

At: Y Pwyllgor Busnes
Gan: Ysgrifenyddiaeth y Pwyllgor Busnes
Dyddiad: 2 Tachwedd 2010

Adolygiad o Reolau Sefydlog y Cynulliad – Rheol Sefydlog 1: Aelodau

Diben

1. Yn dilyn penderfyniad y Pwyllgor i gynnal adolygiad o Reolau Sefydlog y Cynulliad er mwyn paratoi ar gyfer y Pedwerydd Cynulliad, mae'r papur hwn yn amlinellu'r newidiadau arfaethedig i Reol Sefydlog 1: Aelodau.
2. Ceir manylion y newidiadau arfaethedig yn Atodiad A i'r papur hwn. Ceir copi glan o'r Rheol Sefydlog, sy'n cynnwys y newidiadau arfaethedig, yn Atodiad B i'r papur hwn.

Newidiadau arfaethedig

3. Mae'r papur hwn yn cynnig newidiadau i Reol Sefydlog 1. Diben y cynigion hyn yw:
 - (i) rhoi effaith i'r newidiadau canlyniadol sy'n angenrheidiol yn dilyn pasio Mesur Cynulliad Cenedlaethol Cymru (Taliadau) 2010; a
 - (ii) lleihau achosion o ddyblygu drwy ddileu'r Atodiad i Reol Sefydlog 1.

Penderfyniad

4. Gwahoddir y Pwyllgor i ystyried y newidiadau arfaethedig yn Atodiad A i'r papur hwn a chytuno arnynt.

Atodiad A

STANDING ORDER 1: Members	
Oath or Affirmation of Allegiance	
1.1 When the oath of allegiance is taken, or the corresponding affirmation made, under section 23 of the Act, it must be taken or made before the Clerk, in public or in private	No amendment necessary
1.2 When a member of the government takes: (i) the official oath, or makes the corresponding affirmation; (ii) the oath of allegiance, or makes the corresponding affirmation, under section 55 of the Act, he or she must, within one working day, notify the Clerk in writing that he or she has done so.	No amendment necessary
Political Groups	
1.3 For the purposes of the Act, a political group is: (i) a group of Members belonging to the same registered political party having at least three Members in the Assembly; or (ii) three or more Members who, not being members of a registered political party included in Standing Order 1.3(i), have notified the Presiding Officer of	No amendment necessary

Atodiad A

<p>their wish to be regarded as a political group.</p>	
<p>1.4 The Presiding Officer must decide any question as to whether any Member belongs to a political group or as to which political group he or she belongs.</p>	<p>No amendment necessary</p>
<p>1.5 The Assembly is from time to time to determine, on a motion proposed by the Commission, the payments to be made to political groups under section 24 of the Act.</p>	<p>Delete this Standing Order</p> <p>This Standing Order is redundant as a consequence of passing of the National Assembly for Wales (Remuneration) Measure 2010.</p> <p>The duty specified in SO 1.5 is now the responsibility of the National Assembly for Wales Remuneration Board, not the Assembly Commission.</p>
<p>1.6 The Commission must publish:</p> <ul style="list-style-type: none"> (i) every determination made under section 24 of the Act; and (ii) for each financial year, information about the sums paid to political groups in that financial year under section 24 of the Act. 	<p>Delete this Standing Order</p> <p>This Standing Order is redundant as a consequence of passing of the National Assembly for Wales (Remuneration) Measure 2010.</p> <p>The duty specified in SO 1.6 is now the responsibility of the National Assembly for Wales Remuneration Board, not the Assembly Commission.</p>

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Salaries, Allowances and Pensions	
Title: Salaries, Allowances and Pensions	<p>Amend this title</p> <p>Replace “Salaries, Allowances and Pensions” with “Remuneration”</p>
<p>1.7 The Commission must, from time to time, determine and pay any the amount of the reduction in the salary of an Assembly member required, allowance, pension, gratuity or other payment or amount mentioned in, or in accordance with, by sections 20, 21 or 53 of the Act.</p>	<p>Amend this Standing Order</p> <p>Following the passing of the National Assembly for Wales (Remuneration) Measure 2010, responsibility for the payment and determination of allowances, pensions, gratuity or other payments to Members now falls to the National Assembly for Wales Remuneration Board, not the Assembly Commission.</p> <p>The only remaining duty on the Commission is to determine the amount of the reduction in the salary of an Assembly member required by section 21 of the Government of Wales Act 2006.¹ This duty is retained in the revised SO 1.7.</p>
<p>1.8 The Commission must lay before the Assembly and publish any determination made under Standing Order 1.7 as soon as reasonably practicable after it has been made.</p>	<p>No amendment necessary</p>

¹ This section requires the Assembly to reduce the salary of any Assembly Member who also receives a salary as a Member of Parliament or a Member of the European Parliament.

