



Proposed amendments to Standing Order 26.89: Ballots for Member proposed Bills

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Order 26.89. The changes agreed by Business Committee are found in Annex A, and the proposal for a new Standing Order at Annex B.

Background

3. At its meeting on 21 May, the Business Committee considered a paper outlining options for amending Standing Order 26.89 in relation to the process for conducting ballots for Member proposed Bills.
4. Having given Business Managers the opportunity to consult Members, the Business Committee returned to the issue at its meeting of 11 June.

Current Provisions

5. Under the current Standing Order 26.89 Members who have been successful in a previous Bill ballot are entitled to enter the ballot again, provided that the Assembly did not agree for them to introduce a Bill to give effect to their previous proposal. This differs to provisions in place in the Third Assembly where no Member who had previously won the ballot in that Assembly could apply for the ballot again, irrespective of whether they were given leave to introduce a Bill or not.

6. The Third Assembly provisions were changed following a number of ballots where no proposals were submitted, and the Business Committee recommended that the relevant Standing Orders be suspended for the remainder of the Third Assembly to allow Members to enter a ballot again.

7. The Standing Orders relating to ballots for Member proposed legislation were subsequently considered as part of the general review of Standing Orders conducted at the end of the Third Assembly, and were revised to preclude Members from re-entering a ballot if they had previously been granted permission to introduce a Member proposed Measure (now Bill). Members who had previously won a ballot, but had been refused permission to introduce legislation, were therefore allowed to enter the ballot again.

Proposals for change

8. On 24 April 2013, Darren Millar was selected in the ballot with his proposal for a Caravan Holiday Park Bill. This was the second time that Darren Millar had been selected in the Bill ballot, having previously been selected in the ballot held on 11 July 2012.

9. Following concerns expressed that the current Standing Order provisions could be unfair to Members who are not selected, while

other members can be selected more than once, Business Committee agreed to consider the process.

10. The Business Committee considered three options, including making no change at all and considering a form of hybrid Standing Order that enables a Member to re-enter a ballot, but only in limited circumstances, before deciding that Standing Orders should be amended to remove completely the possibility of Members being selected more than once.

Decision

11. The Business Committee agreed the changes to Standing Orders on 11 June and the Assembly is invited to approve the proposal as at Annex B.

Annex A

STANDING ORDER 26

Member Bills

26.85 Standing Orders 26.86 to 26.94 apply only to Member Bills.

No amendment necessary

26.86 [*Standing Order removed by resolution of the Assembly on 16 November 2011*]

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.

No amendment necessary

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.

No amendment necessary

~~26.89 No Member who has previously had agreement to introduce a Bill in that Assembly may apply to be included~~

Amend Standing Order

~~in the ballot.~~

26.89 No Member who has previously won the ballot in that Assembly may so apply.

Delete the current Standing Order and replace with new Standing Order that precludes a Member entering a ballot again if they have previously been selected in a ballot. This would bring the Standing Orders back in line with those in place in the Third Assembly.

As in the Third Assembly, this option could potentially open the Standing Order up to criticism from Members if no proposals are submitted for a ballot. However, the likelihood of this is low given the number of ballot proposals entered into the ballot.

Annex B

STANDING ORDER 26

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26.89 No Member who has previously won the ballot in that Assembly may so apply.