



Amending Standing Orders: Standing Orders 26, 26A and 26B – Super-majorities for Assembly 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 Orders 26, 26A and 26B – for Public, Private and Hybrid Bills – to provide for a new requirement for super-majority voting on Assembly Bills that relate to a protected subject-matter (section 111A of GoWA), and scrutiny of Bills by the Supreme Court in relation to protected subject-matters (section 111B of GoWA). The changes agreed by Business Committee are found in Annex A, and the proposals for new Standing Orders are at Annex B.

Background

3. Section 111A(3) of GoWA (which was inserted by section 9 of the Wales Act 2017), now requires the Llywydd to make a statement as to whether or

not any provision of an Assembly Bill relates to a protected subject-matter, before the Bill can be voted on at Stage 4. Protected subject-matters are those that would modify, or confer power to modify, specific matters listed in the Bill – these include the name of the Assembly, the persons entitled to vote in Assembly elections, and other electoral arrangements over which the Assembly is being given powers by the Wales Act 2017, including the size of the Assembly.

4. Should the Llywydd decide that any provision of a Bill relates to a protected subject-matter, section 111A(4) of GoWA states that the Bill cannot be passed unless the number of Assembly Members voting in favour of it at the final stage is at least two-thirds of the total number of Assembly seats (i.e. currently 40 or more).

5. Section 9 of the Act has been in force since 31 March 2017 as far as it relates to the Assembly's power to change its name, with the other matters expected to come within competence on the Principal Appointed Day on 1 April 2018. The requirement for a Llywydd's statement on protected subject-matters, and a super-majority vote in the case of a Bill with provisions that relate to a protected subject-matter, now applies to every Assembly Bill.

6. A new section 111B has also been introduced to GoWA. This provides for the referral of an Assembly Bill to the Supreme Court for a decision in relation to whether or not any provision of that Bill relates to a protected subject-matter. Bills that have been passed, or rejected, can be referred. Currently Standing Orders only provide for a Bill to be reconsidered following a Supreme Court referral on the basis of legislative competence, not in relation to protected subject-matters.

7. The Business Committee considered the impact on the Assembly's Standing Orders of the new requirements relating to super-majority voting on Assembly Bills on 27 June 2017, and following consultation with groups the issue was considered again on 11 July 2017, when Business Managers agreed in principle to changes to Standing Order 26 to provide for the new

statutory requirements and noted that the changes would also be made to procedures for Private Bills (Standing Order 26A) and Hybrid Bills (Standing Order 26B), though these types of Bills are highly unlikely to ever contain protected subject-matters. On 10 October 2017, the Business Committee agreed amendments to Standing Orders which form the basis of the proposals set out in this report.

Proposals to change Standing Orders

8. The proposals for change are set out below, with reference to amendments to the Public Bill procedure in Standing Order 26. The same changes are also proposed to be made to the relevant parts of Standing Order 26A (Private Bills) and Standing Order 26B (Hybrid Bills), as set out in the annexes to this report.

Statement by the Llywydd

9. The Llywydd's decision as to whether or not a Bill relates to a protected subject-matter must be taken 'after the last time when a Bill may be amended but before the decision whether to pass or reject it'¹: in other words between Stage 3/Report Stage and Stage 4. The Land Transaction Tax and Anti-Avoidance of Devolved Taxes (Wales) Bill (LTTA Bill), was the first Bill to be affected by the new requirement, in April 2017. In the absence of a Standing Order the Llywydd chose to follow a similar procedure to that for statements on legislative competence made in accordance with Standing Order 26.4 when a Bill is introduced, i.e. that the statement should be laid with the Table Office. The statement was included as a supporting document to the Government's Stage 4 motion on the Plenary agenda. The same practice has been followed for subsequent Bills.

10. It is therefore proposed to introduce a new Standing Order 26.50A to meet the requirement of the new section 111A(3) of the Act for such a

¹ Government of Wales Act Section 111A(3)

statement to be made by the Llywydd. The Act does not specify how that statement must be made, i.e. whether orally or in writing, and so it is not necessary for Standing Orders to be prescriptive about this, but simply to recognise the requirement must be met in advance of the Stage 4 motion being moved.

Recording of a Super-Majority Vote

11. Section 111A(4) of the Act says that if the Llywydd decides that any provision of the Bill relates to a protected subject-matter, the Bill is not passed unless the number of Assembly members voting in favour of it at the final stage is at least two-thirds of the total number of Assembly seats. This is not 2/3 of those voting, but two-thirds of Assembly seats, i.e. currently 40 or more. A new Standing Order 26.50B is proposed to include the requirement for a super-majority vote for such a Bill.

12. If a question should arise, after a vote on a motion to pass a Bill, as to whether a super-majority was required for that vote, it will be important to have a record of whether or not the vote on the Bill met the threshold of 2/3 of all Assembly Members having voted in favour. It is therefore proposed to introduce new Standing Order 26.50C, to require a recorded vote on all Stage 4 votes on Assembly Bills, thus dis-applying Standing Order 12.36 for a possible vote 'on the nod' in relation to the passing of a Bill.

13. Standing Orders in the Scottish Parliament, where identical provisions were introduced by the Scotland Act 2016, have already been amended to require a division (vote) for every Bill at Stage 4. Although the expectation is that very few Assembly Bills would touch on a protected subject-matter, the legislative requirements apply to all Bills, and so a recorded vote would provide an important protection in the case of any subsequent challenge after a Bill has been passed. In the absence of a recorded vote, a challenge could result in referral to the Supreme Court and a Reconsideration Stage, whereas if over 40 Members had voted in favour of the Bill then a recorded

vote could demonstrate that it had met the super-majority threshold regardless.

Reconsideration Stage

14. Standing Orders currently only provide for reconsideration of a Bill that has been referred to the Supreme Court on the basis of a question over competence (section 112 of GoWA). It is therefore proposed that Standing Orders for Reconsideration Stage are amended to cover a Supreme Court decision in relation to whether or not a Bill relates to a protected subject-matter. The proposed change to Standing Order 26.53 would allow for reconsideration in the case of a Bill that was passed by a simple majority when it should have required a super-majority. The proposed new Standing Orders 26.56C – G provide for reconsideration of a Bill that was rejected because it was not passed by a required super-majority, and is subsequently found to not have needed a super-majority. Currently Standing Orders only provide for Reconsideration of a Bill that has been passed, not a Bill that has been rejected.

