



**Cynulliad Cenedlaethol Cymru  
The National Assembly for Wales**

**Y Pwyllgor Busnes  
The Business Committee**

**Dydd Mawrth, 2 Tachwedd 2010  
Tuesday, 2 November 2010**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,  
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.  
In addition, an English translation of Welsh speeches is included.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Peter Black	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jocelyn Davies	Plaid Cymru The Party of Wales
Dafydd Elis-Thomas	Y Llywydd, Cynulliad Cenedlaethol Cymru (Cadeirydd y Pwyllgor) The Presiding Officer, National Assembly for Wales (Committee Chair)
Jane Hutt	Llafur (Y Gweinidog dros Fusnes a Chyllideb) Labour (The Minister for Business and Budget)
Nick Ramsay	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol**  
**Others in attendance**

Aled Eurig	Cynghorydd y Pwyllgor Committee Adviser
Marion Stapleton	Pennaeth yr Is-adran Busnes y Cynulliad a Rheoli Deddfwriaeth, Llywodraeth Cynulliad Cymru Head of the Assembly Business and Legislation Management Division, Welsh Assembly Government

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Adrian Crompton	Cyfarwyddwr Busnes y Cynulliad Director of Assembly Business
Anna Daniel	Clerc Clerk
Llinos Madeley	Dirprwy Glerc Deputy Clerk
Siân Wilkins	Pennaeth Deddfwriaeth a Gwasanaethau'r Siambr Head of Legislation and Chamber Services

*Dechreuodd y cyfarfod am 9 a.m.*  
*The meeting began at 9 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

**Y Llywydd:** Croeso i gyfarfod cyhoeddus y Pwyllgor Busnes yma yn Nhŷ Hywel. Os bydd larwm tân yn canu, dylid gadael yr ystafell drwy'r allanfeydd tân penodol a dilyn cyfarwyddiadau'r tywyswyr a'r staff. Nid ydym yn disgwyl prawf tân y bore yma. Gofynnir i bawb ddiffodd eu ffonau symudol, eu galwyr a'u BlackBerrys, gan eu bod yn amharu ar yr offer darlledu. Fel y gwyddoch, mae'r Cynulliad Cenedlaethol yn gweithredu

**The Presiding Officer:** Welcome to this public meeting of the Business Committee here in Tŷ Hywel. In the event of the fire alarm sounding, people should leave the room by the marked fire exits and follow the directions of ushers and staff. We are not expecting a drill this morning. All mobile phones, pagers and BlackBerrys should be switched off, as they interfere with the broadcasting equipment. As you know, the

yn y ddwy iaith swyddogol ac mae clustffonau ar gael i glywed y cyfieithiad ar y pryd ar sianel 1 ac i addasu lefel y sain ar sianel 0.

Peidiwch â chyffwrdd â'r botymau ar y microffonau, gan y gallai hynny amharu ar y system, ond sicrhewch fod y golau coch yn disgleirio cyn cychwyn siarad. Ym mis Mai eleni, fel y cofiwch, cytunodd y Pwyllgor Busnes gynnal adolygiad o Rheolau Sefydlog y Cynulliad. Y bwriad yw ein bod yn cytuno ar y Rheolau Sefydlog diwygiedig cyn diwedd y trydydd Cynulliad, a hynny er mwyn sicrhau eu bod ar waith i arwain trafodion y Cynulliad nesaf. Yr oedd tri amcan i'r adolygiad, sef gwella eglurder y Rheolau Sefydlog, eu gwneud yn gyson â'r confensiynau a'r ffyrdd o weithio sydd wedi'u derbyn gennym yn ystod y trydydd Cynulliad, a chaniatáu ar gyfer arloesi a gwella yma ac acw.

Cynhaliwyd ymgynghoriad cyhoeddus a ddaeth i ben ddiwedd Gorffennaf, a hoffwn ddiolch, yn y pwyllgor cyhoeddus cyntaf hwn, i bawb a ymatebodd i'r ymgynghoriad. Cododd llawer o faterion, a cawsom gyfle i ystyried y cynigion i gyd. Byddant yn cael eu trafod yn ystod y sesiynau cyhoeddus hyn, yn dilyn y gwaith a wnaed yng nghyfnod yr ymgynghoriad. Cynhaliwyd digwyddiad cyhoeddus hefyd yn ystod y cyfnod ymgynghori gyda phanel o arbenigwyr, gan gynnwys Dr Ruth Fox o Gymdeithas Hansard, yr Athro Laura McAllister o Brifysgol Lerpwl, Adrian Crompton, sydd gyda ni yma heddiw, sef ein harbenigwr ni mewn proses yma yn y Cynulliad, a Michelle Matheron o Faterion Cyhoeddus Cymru. Pwrpas y digwyddiad oedd hybu trafodaeth ar sut i ddatblygu'r Rheolau Sefydlog er mwyn cyflawni swyddogaethau allweddol y Cynulliad. Un o nodau'r adolygiad oedd rhoi mwy o hyblygrwydd i'r Cynulliad o ran ei ffyrdd o weithio, gan ganiatáu datblygu prosesau mwy addas ar gyfer amgylchiadau'r dyfodol. Nodwyd materion gan yr ymatebwyr i'r adolygiad a oedd hefyd yn ymwneud â ffyrdd y Cynulliad o weithio, er nad ydynt o reidrwydd yn golygu bod angen newid y Rheolau Sefydlog. Y nod pwysig yw bod gweithdrefnau'r Cynulliad yn ddigon hyblyg fel nad ydynt yn cyfyngu'n ddiangen ar ein gallu i newid ac esblygu ein ffyrdd o weithio.

National Assembly operates through both official languages, and headphones are provided to hear the interpretation on channel 1 and to amplify the audio on channel 0.

