

CSO(2)-07-06 (p4) Annex

Standing Order 7 - Order in Plenary Meetings	
Rules of Debate	
7.1 Members called by the Presiding Officer to speak shall address the chair. Members may speak in English or Welsh and simultaneous interpretation facilities shall be provided for speeches made in Welsh. The Presiding Officer may call the Secretary of State for Wales to speak in any debate.	The final sentence covers clause 32(1) of the Bill, which states that the Secretary of State is entitled to participate in proceedings of the Assembly, although it may be more appropriate elsewhere within Standing Orders. Subject to the possibility of moving the final sentence, 7.1 can be retained if Members agree. Q: Do Members agree?
7.2 Members shall not use language which the Presiding Officer considers to be disorderly, discriminatory or offensive or which may detract from the dignity of the Assembly. The Presiding Officer may direct a Member who has used such language to withdraw it.	No longer necessary because: -0 the first sentence is a repeat of 7.7(v), which we suggest should be retained. -1 the second sentence is covered by Standing Order 7.8. Q: Do Members agree?
Length of Speeches	
7.3 Speeches shall be relevant to the business before the Assembly, and avoid tedious repetition. The Presiding Officer may, at the beginning of any debate, announce a time limit on Members' speeches, and may direct a Member who has spoken for too long to stop speaking.	Appears to require no amendment and can be retained. Q: Do Members agree?
Speaking More Than Once	

<p>7.4 A Member, other than the proposer of a motion or an amendment who is exercising a right of reply, may not speak more than once on any matter except, with leave of the Presiding Officer, for the purpose of briefly explaining some material point of his or her original speech.</p>	<p>Appears to require no amendment. Members may however wish to use this opportunity to consider whether Members may be allowed to speak twice by leave of the PO (for purposes other than explaining some material point of his / her original speech) and whether the reasons for allowing this should be specified in Standing Orders.</p> <p>Q: Should Members be allowed to speak twice by leave of the PO and if they are to be specified in Standing Orders what should the criteria be?</p>
<p>7.5 A Member who is speaking may allow other Members to intervene for the purposes of clarification before resuming a speech.</p>	<p>Appears to require no amendment.</p> <p>Q: Do Members agree?</p>
<p>7.6 A Member may not speak after the proposer of a motion has exercised a right of reply.</p>	<p>Appears to require no amendment.</p> <p>Q: Do Members agree?</p>

Maintenance of Order

<p>7.7 The Presiding Officer shall maintain order in the Assembly and shall call to order any Assembly Member who:</p> <ul style="list-style-type: none"> (i) is engaging in conduct which may constitute a criminal offence; (ii) is obstructing the business of the Assembly; (iii) seeks to raise a matter outside the scope of the debate or motion; (iv) is guilty of discourteous or unbecoming conduct; (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly; (vi) refuses to conform to any Standing Order; or (vii) disregards the authority of the chair. 	<p>Clause 31(2) of the Bill provides that standing orders must include provision for preserving order in Assembly proceedings, so 7.7 would meet that obligation.</p> <p>It should be amended to:</p> <ul style="list-style-type: none"> -0 replace "Assembly" with "proceedings of the Assembly" (if it has been agreed to restrict this Standing Order to plenary) [See paragraphs 4.3-4.4 of the covering paper]. -1 insert "or contempt of court" after "criminal offence" in (i) to reflect the wording in section 31 (2)(a) of the Bill. <p>Q: Do Members agree to amend 7.7 as per the</p>
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	above?
<p>7.8 A Member shall comply with any directions given by the Presiding Officer about any conduct for which he or she has been called to order. A Member may be required to withdraw from proceedings for the remainder of the day if the Presiding Officer considers the conduct such as to warrant withdrawal.</p>	<p>Clause 31(3) of the Bill provides that standing orders may include provision for excluding an AM from Assembly proceedings.</p> <p>"Proceedings" needs to be replaced with "Assembly proceedings" because it is considered that the intention is to exclude a Member from Committees as well as Plenary. [See paragraphs 4.3-4.4 of the covering paper].</p> <p>Q: Do Members' agree the amendment suggested above?</p>
<p>7.9 When the Presiding Officer has required a Member to withdraw from proceedings and the Member has not done so, a motion to exclude the Member from proceedings of the Assembly shall be proposed by a Member and shall be voted on immediately. The exclusion on the first occasion shall be for one working day immediately following the day of exclusion, on a second occasion during the same calendar year for five working days immediately following the day of exclusion, and on a third or any subsequent occasion during the same calendar year for 20 working days immediately following the day of exclusion.</p>	<p>7.9 will require amendment if amendments to Standing Order 7.8 are agreed (i.e. "Proceedings" and "proceedings of the Assembly" will need to be replaced with "Assembly proceedings"). [See paragraphs 4.3-4.4 of the covering paper].</p> <p>Members may also wish to consider whether the final sentence should be reworded as it seems to imply that the exclusion does not start until the following day. An alternative wording could be "the exclusion [shall take immediate effect]; it shall be until the end of the working day immediately following the day of exclusion...etc".</p> <p>Members may also wish to consider whether exclusion should be from the Assembly premises as well.</p> <p>Q: Do Members agree to amend Standing Order 7.9 as suggested above?</p>

7.10 During the period of a Member's exclusion he or she shall not be entitled to receive any salary from the Assembly and shall not be permitted to attend any proceedings of the Assembly.