15. Some amendments are also proposed to ensure that procedure at Reconsideration stage complies with the new requirements. Amendments to Standing Order 26.56, and a new Standing Order 26.56G are proposed to require the Presiding Officer to make a further statement on whether the Reconsidered Bill to be approved relates to a protected subject-matter, before a vote can be taken. Amendments are also proposed to ensure that a recorded vote is taken on a Bill to be approved following reconsideration (Standing Orders 26.56 and 26.56F).

Amendments at Reconsideration Stage

16. The question also arises as to whether it should be possible to amend a Bill that is being reconsidered on the grounds of section 111 (the need for a super-majority), and the criteria to be applied to any such amendments. This matter was considered by the Scottish Parliament's SPPA Committee and its legal team, with correspondence between the Scottish Parliament and

Scottish Government. They took the decision not to allow amendments at reconsideration stage. The Business Committee considered detailed legal advice on this matter, in particular on the legal interpretation of the provisions in the Act, with a view to making an informed decision as to whether Standing Orders should allow for a Bill to be amended at reconsideration stage in these circumstances. The legal advice concluded that the Assembly may choose to provide in Standing Orders for amendments to be made to a Bill at reconsideration. It would be appropriate to do so only to a limited extent as is already provided for in relation to reconsideration in other circumstances.

17. For a Bill that has been passed and is reconsidered on the grounds of section 111, the Business Committee concurred with the legal advice and proposes changes to Standing Orders that will allow amendments to be made to such a Bill, to the limited extent that this is already possible in other circumstances (see the retained Standing Order 26.55).

18. For a Bill that was rejected because it was not passed by a required super-majority, and is subsequently found to not have needed a super-majority vote, the Bill is only being reconsidered for approval because it would otherwise originally have been passed by a simple majority. Amendment would not be appropriate in this case, where the purpose of the Standing Orders will be just to allow the Bill to be voted on again following a Supreme Court ruling, and when there is nothing that needs 'rectifying' via amendments. A new Standing Order 26.56E therefore sets out that a Bill reconsidered in these circumstances may not be amended.

Fall, Rejection or Withdrawal of Bills

19. A consequential amendment is proposed to Standing Order 26.76 so that the 6-month rule preventing further proceedings being taken on a Bill that has been rejected does not apply to a Bill rejected and then reconsidered following a reference under section 111B(2) of the Act. This

change would mean that the Assembly could vote through a Bill that the Supreme Court ruled did not need a super-majority in the first place.

Action

20. The Business Committee formally agreed the changes to Standing Orders 26, 26A and 26B on 10 October 2017 and the Assembly is invited to approve the proposals at Annex B.

Annex A

STANDING ORDER 26 – Acts of the Assembly		
	<i>(FROM THE END OF REPORT STAGE ONWARDS)</i>	
26.46B	Any revised Explanatory Memorandum prepared under Standing Order 26.46A must be laid at least five working days before the date of the first meeting of the Assembly that considers Report Stage proceedings.	Retain Standing Order
	Stage 4: Final Stage	
26.47	A motion that the Bill be passed may be tabled by any Member, and may not be considered until at least five working days after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken.	Retain Standing Order
26.47A	A motion under Standing Order 26.47 must be tabled at least one working day before it is debated.	Retain Standing Order
26.48	Subject to Standing Orders <u>26.50</u> and <u>26.50A</u> , immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Bill be passed.	Amend Standing Order Proposed to amend this Standing Order to include the provision for a statement by the Presiding Officer in accordance with section

		111A(3) of the Act.
26.49	A motion that a Bill be passed may not be amended.	Retain Standing Order
26.50	No motion that a Bill be passed may be moved unless the text of the Bill is available in both English and Welsh.	Retain Standing Order
<u>26.50A</u>	<u>No motion that a 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 Bill relates to a protected subject-matter.</u>	New Standing Order It is proposed to introduce a new Standing Order to meet the requirement of the new section 111A(3) of the Act that before the Final Stage of Bill proceedings, the Presiding Officer must make a statement on whether or not any provision of the Bill relates to a protected subject-matter. In the case of such a motion being moved without notice, the Presiding Officer would be required to make such a statement orally in the Siambr.
<u>26.50B</u>	<u>Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the 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</u>	New Standing Order Section 111(4) of the Act says: – If the Presiding Officer decides that any provision

	<p><u>of Assembly seats.</u></p>	<p>of the Bill relates to a protected subject-matter, the Bill is not passed unless the number of Assembly members voting in favour of it at the final stage is at least two-thirds of the total number of Assembly seats. This is not 2/3 of those voting, but two-thirds of Assembly seats, i.e. currently 40 or more. It is therefore proposed to change the Standing Orders to require a super-majority vote for such a Bill.</p>
<p><u>26.50C</u></p>	<p><u>A recorded vote must be taken on a motion that a Bill be passed.</u></p>	<p>New Standing Order</p> <p>If a question should arise, after a vote on a motion to pass a Bill, as to whether a super-majority was required for the vote on that motion, it will be important to have a record of whether or not the vote on the Bill met the threshold of Members representing 2/3 of all Assembly seats having voted in favour. It is therefore proposed that procedure is amended to require a recorded</p>

		<p>vote on all Stage 4 votes on Assembly Bills, thus dis-applying Standing Order 12.36 in relation to the passing of a Bill. It may be noted that Standing Orders in the Scottish Parliament, where identical provisions on 'protected subject-matters' have been introduced by the Scotland Act 2016, have already been amended to require a division for every Bill at Stage 4.</p>
26.51	<p>No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.</p>	<p>Retain Standing Order</p>
	<p>Reconsideration of Bills Passed</p>	<p>Retain heading</p> <p>If the Bill is being reconsidered only because it was thought it needed a super-majority and the Supreme Court subsequently rules that it did not, there would be no need, and no justification, for the Bill to be amended in any way. It would need to simply proceed to a reconsideration stage where the same Bill could be voted through again by simple</p>