Do not touch the microphone buttons, as that could disable the system, but please ensure that the red light is on before you begin to speak. In May of this year, as you will recall, the Business Committee agreed to undertake a review of the Assembly's Standing Orders. The aim is to agree these revised Standing Orders before the end of the third Assembly to ensure that they are in place to guide the deliberations of the next Assembly. There were three aims to the review, namely to improve the clarity of Standing Orders, to bring them into line with the conventions and ways of working accepted by us during the third Assembly, and to allow for innovation and improvement here and there.

A public consultation exercise was undertaken, which closed at the end of July, and, in this first public committee, I want to thank all those who responded to the consultation. Many issues were raised, and we have had an opportunity to consider all the representations that were made. They will be discussed during these public sessions, following the work done during the consultation period. A public event was also held during the consultation period, with a panel of experts, including Dr Ruth Fox from the Hansard Society, Professor Laura McAllister from the University of Liverpool, Adrian Crompton who is with us here today, namely our expert in process here at the Assembly, and Michelle Matheron from Public Affairs Cymru. The purpose of the event was to stimulate debate about how the Standing Orders could be developed in order to deliver the Assembly's key functions. One of the aims of the review is to allow the Assembly greater flexibility in its ways of working, which will enable it to evolve processes that are best suited to its circumstances in the future. Respondents also raised issues related to the Assembly's ways of working, although they do not necessarily require any changes to our Standing Orders. The important aim is for the Assembly's procedures to be flexible, so that they do not restrict us from changing and evolving our

Bydd y swyddogion sydd gyda ni heddiw yn ystyried y rhain wrth symud ymlaen i'r pedwerydd Cynulliad a fydd yn dilyn yr etholiad y flwyddyn nesaf.

Ym mis Medi, cytunodd y Pwyllgor Busnes i gyfarfod yn gyhoeddus, ac mae goblygiad arnom i wneud hynny pan fyddwn yn ystyried ein gweithdrefnau. Penderfynwyd ein bod yn gwneud hyn yn ystod tymor yr hydref, i drafod y cynigion, er mwyn cytuno ar y newidiadau mewn egwyddor.

Dyma'r drefn ar gyfer cyfarfod heddiw, a'r cyfarfodydd sydd i ddilyn. Dyma gyfarfod cyhoeddus cyntaf y Pwyllgor Busnes. Yn gyntaf, byddwn yn ystyried y Rheolau Sefydlog hynny sy'n ymwneud ag Aelodau, ac yna'r rhai sy'n ymwneud â sut y mae'r Cyfarfod Llawn a threfn busnes yn digwydd. Byddwn yn trafod ac yn ystyried y Rheolau Sefydlog a'r darpariaethau manwl yn unol â'r drefn ar yr agenda.

Byddwch chi, fel rheolwyr busnes y pleidiau ar y pwyllgor hwn, yn ymwybodol ein bod wedi cytuno ar ddull cyffredinol ar gyfer yr adolygiad. Byddwch yn cael pythefnos i ymgynghori â'ch grwpiau ar y cynigion er mwyn trafod a chytuno, gobeithio, ar unrhyw newidiadau a diwygiadau mewn egwyddor yn y cyfarfod cyhoeddus sy'n dilyn. O ganlyniad i gyfyngiadau amser y bore yma, byddwn yn gryno ac wedi ffocysu fel arfer.

9.06 a.m.

### **Rheol Sefydlog Rhif 1: Aelodau Standing Order No. 1: Members**

#### **Newidiadau Canlyniadol yn sgîl Mesur Cynulliad Cenedlaethol Cymru (Taliadau) 2010: Rheolau Sefydlog Rhif 1.5, 1.6, 1.7 a 1.9 Consequential Changes following the National Assembly for Wales (Remuneration) Measure 2010: Standing Order Nos. 1.5, 1.6, 1.7 and 1.9**

**Y Llywydd:** Mae papur 1 yn cyflwyno'r cynigion ar gyfer diwygio Rheol Sefydlog Rhif 1, ac mae'r newidiadau arfaethedig wedi eu nodi yn atodiad A i bapur 1. Y mater cyntaf y byddwn yn ei ystyried yw a ddylid cytuno ar y newidiadau canlyniadol sy'n angenrheidiol yn sgîl pasio Mesur Cynulliad Cenedlaethol Cymru (Taliadau) 2010, a sefydlodd Fwrdd Taliadau Cynulliad Cenedlaethol Cymru, sydd erbyn hyn yn

ways of working. Officials who are with us today will consider these as we move forward to the fourth Assembly following next year's election.

In September, the Business Committee agreed to meet in public, and we are obliged to do so when we consider our procedures. It was decided that that should be done during the autumn term, to discuss the proposals, with a view to agreeing the changes in principle.

This is the order for today's meeting, and for subsequent meetings. This is the first public meeting of the Business Committee. First, we will consider those Standing Orders appertaining to Members, and then those relating to Plenary and the order of our business. We will debate and consider the Standing Orders and their detailed provisions in accordance with the order shown on the agenda.

As party business managers on this committee, you will be aware that we have agreed a general approach to the review. You will have two weeks in which to consult your groups on the proposals, with a view to discussing and, hopefully, agreeing any amendments or changes in principle at the subsequent public meeting. Given the constraints on our time, we will be as concise and as focused as usual this morning.