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<p>1.9 The Commission must publish information for each financial year concerning the amounts as salaries and allowances paid by the Commission to each Member and former Member, and concerning the total amount so paid.</p>	<p>Delete this Standing Order</p> <p>This Standing Order is redundant as a consequence of passing of the National Assembly for Wales (Remuneration) Measure 2010.</p> <p>Following the passing of the National Assembly for Wales (Remuneration) Measure 2010, responsibility for the publication of information for each financial year concerning the amounts as salaries and allowances paid each Member and former Member, and concerning the total amount so paid, falls to the National Assembly for Wales Remuneration Board, not the Assembly Commission.</p>
<p>1.10 The Assembly must, on a motion proposed by the Commission, elect Trustees to the National Assembly for Wales Members' Pension Scheme in accordance with the Scheme Rules.</p>	<p>No amendment necessary</p>
<p>Resignations and Vacancies</p>	
<p>1.11 A Member may resign his or her seat in the Assembly by giving notice in writing to the Presiding Officer.</p>	<p>No amendment necessary</p>
<p>1.12 For the purposes of section 10 of the Act, a vacancy occurs when the Presiding Officer receives a notice of resignation in accordance with Standing Order 1.11, or otherwise when the Presiding Officer declares that the seat has become vacant.</p>	<p>No amendment necessary</p>

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<p>1.13 The Assembly must make a code or protocol, to be drafted by the Committee on Standards of Conduct, in accordance with section 36(6) of the Act, about the different roles and responsibilities of constituency Members and regional Members. The code or protocol must include provision in line with the following five key principles and the Annex to Standing Order 1:</p> <ul style="list-style-type: none"> (i) all Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously; (ii) in approaching the Member of their choice, the wishes of constituents and/or the interests of a constituency or locality are of paramount importance; (iii) all Members have equal status; (iv) Members should not misrepresent the basis on which they are elected nor the area they serve; and (v) no Member should deal with a constituency case or constituency issue that is not within his or her constituency or region (as the case may be), unless by prior agreement. 	<p>Amend this Standing Order</p> <p>SO 1.13 requires the Assembly to make a code or protocol, to be drafted by the Committee on Standards of Conduct in accordance with section 36(6) of the GoWA 2006, about the different roles and responsibilities of constituency and regional Members. The key principles to which this code or protocol must adhere are listed in SO 1.13.</p> <p>A copy of the current code is available at: http://www.assemblywales.org/cr-ld7612-e.pdf</p> <p>The Annex to SO 1 contains additional requirements for the content of the code or protocol.</p> <p>Q: It is proposed that this annex is removed to allow the Fourth Assembly to shape its own code or protocol in line with the principles retained in SO 1.13. Do Members agree?</p>
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STANDING ORDER 1 – Members: Annex	
<p>Provision to be included in the code or protocol prepared under Standing Order 1.13 and in accordance with section 36(6) of the Act</p> <p>Describing Members</p> <p>1. Provision for regional and constituency Members to describe themselves accurately and for requirements regarding the use of Assembly resources, for example, stationery.</p> <p>Dealing with Constituency/Regional Issues</p> <p>2. Provision for Members to be able to take up a matter affecting the constituency or region for which they were elected whilst ensuring that courtesy is shown on matters affecting more than one constituency.</p> <p>Individual Constituents' Cases</p> <p>3. Provision to protect the right of a constituent to approach his or her constituency Member, and/or any of the four regional Members elected in his or her region.</p> <p>Raising Matters with a Member of the Government</p> <p>4. Provision to ensure that any Member is entitled to raise with the relevant member of the government a matter on behalf of a constituent in the area (constituency or region) for which they were elected.</p>	<p>As above</p>

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Members Operating in their Areas

5. Provision reflecting the expectation that Members will work throughout the area (constituency or region) for which they were elected.

School Visits

6. Provision for notifying Members about official school visits to the Assembly organised by the Commission.

Telephone Enquiries

7. Provision to guide the way in which telephone enquiries from members of the public to the Assembly's switchboard, seeking to contact a Member, are dealt with.

Members' Staff

8. Provision that Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.13 and any code or protocol drawn up as a result of it.

Enforcement

9. Provision for any complaint against a Member in respect of the code or protocol to be referred to the Committee on Standards of Conduct.