		<p>majority. In the absence of a Supreme Court reference, such a Bill would probably have received Royal Assent and possibly come into force already, so it would not be justified to have a 6 month delay in approving it following a ruling. Thus two procedures for Reconsideration Stage are proposed below, of a Bill passed, and of a Bill rejected where no super-majority was found to be needed.</p>
26.52	<p>In accordance with section 113 of the Act, any Member may, after the Bill is passed, by motion propose that the Assembly reconsider the Bill, or any provision of it, if:</p> <ul style="list-style-type: none"> (i) a question has been referred to the Supreme Court under section 112 of the Act; and (ii) a reference for a preliminary European Court ruling (within the meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and 	<p>Retain Standing Order</p>

	(iii) neither of those references has been decided or otherwise disposed of.	
26.52A	If a motion under Standing Order 26.52 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.	Retain Standing Order
26.52B	If the Assembly agrees to a motion under Standing Order 26.52, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.	Retain Standing Order
26.53	Any Member may by motion propose that the Assembly reconsider the Bill if: (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Bill or any provision of it would not be within the legislative competence of the Assembly; or (ii) an order is made in relation to the Bill under section 114 of the Act; <u>or</u>	Amend Standing Order It is proposed to amend this Standing Order to include a decision by the Supreme Court that a Bill relates to a protected subject-matter among the criteria for reconsideration of a Bill. This allows for reconsideration in the case of a Bill that was passed by a simple majority when it should have been passed by a super-majority. See

	<p>(iii) <u>the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Bill passed by the Assembly, that any provision of the Bill relates to a protected subject-matter.</u></p>	<p>SO 26.56C for a Bill that was rejected because it was not passed by a required super-majority, and is subsequently found to not have needed a super-majority.</p>
26.53A	<p>If the Assembly agrees to a motion under Standing Order 26.53, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.</p>	<p>Retain Standing Order</p>
26.54	<p>Standing Orders 26.30 to 26.34 and 26.36 to 26.44 apply to Reconsideration Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.</p>	<p>Retain Standing Order</p>
26.55	<p>A Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26.61, and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:</p> <ul style="list-style-type: none"> (i) the reference for a preliminary ruling; (ii) the decision of the Supreme Court; or 	<p>Retain Standing Order</p>

	(iii) the Order under section 114 of the Act.	
26.56	Immediately after the completion of After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26.56A, any Member may without notice move that the Assembly approves a <u>reconsidered Bill amended on reconsideration</u> . Such a motion may not be amended <u>and a recorded vote must be taken on the motion</u> .	Amend Standing Order It is proposed to change this Standing Order so that a Motion to pass any Bill (even one that has been amended at Reconsideration Stage) cannot be moved unless the PO has made a statement about whether or not a protected subject-matter applies (as set out in the draft SO 26.50A above). The requirement for a recorded vote on Reconsideration is also repeated here, as for Stage 4.
26.56A	<u>No motion that a reconsidered 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 Bill relates to a protected subject-matter.</u>	New Standing Order It is proposed to introduce a new Standing Order here to meet the requirement of the new Section 111A(3) of the Act that before the Final Stage of Bill proceedings, the Presiding Officer must make a statement on whether or not any provision of the Bill

		relates to a protected subject-matter. A further statement would therefore need to be made before a reconsidered Bill could be approved. In the case of such a motion being moved without notice, the Presiding Officer would be required to make such a statement orally in the Siambur.
<u>26.56B</u>	<u>Where the Presiding Officer has made a statement that in his or her view any provision of the Bill after reconsideration stage relates to a protected subject-matter, that Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Assembly seats.</u>	New Standing Order It is proposed to repeat the provision requiring a 2/3 majority of Assembly seats in favour of a Bill, here in the case of a Bill being approved following reconsideration. This mirrors the new Standing Order 26.50B above for a Bill to be initially passed at Stage 4.
	<u>Reconsideration of Bills rejected</u>	<u>New Heading</u>
<u>26.56C</u>	<u>Any Member may by motion propose that the Assembly reconsider the Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation</u>	New Standing Order It is proposed to include a new provision for reconsideration of a Bill that has been

	<u>to a Bill rejected by the Assembly, that no provision of the Bill that is subject to the reference relates to a protected subject-matter.</u>	rejected in accordance with Standing Order 26.50B above, if the Supreme Court subsequently decides on a reference that the Bill should not have been subject to super-majority voting.
<u>26.56D</u>	<u>If the Assembly agrees to a motion under Standing Order 26.56C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.</u>	New Standing Order As per Reconsideration stage for Bills passed (Standing Order 26.53A) this new Standing Order is proposed to signify when Reconsideration Stage starts.
<u>26.56E</u>	<u>A Bill reconsidered in accordance with Standing Order 26.56C may not be amended.</u>	New Standing Order It is proposed that a Bill that is <i>only</i> being reconsidered for approval because it would otherwise originally have been passed by a simple majority should not be subject to amendment at this stage. Amendment would not be appropriate when the purpose of these Standing Orders will be just to allow the Bill to be voted on again following

		a Supreme Court ruling, and when there is nothing that needs 'rectifying' via amendments.
<u>26.56F</u>	<u>At Reconsideration Stage in accordance with Standing Order 26.56C, any Member may table a motion that the Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.</u>	<p>New Standing Order</p> <p>It is proposed that any Member may table a motion, in the usual way, that the Bill be approved following the Supreme Court ruling that it does not relate to a protected subject-matter. The provisions around this vote are the same as for the approval of a Reconsidered Bill that was passed (see Standing Order 26.56 above).</p>
<u>26.56G</u>	<u>No motion under Standing Order 26.56F 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 Bill relates to a protected subject-matter.</u>	<p>New Standing Order</p> <p>It is proposed to include this new Standing Order for Reconsideration Stage, mirroring the provisions of Standing Order 26.50A above for the Presiding Officer's Statement made before voting at Stage 4.</p>

	Fall, Rejection or Withdrawal of Bills	Retain Heading
26.76	<u>Subject to Standing Order 26.56C</u> , if a Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Bill, and a Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Bill fell or was rejected.	Amend Standing Order It is proposed to amend this Standing Order so that the 6-month rule only applies subject to the provision for Reconsideration of a Bill rejected. This change would mean that the Assembly could vote through a Bill that the Supreme Court ruled did not need a super-majority in the first place, and which would otherwise have been 'passed' at the original Stage 4 by a simple majority.