**The Presiding Officer:** Paper 1 outlines the proposed amendments to Standing Order No. 1, and the proposed changes are noted in appendix A to paper 1. The first matter that we will consider is whether we should agree the consequential changes that are required following the National Assembly for Wales Measure (Remuneration) 2010, which established the National Assembly for Wales Remuneration Board. The board is now up

weithredol ac yn gyfrifol am dalu a phenderfynu ar lwfansau, pensiynau, rhoddion neu daliadau eraill i Aelodau, gan symud y cyfrifoldeb yn gyfreithiol oddi wrth Gomisiwn y Cynulliad. Felly, mae rhai o ddarpariaethau Rheol Sefydlog Rhif 1, a oedd yn ymwneud â'r drefn cyn sefydlu'r bwrdd taliadau, yn ddiangen.

and running and is responsible for paying and determining the allowances, pensions, donations or other payments to Members, legally moving the responsibility away from the Assembly Commission. So, some of the provisions of Standing Order No. 1, relating to the system before the establishment of the remuneration board, are now redundant.

A oes unrhyw sylwadau ar y diwygiadau sy'n ganlyniadol i sefydlu'r bwrdd taliadau, sef dileu Rheolau Sefydlog Rhif 1.5 ac 1.6 a'r diwygiadau olynol?

Are there any comments on the changes as a consequence of establishing the remuneration board, namely the deletion of Standing Order Nos. 1.5 and 1.6 and subsequent changes?

**The Deputy Minister for Housing and Regeneration (Jocelyn Davies):** I am in agreement.

**Nick Ramsay:** I am also in agreement.

**The Minister for Business and Budget (Jane Hutt):** I agree.

**Peter Black:** I agree.

**Y Llywydd:** Felly, y mae'r diwygiadau hynny wedi'u cytuno.

**The Presiding Officer:** Therefore, those amendments have been agreed.

9.07 a.m.

**Dileu'r Atodiad i Reol Sefydlog Rhif 1 (a Newidiadau Canlyniadol i 1.13)  
Removing the Annex to Standing Order No. 1 (and Consequential Changes to 1.13)**

**Y Llywydd:** Mae'r cynnig ym mharagraff 3(ii) y papur yn ceisio osgoi dyblygu, drwy ddileu'r atodiad i Reol Sefydlog Rhif 1, i ganiatau i'r pedwerydd Cynulliad lunio ei god neu ei brotocol ei hun, yn unol â'r prif egwyddorion a geir yn Rheol Sefydlog Rhif 1.13. A oes unrhyw sylwadau ar ddileu yr atodiad a'r newidiadau canlynol?

**The Presiding Officer:** The proposal in paragraph 3(ii) of the paper seeks to reduce duplication by removing the annex to Standing Order No. 1 to allow the fourth Assembly to shape its own code or protocol in line with the key principles of Standing Order No. 1.13. Are there any comments on the deletion of the annex and the consequential changes?

**Jocelyn Davies:** We do not agree to this. We felt that we need the code in place until the fourth Assembly decides to make its own new code. We did not see why the third Assembly should set the priority for the next Assembly in making the code. So, we do not agree to this change.

**Nick Ramsay:** I agree with Jocelyn's comments. There are questions about a gap between what we are doing now and what will happen in the future.

**Jane Hutt:** I also agree with Jocelyn's comments.

**The Presiding Officer:** Surely one Member will disagree. [*Laughter.*]

**Peter Black:** My understanding was that this would not take effect until the fourth Assembly, and that the reason for taking the code out was to ensure that the fourth Assembly could have some flexibility. My group raised some concerns about taking the annex out of the Standing

Orders. I am agnostic about it, so I am happy to go along with the other three members.

**The Presiding Officer:** Let us take some advice about the implications of what is being proposed, namely that this is not adopted.

9.10 a.m.

**Mr Crompton:** First, there is no question of any change here affecting the code itself, so the code will remain in place whether we amend this Standing Order or not. What will also remain in place are the five principles that are included in Standing Order No. 1.13. Those define what must be covered by the code. We are proposing to remove the annex, which includes some more detailed provision about the things that must be included in the code. In some respects, the annex simply repeats the five principles that will remain in the Standing Order, and in other areas includes points of detail that are arguably not a matter for the code, such as those relating to how staff here answer the telephone to members of the public. In practice, what is in the annex has been included, to some extent, in the code of conduct that has already been approved, so that will remain in place. The question really is whether you want to retain this level of detail in the Standing Order or allow the fourth Assembly to work from, first, the existing code and, secondly, the five principles that will remain in the Standing Order.

**Jocelyn Davies:** Dafydd, may I comment on that? My comments were not about the content of the code, but about the fact that it is not for the third Assembly to decide a matter for the next Assembly. If the fourth Assembly wishes to delete that code, it is free to do so. Changes to Standing Orders now are in preparation for the fourth Assembly, and so it is a matter for it, not us, to decide on its priorities. The content of the code is completely irrelevant to the group's view. The code has been agreed by the Committee on Standards of Conduct, so we see no need to make changes.

**Peter Black:** I am happy to go along with that view. I do not think that it matters either way, but it is important to specify the details of the protocol in the Standing Orders because that could be useful for future Assemblies. However, by leaving it in, we would be tying the hands of the fourth Assembly with regard to what the protocol should look like. There is a consensus in the Assembly that the current protocol is acceptable and is working well, so I do not think that there is any movement to change it anyway. I am happy to leave it in.

**The Presiding Officer:** It seems that we have a consensus to do what used to be called 'Leaving the matter on the table'. We are not exactly doing that, but at least we have flagged the issue up by discussing it today.

9.12 a.m.