Paragraph 126 of Better Governance for Wales White Paper Committee report said that the basis in law for the Assembly to take certain actions must be absolutely secure and made specific reference to stopping payments to Members excluded from proceedings.

Clause 31(4) of the Bill provides that standing orders may include provision for withdrawing from an AM any or all of the rights and privileges of membership of the Assembly. 7.10 covers that clause.

7.10 will require amendment if amendments to Standing Order 7.8 are agreed (i.e. "Proceedings of the Assembly" will need to be replaced with "Assembly proceedings"). [See paragraphs 4.3-4.4 of the covering paper].

Q: Do Members agree to amend 7.10 as per the above?

7.11 In case of grave disorder arising in the Assembly the Presiding Officer may adjourn the meeting without putting any proposition to the vote, or may suspend the meeting for a specified time.

7.11 should be amended to replace "Assembly" with "proceedings of the Assembly" (if it has been agreed to restrict this Standing Order to plenary). [See paragraphs 4.3-4.4 of the covering paper].

Members may wish to consider amending 7.11 to include

adjournments:

-0 caused by "significant disruption to business" to cover technical faults,

defective lighting, fire alarms etc.

-1 where the Presiding Officer considers that it is conducive to business to do so (for example, to mark respect after tributes, to allow Business Managers to confer when some unexpected

piece of procedure has occurred).

Q: Do Members agree to amend Standing Order 7.11 as per the suggestions above?

Sub-judice

7.12 Subject to the right of the Assembly to legislate on any matter within its competence, a Member shall not raise or pursue in any proceedings of the Assembly any matter where court proceedings have been initiated or where notice of appeal has been given, or where the Children's Commissioner for Wales has decided to conduct an examination of a case, until the time when judgement has been given or a report has been made by the Children's Commissioner for Wales, unless the Presiding Officer is satisfied that:

- (i) the matter is clearly related to a matter of general public importance;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a UK criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings; and
- (iii) the Member does not, in his or her comments, create a real and substantial risk of prejudice to the proceedings of a court either generally or in respect of a particular case.

Clause 31(2) of the Bill, as section 69(2)(b) of GOWA 1998, provides that standing orders must include provision for a sub judice rule. 7.12 meets that obligation.

Q: Are Members content to retain 7.12?

Relations with the Judiciary

7.13. Unless the matter is the subject of a substantive motion, Members shall not in any proceedings of the Assembly make criticisms of the conduct of judges of the superior courts of the United Kingdom in the discharge of their judicial office; and in this Standing Order "judge" includes persons holding the position of judge (such as Circuit Judges and their deputies, and Recorders).

There is no specific provision in the Bill relating to 7.13. However, there is no reason to amend and it could therefore be retained.

Q: Are Members content to retain 7.13 ?

Conduct of the Public

7.14. The Presiding Officer may make rules specifying the conditions with which members of the public attending proceedings of the Assembly must comply.

Paragraph 126 of Better Governance Wales White Paper Committee report said that the basis in law for the Assembly to take certain actions must be absolutely secure and made specific reference to imposing conditions on visitors attending Assembly proceedings.

Clause 31(5)(b) provides that standing orders may include provision as to the conditions to be complied with by members of the public attending the proceedings (including provision for excluding any member of the public who does not comply with the conditions). 7.14 covers that provision.

Members may also wish to consider whether it would be more appropriate to have a separate Standing Order on the conduct of the public, along the lines of 7.14 and 7.15, that would cover public conduct in plenary and committee meetings.

Q: Do Members wish to have a separate Standing Order on the conduct of the public?

7.15 The Presiding Officer may require members of the public observing proceedings to withdraw if they are acting in a disruptive or disorderly manner, or otherwise interfering in the Assembly's proper discharge of its business.

See comments on 7.14 above.

7.15 should be amended to replace "proceedings" with "proceedings of the Assembly" (if it has been agreed to restrict this Standing Order to plenary). [See paragraphs 4.3-4.4 of the covering paper].

Members may also wish to consider whether it would be necessary to expand on the meaning of "withdraw", for example to make specific reference to withdrawing from the public gallery or the Assembly premises as a whole?

Q: Do Members wish to amend 7.15 as suggested and to be more explicit about the meaning of withdraw?