STANDING ORDER 26A – Private Acts of the Assembly		
	<i>(FROM FINAL STAGE ONWARDS)</i>	
	Final Stage	Retain Heading
26A.102	The Final Stage of a Private Bill must be taken by the Assembly in plenary.	Retain Standing Order

26A.103	Subject to Standing Order 26A.107, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Private Bill be passed.	Retain Standing Order
26A.104	A motion under Standing Order 26A.103 must be tabled at least one working day before it is debated.	Retain Standing Order
26A.105	Subject to Standing Orders <u>26A.107</u> and <u>26A.107A</u> , immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Private Bill be passed.	Amend Standing Order Proposed to amend this Standing Order to include the provision for a statement by the Presiding Officer in accordance with section 111A(3) of the Act.
26A.106	A motion that a Private Bill be passed may not be amended.	Retain Standing Order
26A.107	No motion that a Private Bill be passed may be moved unless the text of the Private Bill is available in both English and Welsh.	Retain Standing Order

<p><u>26A.107A</u></p>	<p><u>No motion that a Private 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 Bill relates to a protected subject-matter.</u></p>	<p>New Standing Order</p> <p>It is proposed to introduce a new Standing Order to meet the requirement of the new section 111A(3) of the Act that before the Final Stage of Bill proceedings, the Presiding Officer must make a statement on whether or not any provision of the Private Bill relates to a protected subject-matter. In the case of such a motion being moved without notice, the Presiding Officer would be required to make such a statement orally in the Siambur.</p>
<p><u>26A.107B</u></p>	<p><u>Where the Presiding Officer has made a statement that in the Presiding Officer’s view any provision of the 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 Assembly seats.</u></p>	<p>New Standing Order</p> <p>Section 111(4) of the Act says: – If the Presiding Officer decides that any provision of the Bill relates to a protected subject-matter, the Bill is not passed unless the number of Assembly members voting in favour of it at the final stage is at least two-thirds of the total number of Assembly</p>

		seats. This is not 2/3 of those voting, but two-thirds of Assembly seats, i.e. currently 40 or more. It is therefore proposed to change the Standing Orders to require a super-majority vote for such a Private Bill.
<u>26A.107C</u>	<u>A recorded vote must be taken on a motion that a Private Bill be passed.</u>	<p>New Standing Order</p> <p>If a question should arise, after a vote on a motion to pass a Bill, as to whether a super-majority was required for the vote on that motion, it will be important to have a record of whether or not the vote on the Bill met the threshold of Members representing 2/3 of all Assembly seats having voted in favour. It is therefore proposed that procedure is amended to require a recorded vote on all Stage 4 votes on Assembly Bills, thus dis-applying Standing Order 12.36 in relation to the passing of a Bill.</p>
26A.108	No motion under Standing Order 12.31(ii) may be moved	Retain Standing Order

	in any Final Stage proceedings.	
	Reconsideration of Private Bills Passed	Retain Heading
26A.109	<p>In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Assembly reconsider the Private Bill, or any provision of it, if:</p> <p>(i) a question in relation to the Private Bill has been referred to the Supreme Court under section 112 of the Act; and</p> <p>(ii) a reference for a preliminary ruling (within the meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and</p> <p>(iii) neither of those references has been decided or otherwise disposed of.</p>	Retain Standing Order
26A.109A	If a motion under Standing Order 26A.109 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.	Retain Standing Order
26A.109B	If the Assembly agrees to a motion under Standing Order 26A.109, Reconsideration Stage starts on the first working	Retain Standing Order

	<p>day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.</p>	
26A.110	<p>Any Member may by motion propose that the Assembly reconsider the Private Bill if:</p> <p>(i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Private Bill or any provision of it would not be within the legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the Private Bill under section 114 of the Act; <u>or</u></p> <p><u>(iii) the Supreme Court decides on a reference made under section 111B (2)(b) of the Act in relation to a Private Bill passed by the Assembly, that any provision of the Bill relates to a protected subject-matter.</u></p>	<p>Amend Standing Order</p> <p>It is proposed to amend this Standing Order to include a decision by the Supreme Court that a Private Bill relates to a protected subject-matter among the criteria for reconsideration of a Private Bill. This allows for reconsideration in the case of a Private Bill that was passed by a simple majority when it should have been passed by a super-majority. See the proposed Standing Order 26A.115C below for a Bill that was rejected because it was not passed by a required super-majority, and is subsequently found to not have needed a super-majority.</p>

26A.111	If the Assembly agrees to a motion under Standing Order 26A.110, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.	Retain Standing Order
26A.112	Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Assembly Consideration" and "Further Detailed Assembly Consideration" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.	Retain Standing Order
26A.113	<p>A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.120, and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:</p> <ul style="list-style-type: none"> (i) the reference for a preliminary ruling; (ii) the decision of the Supreme Court; or (iii) the Order under section 114 of the Act. 	Retain Standing Order
26A.114	Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are	Retain Standing Order

	to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.	
26A.115	Immediately after the completion of <u>After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26A.115A,</u> any Member may without notice move that the Assembly approves a <u>reconsidered</u> Private Bill amended on reconsideration . Such a motion may not be amended <u>and a recorded vote must be taken on the motion.</u>	Amend Standing Order It is proposed to change this Standing Order so that a Motion to pass any Private Bill (even one that has been amended at Reconsideration Stage) cannot be moved unless the Presiding Officer has made a statement about whether or not a protected subject-matter applies (as set out in the draft SO 26A.107A above for the initial Stage 4 vote). The requirement for a recorded vote on Reconsideration is also repeated here, as for Stage 4.
<u>26A.115A</u>	<u>No motion that a reconsidered Private 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 Bill relates to a protected subject-matter.</u>	New Standing Order It is proposed to introduce a new Standing Order here to meet the requirement of the new Section 111A(3) of the Act that before the Final Stage of Bill proceedings, the

