Bill.

26C.25. A Consolidation Bill may be amended in Detailed Committee Consideration proceedings.

- 26C.26. Amendments to be considered at Detailed Committee Consideration proceedings may be tabled by any Member, from the first day on which Detailed Committee Consideration starts.
- 26C.27. Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Consolidation Bill, unless the committee considering Detailed Committee Consideration proceedings has decided otherwise.
- 26C.28. Only a Member who is a member of the committee considering Detailed Committee Consideration proceedings may participate in those proceedings for the purpose of:
- (i) moving or seeking agreement to withdraw an amendment; or
 - (ii) voting.
- 26C.29. An amendment tabled by a Member who is not a member of the committee considering Detailed Committee Consideration proceedings, may be moved by a member of the committee.
- 26C.30. When all amendments at Detailed Committee Consideration proceedings have been disposed of, any member of the committee may without notice move that the committee consider further amendments at further Detailed Committee Consideration proceedings. Such a motion may not be debated or amended.
- 26C.31. If a motion under Standing Order 26C.30 is agreed to, any member of the government may table amendments to the Consolidation Bill to be moved at the further Detailed Committee Consideration proceedings.
- 26C.32. Amendments under Standing Order 26C.31 are only admissible if, in addition to the criteria in Standing Order 26C.82, they are for the purpose of clarifying a provision of a Consolidation Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Detailed Committee Consideration proceedings.
- 26C.33. Where any amendment is tabled to a section of or schedule to the Consolidation Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed to be agreed by the committee for the purpose of Detailed Committee Consideration proceedings.
- 26C.34. If no amendment is tabled to a section of or schedule to the Consolidation Bill, then that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.

- 26C.35. Detailed Committee Consideration proceedings are completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.
- 26C.36. After the completion of Detailed Committee Consideration proceedings, the responsible committee must report on the outcomes of its detailed consideration, and whether in its view the Consolidation Bill should proceed to Detailed Senedd Consideration or to Final Stage.
- 26C.36A. Detailed Committee Consideration is completed when:
- (i) Detailed Committee Consideration proceedings are completed; and
 - (ii) either the responsible committee has reported on the outcomes of its detailed consideration or the deadline by which the responsible committee is required to report in accordance with Standing Order 26C.13 has passed.
- 26C.37. If a Consolidation Bill is amended at Detailed Committee Consideration proceedings, the Member in charge must prepare a revised Explanatory Memorandum, unless the committee considering Detailed Committee Consideration proceedings resolves that no revised Explanatory Memorandum is required.
- 26C.38. Any revised Explanatory Memorandum prepared under Standing Order 26C.37 must be laid at least five working days before the date of Final Stage proceedings or, where relevant, the first Detailed Senedd Consideration proceedings.

Detailed Senedd Consideration

- 26C.39. If the responsible Committee at Detailed Committee Consideration reports that the Senedd should consider amendments at Detailed Senedd Consideration, the Consolidation Bill proceeds to Detailed Senedd Consideration, unless a motion that the Consolidation Bill should proceed directly to Final Stage is agreed by the Senedd.
- 26C.40. If the responsible committee has reported on the Detailed Committee Consideration of the Consolidation Bill and has recommended that the Consolidation Bill proceed to Final Stage, or if the deadline for the committee to report has passed, the Consolidation Bill proceeds to Final Stage, unless a motion that the Senedd consider amendments at Detailed Senedd Consideration is agreed by the Senedd.