### **Rheolau Sefydlog sy'n Ymwneud â'r Cyfarfod Llawn a Threfniadau Busnes Standing Orders Relating to Plenary and the Organisation of Business**

**Categoriâu o Fusnes: Rheolau Sefydlog Rhif 7.10-7.12, 7.15; (Newidiadau Canlyniadol:  
6.3, 6.5, 6.6, 7.6, 7.13, 7.61, 7.63, 11.5 ac 11.7)**

**Categories of Business: Standing Order Nos. 7.10-7.12, 7.15; (Consequential  
Amendments: 6.3, 6.5, 6.6, 7.6, 7.13, 7.61, 7.63, 11.5 and 11.7)**

**Y Llywydd:** Mae papur 2 yn cyflwyno cynigion i ddiwygio Rheolau Sefydlog sy'n ymwneud â'r Cyfarfod Llawn a threfniadau busnes. I ddechrau, byddwn yn trafod y cynigion i wneud newidiadau i Reolau

**The Presiding Officer:** Paper 2 makes proposals for changes to Standing Orders relating to Plenary and the organisation of business. First, we will discuss the proposals to change Standing Order Nos. 6, 7 and 9, in



Sefydlog Rhif 6, 7 a 9, yn unol â'r drefn ar yr agenda, cyn symud ymlaen i ystyried Rheolau Sefydlog Rhif 8, 11 a 29. Mae'r newidiadau arfaethedig wedi'u nodi yn atodiad A i bapur 2.

Y mater cyntaf y byddwn yn ei ystyried yw a ddylid cytuno ar y cynnig i symleiddio categorïau o fusnes fel y cynigir ym mharagraffau 6 a 7 y papur. Fel y gwyddoch, mae gennym dri chategori o fusnes ar hyn o bryd: busnes y Llywodraeth, busnes y Cynulliad a busnes heblaw am fusnes y Llywodraeth. Mae Rheol Sefydlog Rhif 7 yn eithaf penodol o ran sut y diffinnir y rhain a phryd y dylid cynnal yr eitemau hyn o fusnes. Y cynnig yw ein bod yn cytuno i symleiddio'r categorïau o fusnes drwy gael dau fath o fusnes yn unig yn y dyfodol, sef busnes y Cynulliad a busnes y Llywodraeth. Bydd busnes y Cynulliad wedyn yn cynnwys busnes heblaw am fusnes y Llywodraeth. Felly, fe'ch gwahoddaf i ystyried cael dim ond dau fath o fusnes yn y dyfodol—busnes y Cynulliad a busnes y Llywodraeth—a'r diwygiadau eraill yn dilyn hynny.

accordance with the order set out on the agenda, before proceeding to consider Standing Order Nos. 8, 11 and 29. All the proposed changes are set out in annex A of paper 2.

The first issue that we will consider is whether to agree the proposal to simplify the categories of business as suggested in paragraphs 6 and 7 of the paper. As you know, we currently have three categories of business: Government business, Assembly business and non-Government business. Standing Order No. 7 is fairly prescriptive with regard to how these are defined and when these items of business should be taken. The proposal is that we agree to streamline the categories of business by having only two types of business in future, namely Assembly business and Government business. Assembly business would then cover non-Government business. Therefore, I invite you to consider having only two types of business in future—Assembly business and Government business—and the other consequential changes.

**Peter Black:** I just want to refer to the entry about Standing Order No. 6.1 in the table in annex A to paper 2. The proposal is to remove point (iii), the times available for meetings of political groups, from Standing Order No. 6.1. Although I accept that the timetabling of political group meetings is not a matter for Standing Orders, it has been useful having that slot in the timetable to ensure that political groups have the time to meet and do not find that their meeting times are taken up by committee meetings. On that basis, I would like to leave that in the Standing Orders, as it will aid the effective management of business by business managers and by groups, and enable them to have the time to discuss and to consider at their own leisure the business that comes before the Assembly.

**The Presiding Officer:** We will be returning to this at 3.4.

**Jocelyn Davies:** I thought it was 6.1—

**Ms Daniel:** It is item 3.4 of the agenda.

**Peter Black:** Sorry, I thought that you said we would come back to 7. I am sorry—

**The Presiding Officer:** It is fine; that is very helpful.

**Peter Black:** I am generally content with the other provisions in 6 and 7.

**Jane Hutt:** At this point, it would be helpful to say that we are content with the principle of the split between Government and Assembly business. We can go on to talk about some of the detail in a moment.

**Jocelyn Davies:** We would agree with the split between Government and Assembly business.

**Nick Ramsay:** I can understand why the change has been made, but I take on board Peter's concerns. If that could be addressed in some way—

**Jocelyn Davies:** Do you mean in relation to political groups?

**Nick Ramsay:** Yes.

**Jocelyn Davies:** I would agree with Peter on that.

**The Presiding Officer:** Yes, you all want to protect your political groups, I am sure. We will come back to that. So, we can agree on the principle of the two categories of business.

9.16 a.m.

**Hyblygrwydd o ran Amseriad: Rheolau Sefydlog Rhif 7.5A a 7.7 i 7.9**  
**Flexibility of Timing: Standing Order Nos. 7.5A and 7.7 to 7.9**

**Y Llywydd:** Bydd y cynnig a nodir ym mharagraffau 8 i 11 o bapur 2 a thudalennau 6 i 7 o atodiad A yn caniatáu mwy o hyblygrwydd i'r Pwyllgor Busnes mewn perthynas â strwythur dyddiau'r Cyfarfod Llawn, er mwyn ymateb yn well i ofynion busnes. Felly, yr wyf yn eich gwahodd i gytuno ar y cynnig i ganiatáu mwy o hyblygrwydd mewn perthynas â strwythur dyddiau'r cyfarfodydd ac amserau dechrau'r Cyfarfod Llawn, gan ddefnyddio'r geiriau 'fel arfer', a mwy o hyblygrwydd o ran amrywio rhwng cynnal eitemau sy'n perthyn i'r Llywodraeth neu i'r Cynulliad yn y Cyfarfodydd Llawn ar ddydd Mawrth neu ddydd Mercher, yn hytrach na'u canolbwyntio ar ddyddiau unigol, fel sy'n digwydd ar hyn o bryd. Yna, os ydym yn cytuno ar y pwyntiau hynny, dylid rhoi blaenoriaeth i eitemau'r Llywodraeth fel arfer, sy'n gwarchod hawl y Llywodraeth i osod busnes ar ddydd Mawrth neu ddydd Mercher, fel bo'r galw. A oes unrhyw sylwadau ar hynny?