		<p>Presiding Officer must make a statement on whether or not any provision of the Bill relates to a protected subject-matter. A further statement would therefore need to be made before a reconsidered Private Bill could be approved. In the case of such a motion being moved without notice, the Presiding Officer would be required to make such a statement orally in the Siambur.</p>
<u>26A.115B</u>	<p><u>Where the Presiding Officer has made a statement that in his or her view any provision of the Private Bill after reconsideration stage relates to a protected subject-matter, that Private Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Assembly seats.</u></p>	<p>New Standing Order</p> <p>It is proposed to repeat the provision requiring a 2/3 majority of Assembly seats in favour of a Bill, here in the case of a Private Bill being approved following reconsideration. This mirrors the new Standing Order 26A.107B above for a Private Bill to be initially passed at Stage 4.</p>
	<p><u>Reconsideration of Private Bills rejected</u></p>	<p><u>New Heading</u></p>
<u>26A.115C</u>	<p><u>Any Member may by motion propose that the Assembly</u></p>	<p>New Standing Order</p>

	<u>reconsider the Private Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Private Bill rejected by the Assembly, that no provision of the Private Bill that is subject to the reference relates to a protected subject-matter.</u>	It is proposed to include a new provision for reconsideration of a Private Bill that has been rejected in accordance with Standing Order 26A.107B above, if the Supreme Court subsequently decides on a reference that the Bill should not have been subject to super-majority voting.
<u>26A.115D</u>	<u>If the Assembly agrees to a motion under Standing Order 26A.115C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.</u>	New Standing Order As per Reconsideration stage for Bills passed, this new Standing Order is proposed to signify when Reconsideration Stage starts for a Private Bill that was previously rejected.
<u>26A.115E</u>	<u>A Private Bill reconsidered in accordance with Standing Order 26A.115C may not be amended.</u>	New Standing Order It is proposed that a Private Bill that is <i>only</i> being reconsidered for approval because it would otherwise originally have been passed by a simple majority should not be subject to amendment at this stage.

		Amendment would not be appropriate when the purpose of these Standing Orders will be just to allow the Private Bill to be voted on again following a Supreme Court ruling, and when there is nothing that needs 'rectifying' via amendments.
<u>26A.115F</u>	<u>At Reconsideration Stage in accordance with Standing Order 26.115C, any Member may table a motion that the Private Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.</u>	<p>New Standing Order</p> <p>It is proposed that any Member may table a motion, in the usual way, that the Private Bill be approved following the Supreme Court ruling that it does not relate to a protected subject-matter. The provisions around this vote are the same as for the approval of a Reconsidered Bill that was passed (see Standing Order 26.115 above).</p>
<u>26A.115G</u>	<u>No motion under Standing Order 26A.115F 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 Private Bill relates to a protected</u>	<p>New Standing Order</p> <p>It is proposed to include this new Standing Order for Reconsideration Stage, mirroring the provisions of Standing Order 26A.107A</p>

	<u>subject-matter.</u>	above for the Presiding Officer's Statement made before voting at Stage 4.
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	Fall, Rejection or Withdrawal of Private Bills	Retain Heading
26A.142	<p><u>Subject to Standing Order 26A.115C, if a Private Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Private Bill and a Private Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Private Bill fell or was rejected.</u></p>	<p>Amend Standing Order</p> <p>It is proposed to amend this Standing Order so that the 6-month rule only applies subject to the provision for Reconsideration of a Private Bill rejected. This change would mean that the Assembly could vote through a Private Bill that the Supreme Court ruled did not need a super-majority in the first place, and which would otherwise have been 'passed' at the original Stage 4 by a simple majority.</p>

STANDING ORDER 26B – Hybrid Acts of the Assembly

	Final Stage	Retain Heading
26B.101	The Final Stage of a Hybrid Bill must be taken by the Assembly in plenary.	Retain Standing Order
26B.102	Subject to Standing Order 26B.106, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Hybrid Bill be passed.	Retain Standing Order
26B.103	A motion under Standing Order 26B.102 must be tabled at least one working day before it is debated.	Retain Standing Order
26B.104	Subject to Standing Orders <u>26B.106</u> and <u>26B.106A</u> , immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Hybrid Bill be passed.	Amend Standing Order Proposed to amend this Standing Order to include the provision for a statement by the Presiding Officer in accordance with section 111A(3) of the Act.
26B.105	A motion that a Hybrid Bill be passed may not be amended.	Retain Standing Order

26B.106	No motion that a Hybrid Bill be passed may be moved unless the text of the Hybrid Bill is available in both English and Welsh.	Retain Standing Order
<u>26B.106A</u>	<u>No motion that a Hybrid 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 Bill relates to a protected subject-matter.</u>	New Standing Order It is proposed to introduce a new Standing Order to meet the requirement of the new section 111A(3) of the Act that before the Final Stage of Bill proceedings, the Presiding Officer must make a statement on whether or not any provision of the Hybrid Bill relates to a protected subject-matter. In the case of such a motion being moved without notice, the Presiding Officer would be required to make such a statement orally in the Siambur.
<u>26B.106B</u>	<u>Where the Presiding Officer has made a statement that in the Presiding Officer’s view any provision of the 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 Assembly seats.</u>	New Standing Order Section 111(4) of the Act says: – If the Presiding Officer decides that any provision of the Bill relates to a protected subject-

		<p>matter, the Bill is not passed unless the number of Assembly members voting in favour of it at the final stage is at least two-thirds of the total number of Assembly seats. This is not 2/3 of those voting, but two-thirds of Assembly seats, i.e. currently 40 or more. It is therefore proposed to change the Standing Orders to require a super-majority vote for such a Bill.</p>
<u>26B.106C</u>	<p><u>A recorded vote must be taken on a motion that a Hybrid Bill be passed.</u></p>	<p>New Standing Order</p> <p>It is proposed that procedure is amended to require a recorded vote on all Stage 4 votes on Assembly Bills, thus dis-applying Standing Order 12.36 in relation to the passing of a Bill.</p>
26B.107	<p>No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.</p>	<p>Retain Standing Order</p>
	<p>Reconsideration of Hybrid Bills Passed</p>	<p>Retain Heading</p>