- 26C.41. The Senedd must consider a motion tabled under Standing Order 26C.39 or 26C.40. Such a motion may be tabled by any Member, and may be debated but not amended.
- 26C.42. Detailed Senedd Consideration starts either:
- (i) two sitting weeks after the responsible Committee at Detailed Committee Consideration reports that the Senedd should consider amendments at Detailed Senedd Consideration (and no motion under Standing Order 26C.39 that the Consolidation Bill should proceed directly to Final Stage is agreed by the Senedd in the meantime); or
 - (ii) the day after a motion under Standing Order 26C.40 that the Senedd consider amendments at Detailed Senedd Consideration is agreed by the Senedd.
- 26C.43. At least 15 working days must elapse between the start of Detailed Senedd Consideration and the date of the first meeting of the Senedd that considers Detailed Senedd Consideration proceedings.
- 26C.44. Detailed Senedd Consideration proceedings of a Consolidation Bill must be considered by the Senedd in plenary.
- 26C.45. A Consolidation Bill may be amended in Detailed Senedd Consideration proceedings.
- 26C.46. Amendments to be considered at Detailed Senedd Consideration proceedings may be tabled by any Member from the first day on which Detailed Senedd Consideration starts.
- 26C.47. The Presiding Officer may select those amendments which are to be taken at Detailed Senedd Consideration proceedings.
- 26C.48. The Presiding Officer may in exceptional circumstances accept an amendment at Detailed Senedd Consideration proceedings of which less notice has been given than is required under Standing Order 26C.83. Such an amendment is referred to as a “late amendment”.
- 26C.49. Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Consolidation Bill, unless the Senedd has decided otherwise on a motion of the Minister with responsibility for government business.
- 26C.50. The Senedd may, on a motion without notice of the Minister with responsibility for government business, agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).

- 26C.51. If a motion under Standing Order 26C.50 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.
- 26C.52. When all amendments selected at Detailed Senedd Consideration proceedings have been disposed of, any member of the government may without notice move that the Senedd consider further amendments at further Detailed Senedd Consideration proceedings. Such a motion may not be debated or amended.
- 26C.53. If a motion under Standing Order 26C.52 is agreed to, any member of the government may table amendments to the Consolidation Bill to be moved at the further Detailed Senedd Consideration proceedings.
- 26C.54. Amendments under Standing Order 26C.53 are only admissible if, in addition to the criteria in Standing Order 26C.82, they are for the purpose of clarifying a provision of a Consolidation Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Detailed Senedd Consideration proceedings.
- 26C.55. Where any amendment is tabled to a section of or schedule to the Consolidation Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration proceedings.
- 26C.56. If no amendment is tabled to a section of or schedule to the Consolidation Bill, then that section or schedule is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration proceedings.
- 26C.57. Detailed Senedd Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.

Final Stage

- 26C.58. A motion that the Consolidation Bill be passed may be tabled by any Member, but may not be considered until either:
- (i) at least two sitting weeks after either:
 - (a) the responsible committee has reported on Detailed Committee Consideration of the Consolidation Bill and has recommended that the Consolidation Bill should proceed to Final Stage; or
 - (b) the deadline for the responsible committee to report has passed;(and no motion under Standing Order 26C.40 that the Senedd should consider amendments at Detailed Senedd Consideration is agreed by the Senedd in the meantime); or
 - (ii) at least five working days after either;
 - (a) a motion that the Consolidation Bill should proceed directly to Final Stage is agreed by the Senedd under Standing Order 26C.39; or
 - (b) the completion of Detailed Senedd Consideration proceedings, where undertaken.
- 26C.59. A motion under Standing Order 26C.58 must be tabled at least one working day before it is debated.
- 26C.60. A motion that a Consolidation Bill be passed may not be amended.
- 26C.61. No motion that a Consolidation Bill be passed may be moved unless the text of the Consolidation Bill is available in both English and Welsh.
- 26C.62. No motion that a Consolidation Bill be passed may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer's view any provision of the Consolidation Bill relates to a protected subject matter.
- 26C.63. Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the Consolidation Bill relates to a protected subject matter, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.
- 26C.64. A recorded vote must be taken on a motion that a Consolidation Bill be passed.

26C.65. No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

Reconsideration of Consolidation Bills Passed

26C.66. Any Member may by motion propose that the Senedd reconsider the Consolidation Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Consolidation Bill under section 112 of the Act that the Consolidation Bill or any provision of it would not be within the legislative competence of the Senedd; or
- (ii) an order is made in relation to the Consolidation Bill under section 114 of the Act.