**The Presiding Officer:** The proposal noted in paragraphs 8 to 11 of paper 2 and on pages 6 and 7 of annex A would allow the Business Committee greater flexibility in relation to the structure of Plenary days in order to respond better to the demands of business. Therefore, I invite you to agree to the proposal to allow greater flexibility in relation to the structure of the days of Plenary meetings and their start times, through the use of the word 'usually', and more flexibility with regard to varying whether Government business or Assembly business is discussed in Plenary meetings on Tuesdays or Wednesdays, rather than their being focused on particular days, as is the case at present. Then, if we agree those points, priority should be given to Government business usually, which protects the Government's right to table business on a Tuesday or Wednesday as required. Are there any comments on that?

**Jocelyn Davies:** We would prefer for Plenary to remain on Tuesdays and Wednesdays, because the Business Committee has the flexibility to suspend Standing Orders in extreme circumstances and call a Plenary meeting on another day if required. Assembly Members like to have surety in respect of their diaries, which fill up very quickly, and sometimes many months in advance. So, we see no need to change the existing arrangements.

**Jane Hutt:** Our members support that view.

**The Presiding Officer:** Is this for the convenience of Assembly Members generally, not just members of the Government? I am just asking a question.

**Jocelyn Davies:** As you know, over the past 10 years we have resisted this as a group, because we have wanted to have surety. So, members of my group say that they want surety,

although we accept that the Business Committee could propose to suspend Standing Orders in extreme circumstances in order to hold a Plenary meeting on a different day, should certain circumstances arise. We believe that the flexibility is there, so we would prefer for the Standing Orders to remain as they are. It is not to do with the Government; it is for Jane to express the Government's view

9.20 a.m.

**The Presiding Officer:** The current system, as I have had to operate it during the present Assembly, has had bias towards Government business on Tuesday and other business on a Wednesday. This has perhaps led to the over-domination of Tuesdays by Ministers' statements and possibly an unwillingness to have statements on Wednesdays, which would be convenient for other Members and perhaps even the media. The proposed flexibility would allow the Government to table business at whatever time is convenient, as agreed by the Business Committee.

**Jocelyn Davies:** Could we ask Jane to express the Government's view?

**Jane Hutt:** I agree with Jocelyn, and this is the view that I would convey from my group. One of the issues for the Government—and perhaps the officials could help us on this—is how it is going to work. We need surety, in terms of handling Government business responsibly, to be able to plan months in advance. If we started shifting business from one day to the next, there would be concern that it would have major implications for Ministers in terms of preparedness and availability. There are concerns from the Government's perspective regarding how such flexibility would operate.

**The Presiding Officer:** Before I ask Adrian to respond, I believe that Peter would like to come in on this.

**Peter Black:** Chair, I am beginning to think that I have the wrong set of Standing Orders in front of me. According to the way in which I read things, the old Standing Orders state that Plenary meetings are normally to be held on Tuesdays and Wednesdays, while the new Standing Orders say that Plenary meetings must usually be held on Tuesdays and Wednesdays. There does not seem to be a great deal of difference. Regarding business, it is clearly stated that Government business will be taken first, and that it is just a matter of timetabling after that. This sort of flexibility works better for me than what seems to be a fairly rigid set of old Standing Orders regarding how business is set out. I cannot see the arguments made by Jocelyn or Jane in this respect.

**The Presiding Officer:** Perhaps Adrian would like to address the question of whether normally giving priority to Government items of business can provide surety.

**Mr Crompton:** It was included specifically for that purpose. There are a number of other related Standing Orders that are intended to give additional assurance to all groups about the overall management of business. The first point is that Government business should normally be taken first, as is the current practice. Secondly, we have Standing Order No. 6.1, which relates to the broad six-month timetabling of business. The anticipated programme for the split of business for the future could be set out there, so that any decision about flexibility from week to week would be a specific decision taken here, rather than an ad hoc arrangement that would result in unexpected business fluctuations from week to week.

**The Presiding Officer:** Would it be helpful if I suggested, since we are not going to come to a clear agreement on this today, that we might look for other wording that might be seen as more satisfactory by all sides?

**Nick Ramsay:** I agree with that approach. The problem with this is that everyone is reading it in their own particular way.

**The Presiding Officer:** It was ever thus with any text, I suspect.

**Nick Ramsay:** Yes, as Rousseau once said. I tend to read this as Peter has. I am not really clear as to what the big difference is. However, Jane Hutt is right that the Government needs surety on when it will be conducting business, so if we could have some more detail on how this interaction would work, it would be good.

**Mr Crompton:** Our thinking behind this, as Peter said, was not to change the fundamental principle that Plenary takes place on Tuesdays and Wednesdays. The proposed Standing Order reflects the current situation. In addition to the factors that I mentioned, another important element is that the Government controls the organisation of its own time, so there would be no question of a decision made by the Business Committee moving Government business from one day to another, if the Government did not want to do that in the first place.

**Jane Hutt:** It would be helpful to look at the wording.

**Jocelyn Davies:** It would also be helpful to have that wording alongside the changes to other Standing Orders, if the reading of one Standing Order influences the interpretation of another. I suppose that that is the problem when you look at just one Standing Order in isolation. I think that we need to have it alongside the other changes, so that we can see how it would be interpreted and read.

**The Presiding Officer:** We will take that item back and it will return to us.

9.25 a.m.