26B.108	<p>In accordance with section 113 of the Act, any Member may, after the Hybrid Bill is passed, by motion propose that the Assembly reconsider the Hybrid Bill, or any provision of it, if:</p> <ul style="list-style-type: none"> (i) a question in relation to the Hybrid Bill has been referred to the Supreme Court under section 112 of the Act; (ii) a reference for a preliminary ruling (within the meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and (iii) neither of those references has been decided or otherwise disposed of. 	Retain Standing Order
26B.109	<p>If a motion under Standing Order 26B.108 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.</p>	Retain Standing Order
26B.110	<p>If the Assembly agrees to a motion under Standing Order 26B.108, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.</p>	Retain Standing Order
26B.111	<p>Any Member may by motion propose that the Assembly</p>	Amend Standing Order

	<p>reconsider the Hybrid Bill if:</p> <p>(i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Hybrid Bill or any provision of it would not be within the legislative competence of the Assembly; or</p> <p>(ii) an order is made in relation to the Hybrid Bill under section 114 of the Act; or</p> <p><u>(iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Hybrid Bill passed by the Assembly, that any provision of the Bill relates to a protected subject-matter.</u></p>	<p>It is proposed to amend this Standing Order to include a decision by the Supreme Court that a Hybrid Bill relates to a protected subject-matter among the criteria for reconsideration of a Hybrid Bill. This allows for reconsideration in the case of a Hybrid Bill that was passed by a simple majority when it should have been passed by a super-majority. See the proposed Standing Order 26B.117C below for a Bill that was rejected because it was not passed by a required super-majority, and is subsequently found to not have needed a super-majority.</p>
26B.112	<p>If the Assembly agrees to a motion under Standing Order 26B.111, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.</p>	<p>Retain Standing Order</p>
26B.113	<p>At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage</p>	<p>Retain Standing Order</p>

	proceedings.	
26B.114	Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.	Retain Standing Order
26B.115	A Hybrid Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26B.122, 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 reference for a preliminary ruling; (ii) the decision of the Supreme Court; or (iii) the Order under section 114 of the Act.	Retain Standing Order
26B.116	Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Hybrid Bill.	Retain Standing Order
26B.117	Immediately after the completion of <u>After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26B.117B,</u> any Member may	Amend Standing Order It is proposed to change this Standing Order so that a Motion to pass any Hybrid Bill

	<p>without notice move that the Assembly approves a <u>reconsidered Hybrid Bill amended on reconsideration</u>. Such a motion may not be amended <u>and a recorded vote must be taken on the motion</u>.</p>	<p>(even one that has been amended at Reconsideration Stage) cannot be moved unless the Presiding Officer has made a statement about whether or not a protected subject-matter applies (as set out in the draft SO 26B.106A above for the initial Stage 4 vote). The requirement for a recorded vote on Reconsideration is also repeated here, as for Stage 4.</p>
<p><u>26B.117A</u></p>	<p><u>No motion that a reconsidered Hybrid 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 Bill relates to a protected subject-matter.</u></p>	<p>New Standing Order</p> <p>It is proposed to introduce a new Standing Order here to meet the requirement of the new Section 111A(3) of the Act that before the Final Stage of Bill proceedings, the Presiding Officer must make a statement on whether or not any provision of the Bill relates to a protected subject-matter. A further statement would therefore need to be made before a reconsidered Hybrid Bill could be approved. In the case of such a</p>

		<p>motion being moved without notice, the Presiding Officer would be required to make such a statement orally in the Siambur.</p>
<u>26B.117B</u>	<p><u>Where the Presiding Officer has made a statement that in his or her view any provision of the Hybrid Bill after reconsideration stage relates to a protected subject-matter, that Hybrid Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Assembly seats.</u></p>	<p>New Standing Order</p> <p>It is proposed to repeat the provision requiring a 2/3 majority of Assembly seats in favour of a Bill, here in the case of a Hybrid Bill being approved following reconsideration. This mirrors the new Standing Order 26B.106B above for a Hybrid Bill to be initially passed at Stage 4.</p>
	<p><u>Reconsideration of Hybrid Bills rejected</u></p>	<p><u>New Heading</u></p>
<u>26B.117C</u>	<p><u>Any Member may by motion propose that the Assembly reconsider the Hybrid Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Hybrid Bill rejected by the Assembly, that no provision of the Hybrid Bill that is subject to the reference relates to a protected subject-matter.</u></p>	<p>New Standing Order</p> <p>It is proposed to include a new provision for reconsideration of a Hybrid Bill that has been rejected in accordance with Standing Order 26B.106B above, if the Supreme Court subsequently decides on a reference that the Bill should not have been subject to</p>

		super-majority voting.
<u>26B.117D</u>	<u>If the Assembly agrees to a motion under Standing Order 26B.117C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.</u>	<p>New Standing Order</p> <p>As per Reconsideration stage for Bills passed, this new Standing Order is proposed to signify when Reconsideration Stage starts for a Hybrid Bill that was previously rejected.</p>
<u>26B.117E</u>	<u>A Hybrid Bill reconsidered in accordance with Standing Order 26B.117C may not be amended.</u>	<p>New Standing Order</p> <p>It is proposed that a Hybrid Bill that is only being reconsidered for approval because it would otherwise originally have been passed by a simple majority should not be subject to amendment at this stage. Amendment would not be appropriate when the purpose of these Standing Orders will be just to allow the Hybrid Bill to be voted on again following a Supreme Court ruling, and when there is nothing that needs 'rectifying' via amendments.</p>

26B.117F	<p><u>At Reconsideration Stage in accordance with Standing Order 26B.117C, any Member may table a motion that the Hybrid Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.</u></p>	<p>New Standing Order</p> <p>It is proposed that any Member may table a motion, in the usual way, that the Hybrid Bill be approved following the Supreme Court ruling that it does not relate to a protected subject-matter. The provisions around this vote are the same as for the approval of a Reconsidered Bill that was passed (see Standing Order 26B.117 above).</p>
26B.117G	<p><u>No motion under Standing Order 26B.117F 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 Hybrid Bill relates to a protected subject-matter.</u></p>	<p>New Standing Order</p> <p>It is proposed to include this new Standing Order for Reconsideration Stage, mirroring the provisions of Standing Order 26B.106A above for the Presiding Officer’s Statement made before voting at Stage 4.</p>

	<p>Fall, Rejection or Withdrawal of Hybrid Bills</p>	<p>Retain Heading</p>
26B.137	<p><u>Subject to Standing Order 26B.117C, if a Hybrid Bill falls or is rejected by the Assembly, no further proceedings may be</u></p>	<p>Amend Standing Order</p>

	<p>taken on that Hybrid Bill and a Hybrid Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Hybrid Bill fell or was rejected.</p>	<p>It is proposed to amend this Standing Order so that the 6-month rule only applies subject to the provision for Reconsideration of a Hybrid Bill rejected. This change would mean that the Assembly could vote through a Hybrid Bill that the Supreme Court ruled did not need a super-majority in the first place, and which would otherwise have been 'passed' at the original Stage 4 by a simple majority.</p>
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Annex B

26. STANDING ORDER 26 – Acts of the Assembly

26.46B Any revised Explanatory Memorandum prepared under Standing Order 26.46A must be laid at least five working days before the date of the first meeting of the Assembly that considers Report Stage proceedings.