26C.67. If the Senedd agrees to a motion under Standing Order 26C.66, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26C.68. Standing Orders 26C.43 to 26C.47 and 26C.49 to 26C.57 apply to Reconsideration Stage proceedings. References to “Detailed Senedd Consideration” and “further Detailed Senedd Consideration” should be construed as references to “Reconsideration Stage” and “further Reconsideration Stage” accordingly.

26C.69. A Consolidation Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26C.82(i), (ii) and (iv), 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 decision of the Supreme Court; or
- (ii) the Order under section 114 of the Act.

26C.70. After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26C.71, any Member may without notice move that the Senedd approves a Consolidation Bill amended on reconsideration. Such a motion may not be amended and a recorded vote must be taken on the motion.

26C.71. No motion that a reconsidered Consolidation Bill be approved may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer’s view any provision of the Consolidation Bill relates to a protected subject matter.

26C.72. Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the Consolidation Bill relates to a protected subject matter, the Consolidation Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.

Reconsideration of Bills Rejected

26C.73. Any Member may by motion propose that the Senedd reconsider the Consolidation Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Consolidation Bill rejected by the Senedd, that no provision of the Consolidation Bill that is subject to the reference relates to a protected subject-matter.

26C.74. If the Senedd agrees to a motion under Standing Order 26C.73, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.

26C.75. A Consolidation Bill reconsidered in accordance with Standing Order 26C.73 may not be amended.

26C.76. At Reconsideration Stage in accordance with Standing Order 26C.73, any Member may table a motion that the Consolidation Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.

26C.77. No motion under Standing Order 26C.76 may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in his or her view any provision of the Consolidation Bill relates to a protected subject-matter.

General Provisions in Relation to Amendments to Consolidation Bills

26C.78. Standing Orders 26C.79 to 26C.87 apply to amendments in Detailed Committee Consideration, Detailed Senedd Consideration proceedings or on Reconsideration, except that Standing Order 26C.82(iii) does not apply to amendments on Reconsideration.

26C.79. The Presiding Officer must determine the proper form of amendments to a Consolidation Bill.

26C.80. No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.

- 26C.81. 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.
- 26C.82. An amendment is not admissible if:
- (i) it is not in its proper form in accordance with Standing Order 26C;
 - (ii) it is not relevant to the Consolidation Bill or the provisions of the Consolidation Bill which it would amend;
 - (iii) it would cause the Bill to cease to be a Consolidation Bill as defined by Standing Orders 26C.1 and 26C.2; or
 - (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.
- 26C.83. 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 26C.78 to 26C.87 must apply accordingly.
- 26C.84. Subject to Standing Order 26C.28, 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.
- 26C.85. The chair of a committee considering Detailed Committee Consideration 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.
- 26C.86. 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 Detailed Committee Consideration proceedings, by a member of that committee; or
 - (ii) in Detailed Senedd Consideration proceedings or on Reconsideration, by any other Member.
- 26C.87. An amendment which has been moved may be withdrawn by the Member who moved it, but only:

- (i) in a committee considering Detailed Committee Consideration proceedings, if no member of that committee objects; or
- (ii) in Detailed Senedd Consideration proceedings or on Reconsideration, if no Member objects.

His Majesty's and Duke of Cornwall's Consent

26C.88. If a Consolidation 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 His Majesty, or the Duke of Cornwall, the Senedd must not debate the question whether the Consolidation Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Senedd.

Notification of Royal Assent to Acts of the Senedd

26C.89. The Clerk must notify the Senedd of the date of Royal Assent to an Act of the Senedd.

Fall, Rejection or Withdrawal of Bills

26C.90. Subject to Standing Order 26C.73, if a Consolidation Bill falls or is rejected by the Senedd, no further proceedings may be taken on that Consolidation Bill, and another Consolidation Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced under this Standing Order in the same Senedd within the period of 6 months from the date on which the Consolidation Bill fell or was rejected.

26C.91. A Consolidation Bill falls if it has not been passed or approved by the Senedd before the end of the Senedd in which it was introduced.

26C.92. A Consolidation Bill may be withdrawn at any time by the Member in charge but must not be withdrawn after Initial Consideration except with the agreement of the Senedd.