**Darpariaethau ar Gyfer y Cyfnod Pleidleisio: Rheolau Sefydlog Rhif 6.8; 7.30-7.41**  
**Voting Time Provisions: Standing Order Nos. 6.8; 7.30-7.41**

**Y Llywydd:** Mae'r cynnig hwn i ddiwygio'r Rheolau Sefydlog yn ymwneud â'r cyfnod pleidleisio i adlewyrchu'r arfer yn y trydydd Cynulliad, fel a nodir ym mharagraffau 21 i 24 o'r papur. Felly, fe'ch gwahoddaf i ystyried a chytuno, o bosibl, ar y Rheolau Sefydlog fel a ganlyn: y ffordd y bydd y Pwyllgor Busnes yn pennu pryd y dylid cynnal y cyfnod pleidleisio; diwygiadau i ddarpariaethau sydd yn esbonio sut y gwneir penderfyniadau drwy amnaid—neu '*on the nod*', fel y dywedir mewn lle arall ar ben draw'r rheilffordd—neu eu gohirio tan y cyfnod pleidleisio; darpariaeth newydd i ganiatáu pleidleisio '*en bloc*', hynny yw, i bleidleisio i gyd gyda'i gilydd; darpariaeth newydd hefyd i'w gwneud yn ofynnol bod pleidlais yn cael ei chofnodi lle bo deddfwriaeth yn golygu bod yn rhaid sicrhau mwyafrif o 40 allan o 60 o Aelodau; a darpariaethau newydd a fydd yn ei gwneud yn ofynnol i ganu'r gloch os daw busnes y dydd i ben cyn y cyfnod pleidleisio. Dyna'r

**The Presiding Officer:** The intention of this proposal to amend the Standing Orders relating to voting time is to reflect the established practice in the third Assembly, as set out in paragraphs 21 to 24 of the paper. Therefore, I invite you to consider and possibly to agree the Standing Orders as follows: the way in which the Business Committee determines when voting time should take place; amendments to provisions explaining how decisions can be made on the nod, as is said in another place at the end of the railway line, or deferred to voting time; a new provision to allow for '*en bloc*' voting; a new provision to also require a recorded vote where legislation requires a majority of 40 out of 60 Members; and new provisions that would require the bell to be rung if business for the day has been concluded before the agreed voting time. Those are the changes. All of these follow the practice that the Deputy Presiding Officer and I have followed during this current Assembly because it

newidiadau. Mae'r rhain oll yn dilyn yr arferion yr ydwyf i a'r Dirprwy Lywydd wedi'u dilyn yn y Cynulliad presennol oherwydd ymddengys i ni ac i'r Aelodau bod y dull hwn yn fwy trefnus na'r dull sydd wedi'i osod yn y Rheolau Sefydlog ar hyn o bryd.

appears to both us and to Members that this method is more orderly than that set out in Standing Orders at present.

**Jocelyn Davies:** May I just clarify where we are? We are approximately on page 20 of the paper.

**The Presiding Officer:** We are referring to pages 2 to 3, and 17 to 20.

**Jocelyn Davies:** You referred to current practice. Perhaps I should not carry clecs out of school, but when you are not here, if we finish early, we do not ring the bell. Perhaps no-one has told you that, but when we finish early, we do not ring the bell if all the business managers agree. Of course, if someone wishes the bell to be rung, we ring the bell, but if we see that there is no need to ring the bell, we do not do so. Our current practice is that the bell is not rung if we finish early before voting.

**The Presiding Officer:** I am sorry; I suspect that it is the bad practice of a head of school to like to ring the bell.

**Jocelyn Davies:** We do not ring the bell when you are not here and it works very well.

**Nick Ramsay:** You sound like a bunch of campanologists.

**Jocelyn Davies:** We are more likely to finish on time or earlier when you are not here; therefore, perhaps you do not experience this as much as your deputy. It is not current practice to ring the bell. I do not think that the bell must be rung if everyone agrees that it is not necessary. We only need one person to say, 'We want the bell to be rung', and it is rung.

**The Presiding Officer:** That is what is proposed.

**Jocelyn Davies:** I am sorry; I thought that you said that the bell must be rung.

**The Presiding Officer:** Currently.

**Jocelyn Davies:** This new provision would force the bell to be rung unless all Members are present. We do not need all Members to be present. Some Members may not have intended to be there for the agreed voting time in any case; therefore, you cannot have all Members present. At present, one Member has not attended for a considerable time because they are ill. In that case, we would have to ring the bell every time because that Member cannot be present.

**The Presiding Officer:** I do not think that that is the intention of the change.

A all i di esbonio hynny, Anna?

Can you explain that, Anna?

**Ms Daniel:** The purpose of the provision is to ensure that voting time cannot happen without those Members who are not present in the Chamber being aware of when it should happen. There are, obviously, ways for the Business Committee to agree in future on a different way of agreeing when voting time will take place. For example, if you were to say that, in future, voting time will always take place after item 5, which would be the last item on the agenda, if you get to that item, and you conclude at that point, you would move straight on to voting

time without needing to ring the bell.

9.30 a.m.

If Business Committee were to decide that voting time should be at a more realistic time, for example, if you knew that there would not be much business on that day, voting time could be at 4.30 p.m. and we would let all the Members know that. I do not think that this provision would be used often; it would be used rarely.

**The Presiding Officer:** I am sure that they always ring the bell in Scotland, for they are good Presbyterians up there.

**Jocelyn Davies:** My point is that it says ‘unless all Members are present’, and we know that some Members would not be present after you rang the bell, because they might be ill at home or in another country. So, the provision ‘unless all Members at present’ will mean that we will have to ring the bell, even though the missing Members would not be there five minutes later.