Stage 4: Final Stage

26.47 A motion that the Bill be passed may be tabled by any Member, and may not be considered until at least five working days after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken.

26.47A A motion under Standing Order 26.47 must be tabled at least one working day before it is debated.

26.48 Subject to Standing Orders 26.50 and 26.50A, immediately after the completion of Stage 3 proceedings, or Report Stage proceedings where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Bill be passed.

26.49 A motion that a Bill be passed may not be amended.

26.50 No motion that a Bill be passed may be moved unless the text of the Bill is available in both English and Welsh.

26.50A No motion that a 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 Bill relates to a protected subject-matter.

26.50B Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the 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 Assembly seats.

26.50C A recorded vote must be taken on a motion that a Bill be passed.

26.51 No motion under Standing Order 12.31(ii) may be moved in any Stage 4 proceedings.

Reconsideration of Bills Passed

26.52 In accordance with section 113 of the Act, any Member may, after the Bill is passed, by motion propose that the Assembly reconsider the Bill, or any provision of it, if:

- (i) a question has been referred to the Supreme Court under section 112 of the Act; and
- (ii) a reference for a preliminary European Court ruling (within the meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and
- (iii) neither of those references has been decided or otherwise disposed of.

26.52A If a motion under Standing Order 26.52 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.

26.52B If the Assembly agrees to a motion under Standing Order 26.52, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

26.53 Any Member may by motion propose that the Assembly reconsider the Bill if:

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

- (iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Bill passed by the Assembly, that any provision of the Bill relates to a protected subject-matter.

- 26.53A If the Assembly agrees to a motion under Standing Order 26.53, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.
- 26.54 Standing Orders 26.30 to 26.34 and 26.36 to 26.44 apply to Reconsideration Stage proceedings. References to "Stage 3" and "further Stage 3" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.
- 26.55 A Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26.61, 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 reference for a preliminary ruling;
 - (ii) the decision of the Supreme Court; or
 - (iii) the Order under section 114 of the Act.
- 26.56 After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26.56A, any Member may without notice move that the Assembly approves a reconsidered Bill. Such a motion may not be amended and a recorded vote must be taken on the motion.
- 26.56A No motion that a reconsidered 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 Bill relates to a protected subject-matter.
- 26.56B Where the Presiding Officer has made a statement that in his or her view any provision of the Bill after reconsideration stage relates to a protected subject-matter, that Bill is only approved if the number

voting in favour of it is at least two-thirds of the total number of Assembly seats.

Reconsideration of Bills rejected

- 26.56C Any Member may by motion propose that the Assembly reconsider the Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Bill rejected by the Assembly, that no provision of the Bill that is subject to the reference relates to a protected subject-matter.
- 26.56D If the Assembly agrees to a motion under Standing Order 26.56C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.
- 26.56E A Bill reconsidered in accordance with Standing Order 26.56C may not be amended.
- 26.56F At Reconsideration Stage in accordance with Standing Order 26.56C, any Member may table a motion that the Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.
- 26.56G No motion under Standing Order 26.56F 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 Bill relates to a protected subject-matter.

Fall, Rejection or Withdrawal of Bills

- 26.76 Subject to Standing Order 26.56C, if a Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Bill, and a Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Bill fell or was rejected.

26A. STANDING ORDER 26A – Private Acts of the Assembly

Final Stage

- 26A.102 The Final Stage of a Private Bill must be taken by the Assembly in plenary.
- 26A.103 Subject to Standing Order 26A.107, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Private Bill be passed.
- 26A.104 A motion under Standing Order 26A.103 must be tabled at least one working day before it is debated.
- 26A.105 Subject to Standing Orders 26A.107 and 26A.107A, immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Private Bill be passed.
- 26A.106 A motion that a Private Bill be passed may not be amended.
- 26A.107 No motion that a Private Bill be passed may be moved unless the text of the Private Bill is available in both English and Welsh.
- 26A.107A No motion that a Private 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 Bill relates to a protected subject-matter.
- 26A.107B Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the 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 Assembly seats.
- 26A.107C A recorded vote must be taken on a motion that a Private Bill be passed.
- 26A.108 No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

Reconsideration of Private Bills Passed

26A.109 In accordance with section 113 of the Act, any Member may, after the Private Bill is passed, by motion propose that the Assembly reconsider the Private Bill, or any provision of it, if:

- (i) a question in relation to the Private Bill has been referred to the Supreme Court under section 112 of the Act; and
- (ii) a reference for a preliminary ruling (within the meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and
- (iii) neither of those references has been decided or otherwise disposed of.

26A.109A If a motion under Standing Order 26A.109 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.

26A.109B If the Assembly agrees to a motion under Standing Order 26A.109, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

26A.110 Any Member may by motion propose that the Assembly reconsider the Private Bill if:

- (i) the Supreme Court decides on a reference made in relation to the Bill under section 112 of the Act that the Private Bill or any provision of it would not be within the legislative competence of the Assembly;
- (ii) an order is made in relation to the Private Bill under section 114 of the Act; or
- (iii) the Supreme Court decides on a reference made under section 111B (2)(b) of the Act in relation to a Private Bill

passed by the Assembly, that any provision of the Bill relates to a protected subject-matter.

26A.111 If the Assembly agrees to a motion under Standing Order 26A.110, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.

26A.112 Standing Orders 26A.82 to 26A.93 and 26A.100 to 26A.101 apply to Reconsideration Stage proceedings. References to "Detailed Assembly Consideration" and "Further Detailed Assembly Consideration" should be construed as references to "Reconsideration Stage" and "further Reconsideration Stage" accordingly.

