

National Assembly for Wales

Business Committee

February 2015

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



## Amending Standing Orders: Standing Order 30 – Notification in Relation to UK Parliament Bills

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### 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 30 in relation to Notification in Relation to UK Parliament Bills. The changes agreed by Business Committee are found in Annex A, and the proposal for a new Standing Order at Annex B.

### Background

3. On 26 June 2014, the Constitutional and Legislative Affairs Committee (CLA) published its report on the Wales Bill LCM. The Chair subsequently wrote to the Business Committee drawing its attention to paragraphs 18 and 19 of its report:

### **“Clause 8 and Assembly Standing Orders**

18. In light of paragraph 16 above, clause 8 therefore confers a new function on the Assembly and it has highlighted a gap we believe exists in the Assembly’s standing orders, namely that there is no mechanism for the Assembly to agree changes to its functions (rather than its competence) that arise as a consequence of UK Acts. We believe that such a mechanism should exist within the Assembly’s standing orders (and could, for example, be achieved by an amendment to Standing Order 29).

19. As a consequence, we consider that this issue should be considered further and pursued by the Business Committee. In so doing, we recognise that this may involve discussions between the Welsh and the UK Government (as a consequence of *Devolution Guidance Note 9: Parliamentary and Assembly Primary Legislation Affecting Wales*).

4. At the meeting of 8 July, Business Managers agreed that officials should work with the Welsh Government to take forward this recommendation, and to bring a paper to update the Business Committee at a future meeting on progress made.

5. On 4 November, Business Managers considered a paper which discussed some potential difficulties that had been highlighted in those discussions regarding implementing the CLA’s recommendation that Assembly consent be required for any changes to its functions. Having considered those issues, Business Managers asked the Secretariat to draw up proposals for amending Standing Order 30 so that the Assembly was at least formally notified of any such changes via a written statement.

### **Proposal for amending Standing Orders**

6. Standing Order 30 currently requires the Welsh Government to lay a written statement before the Assembly in relation to provisions in a UK Bill 'which modifies the functions of the Welsh Ministers or of the Counsel General' in a way which is not within the Assembly's legislative competence. The purpose of the statement is only to inform the Assembly of the relevant change in functions: there is no requirement for the Assembly to give its consent to such changes.

7. On 20 January, Business Managers considered a proposed change to Standing Order 30.1 that would require the Government to lay a written statement before the Assembly in relation to any provision in a UK Bill which modifies the functions of the Assembly or the Assembly Commission.

8. The Minister for Finance and Government Business expressed concern that the draft change did not allow for any exceptions to the requirement to lay a statement such as currently exist for changes to Ministers' and Counsel General's functions.

9. When Business Managers returned to the issue on 3 February, they considered alternative draft amendments, one of which extended the current exceptions in Standing Order 30.1 to the new requirement, and another which provided that a statement was only required where the Welsh Government had knowledge of a relevant provision in a UK Bill. Business Managers unanimously agreed to propose the latter option.

### **Action**

10. The Business Committee formally agreed the changes to Standing Orders on 24 February 2015 and the Assembly is invited to approve the proposal at Annex B.

## Annex A

### UK Parliament Bills Making Provision Requiring Notification to the Assembly

30.1 In Standing Order 30, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales (other than a provision which is a relevant provision within Standing Order 29.1) which modifies the functions of the Welsh Ministers or of the Counsel General (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly), or, to the government’s knowledge, the Assembly or Assembly Commission.

In relation to a draft amendment which allowed for no exceptions to the requirement to lay a statement, the Minister for Finance and Government Business noted that the Government thought it very unlikely that it would be specifically informed of all such changes by the UK Government, as there is no requirement to inform them of incidental, consequential, transitory etc provisions.

The proposed amendment does not make specific exceptions to the requirement to lay a statement, but does make clear that statements relating the changes to the Assembly and Assembly Commission’s functions are only required where the Welsh Government is aware of those changes.

## **Annex B**

### **UK Parliament Bills Making Provision Requiring Notification to the Assembly**

30.1 In Standing Order 30, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales (other than a provision which is a relevant provision within Standing Order 29.1) which modifies the functions of the Welsh Ministers or of the Counsel General (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly), or, to the government’s knowledge, the Assembly or Assembly Commission.