**Peter Black:** The important thing about this Standing Order is that it only applies if Plenary finishes early. If business concludes after the designated voting time, the bell will not be rung unless that is requested. I take Jocelyn’s point that business managers often agree to proceed to a vote early without the bell being rung, but independent Members in the Chamber will not always be consulted on that and may not have an opportunity to be part of that agreement. So, it is important that those Members are given the opportunity to get to the Chamber when a vote takes place before the designated and expected voting time. For that reason, I would be happy to leave this in. I do not think that it would lead to the bell being rung every time. The times when we finish early are becoming increasingly rare.

**The Presiding Officer:** I am pleased to know that, personally. Do we have some kind of agreement on this wording or would we like to take it back?

**Jane Hutt:** Perhaps we should take it back to clarify the wording, following Peter’s point that it would not always be—

**Peter Black:** It is already in the wording.

**The Presiding Officer:** I do not want to place too much of an onus on our very hard-working colleagues, the officials here who have been involved in this process, but if Members feel that we should look at it again, we will do that.

**Jocelyn Davies:** Instead of having ‘unless all Members are present’, could we not leave this to the discretion of the Presiding Officer, who would know whether independent Members were likely to be disadvantaged, because they would vote otherwise? That might vary from time to time. It is just that we know that if all the Members who can be present are present, when the bell is rung, no-one else will come.

**The Presiding Officer:** However, the intention of this, surely, is to alert and to indicate to the people in the building that it is voting time, which is fairly normal in most legislatures that I know of, and, in this case, only if that were to happen earlier than had been intended.

**Nick Ramsay:** On that point, as Peter said, this would not be the norm, but only if business concludes early. I cannot recall the last time that we finished early. It normally seems to go way beyond 5 p.m., but I am happy for the bell to be rung.

**The Presiding Officer:** So, we have two bell-ringers and an impartial bell-ringing Chair—

**Nick Ramsay:** As long as I do not have to ring it myself.

**The Presiding Officer:** That is the next stage. [*Laughter.*]

Jane, do you still think that we should have another look at the wording?

**Jane Hutt:** Yes, to perhaps clarify the point. Our Members were reasonably happy with it, but it might be clarified by presenting it in another way.

**The Presiding Officer:** So the changes under item 3.3 are agreed, with the exception to that wonderful St Fagans National History Museum bell, suitably digitised.

**Darpariaethau Eraill yn ymwneud â Threfn Busnes: Rheolau Sefydlog Rhif 6.1-6.5; 6.7; 6.9-6.11**  
**Other Provisions regarding the Organisation of Business: Standing Order Nos. 6.1-6.5; 6.7; 6.9-6.11**

Yr eitem nesaf yw eitem 3.4, sef darpariaethau eraill mewn perthynas â threfn busnes, Rheolau Sefydlog Rhif 6.1 i 6.5, 6.7, a 6.9 i 6.11, papur 2, atodiad A, tudalennau 1 i 4.

The next item is item 3.4, namely the provisions regarding the organisation of business, Standing Order Nos. 6.1 to 6.5, 6.7, and 6.9 to 6.11, paper 2, annex A, pages 1 to 4.

Yr wyf yn eich gwahodd, felly, i ystyried a chytuno ar weddill y newidiadau a nodir i Reol Sefydlog Rhif 6 o ran amserlen y Cynulliad, sef dileu darpariaeth benodol ar y datganiad busnes a diwygio'r ddarpariaeth ar y datganiad busnes.

I invite you, therefore, to consider and agree the remaining changes noted to Standing Order No. 6 with regard to the Assembly's timetable, namely to delete the specific provision on the business statement and amend provision on the business statement.

**Peter Black:** I refer to my previous, premature, point on the political groups and ask that that stay in.

**The Presiding Officer:** We will take that point back.

**Jocelyn Davies:** We would also like the point regarding the likely travel arrangements in Standing Order No. 6.2 to stay in.

**The Presiding Officer:** We will take those points back, but is the rest of item 3.4 agreed? I see that it is.

**Trefn yn y Cyfarfod Llawn: Rheolau Sefydlog Rhif 7.14A i 7.16A**  
**Order in Plenary: Standing Order Nos. 7.14A to 7.16A**

**Y Llywydd:** Symudwn ymlaen i drafod eitem 3.5, sef trefn busnes yn y Cyfarfod Llawn, Rheolau Sefydlog Rhif 7.14A i 7.16A, papur 2, atodiad A, tudalennau 10 i 12. Fel rhan o'r cynigion i gyflwyno mwy o hyblygrwydd yn amseriad y Cyfarfod Llawn, cynigir hefyd y dylid diwygio'r Rheolau Sefydlog sy'n ymwneud â threfn yn y Cyfarfod Llawn. Felly, fe'ch gwahoddaf i ystyried a chytuno ar y newidiadau i allu

**The Presiding Officer:** We will move on to discuss item 3.5, namely the order of business in Plenary, Standing Order Nos. 7.14A to 7.16A, paper 2, annex A, pages 10 to 12. As part of the proposals to introduce greater flexibility in Plenary timing, it is also proposed to amend the Standing Orders relating to order in Plenary. Therefore, I invite you to consider and agree the changes in order to provide greater flexibility for the

cyflwyno mwy o hyblygrwydd i'r Llywydd i addasu amseriadau eitemau yn y Cyfarfod Llawn i hwyluso'r modd o gynnal busnes yn effeithiol er mwyn adlewyrchu arfer sefydledig. Mae 'Llywydd' yn golygu'r person sy'n llywyddu, wrth gwrs—gall fod y Dirprwy Lywydd neu unrhyw un arall sydd wedi ei ethol yn briodol i lywyddu.

Presiding Officer to adjust the timings of items during Plenary in order to facilitate the effective conduct of business and to reflect established practice. 'The Presiding Officer' means the person presiding, of course—it could be the Deputy Presiding Officer or anyone else who has been elected to preside.