26A.113 A Private Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26A.120, 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 reference for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

26A.114 Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Private Bill.

26A.115 After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26A.115A, any Member may without notice move that the Assembly approves a reconsidered Private Bill. Such a motion may not be amended and a recorded vote must be taken on the motion.

26A.115A No motion that a reconsidered Private 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 Bill relates to a protected subject-matter.

26A.115B Where the Presiding Officer has made a statement that in his or her view any provision of the Private Bill after reconsideration stage relates to a protected subject-matter, that Private Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Assembly seats.

Reconsideration of Private Bills rejected

26A.115C Any Member may by motion propose that the Assembly reconsider the Private Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Private Bill rejected by the Assembly, that no provision of the Private Bill that is subject to the reference relates to a protected subject-matter.

26A.115D If the Assembly agrees to a motion under Standing Order 26A.115C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.

26A.115E A Private Bill reconsidered in accordance with Standing Order 26A.115C may not be amended.

26A.115F At Reconsideration Stage in accordance with Standing Order 26.115C, any Member may table a motion that the Private Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.

26A.115G No motion under Standing Order 26A.115F 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 Private Bill relates to a protected subject-matter.

Fall, Rejection or Withdrawal of Private Bills

26A.142 Subject to Standing Order 26A.115C, if a Private Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Private Bill and a Private Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Private Bill fell or was rejected.

26B. STANDING ORDER 26B – Hybrid Acts of the Assembly

Final Stage

- 26B.101 The Final Stage of a Hybrid Bill must be taken by the Assembly in plenary.
- 26B.102 Subject to Standing Order 26B.106, not earlier than five working days after the completion of Detailed Assembly Consideration, or Further Detailed Committee Consideration or Further Detailed Assembly Consideration where undertaken, any Member may table a motion that the Hybrid Bill be passed.
- 26B.103 A motion under Standing Order 26B.102 must be tabled at least one working day before it is debated.
- 26B.104 Subject to Standing Orders 26B.106 and 26B.106A, immediately after the completion of Detailed Assembly Consideration, or Further Detailed Assembly Consideration where undertaken, any Member may, with the agreement of the Presiding Officer, move without notice that the Hybrid Bill be passed.
- 26B.105 A motion that a Hybrid Bill be passed may not be amended.
- 26B.106 No motion that a Hybrid Bill be passed may be moved unless the text of the Hybrid Bill is available in both English and Welsh.
- 26B.106A No motion that a Hybrid 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 Bill relates to a protected subject-matter.
- 26B.106B Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the 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 Assembly seats.

26B.106C A recorded vote must be taken on a motion that a Hybrid Bill be passed.

26B.107 No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.

Reconsideration of Hybrid Bills Passed

26B.108 In accordance with section 113 of the Act, any Member may, after the Hybrid Bill is passed, by motion propose that the Assembly reconsider the Hybrid Bill, or any provision of it, if:

- (i) a question in relation to the Hybrid Bill has been referred to the Supreme Court under section 112 of the Act;
- (ii) a reference for a preliminary ruling (within the meaning of section 113(1)(b) of the Act) has been made by the Supreme Court in connection with that reference; and
- (iii) neither of those references has been decided or otherwise disposed of.

26B.109 If a motion under Standing Order 26B.108 is agreed to by the Assembly, the Clerk must notify the Counsel General and the Attorney General of that fact.

26B.110 If the Assembly agrees to a motion under Standing Order 26B.108, Reconsideration Stage starts on the first working day after the reference made in relation to the Bill under section 112 has been withdrawn following a request for withdrawal of the reference under section 113(2)b of the Act.

26B.111 Any Member may by motion propose that the Assembly reconsider the Hybrid Bill if:

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

- (iii) the Supreme Court decides on a reference made under section 111B (2)b of the Act in relation to a Hybrid Bill passed by the Assembly, that any provision of the Bill relates to a protected subject-matter.

26B.112 If the Assembly agrees to a motion under Standing Order 26B.111, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.

26B.113 At least fifteen working days must elapse between the start of Reconsideration Stage and the date of the first meeting of the Assembly that considers Reconsideration Stage proceedings.

26B.114 Proceedings at Reconsideration Stage must be considered by the Assembly in plenary.

26B.115 A Hybrid Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26B.122, 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 reference for a preliminary ruling;
- (ii) the decision of the Supreme Court; or
- (iii) the Order under section 114 of the Act.

26B.116 Unless the Assembly has decided, on a motion of the Business Committee, the order in which amendments are to be disposed of, they must be disposed of in the order in which the provisions to which they relate arise in the Hybrid Bill.

26B.117 After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26B.117B, any Member may without notice move that the Assembly approves a reconsidered Hybrid Bill. Such a motion may not be amended and a recorded vote must be taken on the motion.

26B.117A No motion that a reconsidered Hybrid 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 Bill relates to a protected subject-matter.

26B.117B Where the Presiding Officer has made a statement that in his or her view any provision of the Hybrid Bill after reconsideration stage relates to a protected subject-matter, that Hybrid Bill is only approved if the number voting in favour of it is at least two-thirds of the total number of Assembly seats.

Reconsideration of Hybrid Bills rejected

26B.117C Any Member may by motion propose that the Assembly reconsider the Hybrid Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Hybrid Bill rejected by the Assembly, that no provision of the Hybrid Bill that is subject to the reference relates to a protected subject-matter.

26B.117D If the Assembly agrees to a motion under Standing Order 26B.117C, Reconsideration Stage starts on the first working day after that motion is agreed to by the Assembly.

26B.117E A Hybrid Bill reconsidered in accordance with Standing Order 26B.117C may not be amended.

26B.117F At Reconsideration Stage in accordance with Standing Order 26B.117C, any Member may table a motion that the Hybrid Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.

26B.117G No motion under Standing Order 26B.117F 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 Hybrid Bill relates to a protected subject-matter.

Fall, Rejection or Withdrawal of Hybrid Bills

26B.137 Subject to Standing Order 26B.117C, if a Hybrid Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Hybrid Bill and a Hybrid Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be

introduced in the same Assembly within the period of 6 months from the date on which the Hybrid Bill fell or was rejected.