**The Presiding Officer:** Peter?

**Peter Black:** That is fine; I am happy with that.

**The Presiding Officer:** Jocelyn and Nick?

**Jocelyn Davies:** That is fine.

**Nick Ramsay:** I am happy with that.

**The Presiding Officer:** Jane?

**Jane Hutt:** Yes, with the engagement of the Business Committee.

**The Presiding Officer:** I would like to make it quite clear that any reference to the Presiding Officer or presiding officers implies full consultation with the Business Committee at all times, in permanent conclave. [*Laughter.*]

Dyna eitem 3.5 wedi ei chytuno.

Item 3.5 has therefore been agreed.

**Cynigion: Rheolau Sefydlog Rhif 7.17 i 7.29**  
**Motions: Standing Order Nos. 7.17 to 7.29**

**Y Llywydd:** Mae eitem 3.6 yn ymwneud â chynigion, Rheolau Sefydlog Rhif 7.17 i 7.29, atodiad A, tudalennau 12 i 17. Fe'ch gwahoddaf i gytuno ar y newidiadau a nodwyd i'r Rheolau Sefydlog sy'n ymwneud â chynigion a gwelliannau: yn benodol, y cynnig ar gyfer darpariaeth newydd i alluogi Aelodau i ychwanegu eu henwau i gynigion neu welliannau a gyflwynwyd os ydynt am gyfleu eu cefnogaeth—cododd y pwynt hwn yn y cyfarfod i drefnu busnes yr wythnos hon a gynhaliwyd cyn y cyfarfod hwn; darpariaeth i gynnwys yr arfer sefydledig y caniateir i gynnig neu welliant sydd wedi'i gynnig cael ei dynnu'n ôl gan gytundeb unfrydol, os nad oes unrhyw Aelod yn gwrthwynebu; a symud y Rheol Sefydlog sy'n ymwneud â diswyddiad y Llywydd a chynigion diffyg hyder yng Ngweinidogion Cymru i Rheolau Sefydlog Rhif 2 a 4 yn y drefn honno; a phob newid arall sydd wedi'i nodi o dan yr eitem hon.

**The Presiding Officer:** Item 3.6 relates to motions, Standing Order Nos. 7.17 to 7.29, annex A, pages 12 to 17. I invite you to agree the changes noted to the Standing Orders that relate to motions and amendments: in particular, the proposal for a new provision to enable Members to add their names to tabled motions or amendments if they wish to indicate their support—this point arose during the meeting that we had to arrange this week's business, which was held before this meeting; provision to include the established practice to allow for a motion or amendment that has been moved to be withdrawn with unanimous agreement, if no Member objects; and moving the Standing Order that relates to the removal of the Presiding Officer and motions of no confidence in Welsh Ministers to Standing Order Nos. 2 and 4 respectively; and every other changes noted under this item.



Are we all agreed? I see that we are.

**Datganiadau: Rheolau Sefydlog Rhif 7.41A – 7.45**  
**Statements: Standing Order Nos. 7.41A – 7.45**

Yr eitem nesaf yw eitem 3.7, sy'n ymwneud â datganiadau, Rheolau Sefydlog Rhif 7.41A i 7.45, papur 2, atodiad A, tudalennau 21 i 22. Fel y nodir ym mharagraff 25 o'r papur eglurhaol, cynigir y dylai fod adran newydd yn Rheol Sefydlog Rhif 7 ar ddatganiadau er budd tryloywder ein gweithdrefnau a dealltwriaeth o'r hyn yr ydym yn ei wneud. Byddai'r rhestr o'r rheini sy'n gallu gwneud datganiadau yr un peth â'r hyn a ganiateir ar hyn o bryd, heblaw y byddai hefyd yn cynnwys unrhyw Aelod arall, gyda chytundeb y Llywydd. Felly, dyna Rheolau Sefydlog Rhif 7.41A a 7.41B.

The next item is item 3.7, which relates to statements, Standing Order Nos. 7.14A to 7.45, paper 2, annex A, pages 21 to 22. As noted in paragraph 25 of the covering paper, it is proposed that a new section should be included in Standing Order No. 7 on statements for transparency in our procedures and an understanding of what we do. The list of those who are able to make statements would be the same as currently allowed, except that it would also include any other Member, with the agreement of the Presiding Officer. So, those are Standing Order Nos. 7.41A and 7.41B.

9.40 a.m.

**Peter Black:** Just a small point. I note that under the proposed new Standing Order No. 7.41B:

‘The Presiding Officer may permit questions to be asked of a Member making the statement.’

but the retained Standing Order Nos. 7.44 and 7.45 relating to personal statements say that they must not be subject to debate. However, it does not say that it should not be subject to questions. I wonder whether you may want to indicate that personal statements should not be subject to questions, otherwise I think that there may be some ambiguity there.

**The Presiding Officer:** ‘Not subject to debate’ would include questions in my reading of it, but if there is an issue here we will take that and bring it back.

**Peter Black:** Traditionally, we have not asked questions on personal statements, but the wording in the proposed new Standing Order seems to create an ambiguity.

**The Presiding Officer:** Okay. Thank you very much for drawing that to our attention.

**Jane Hutt:** Some of our Members were concerned that we should have a prescribed list of circumstances under which backbench Members could speak. I do not know whether that is appropriate for the next Assembly, but otherwise it could be a bit of a free-for-all.

**Peter Black:** I hope that you are not trying to restrict the rights of backbenchers.

**Jane Hutt:** No, I gather that the Labour group has expressed this concern. We mentioned that there is some scepticism about maiden speeches. We do not have any issues with it as a Government; this comes from the Labour group.

**Jocelyn Davies:** I assume that it would only be in exceptional circumstances that a backbench Member would be permitted to make a statement. It would not be every week—it would be in exceptional circumstances. The Standing Order refers to ‘the Presiding Officer’, so I assume that you would consult the Business Committee should someone request to make a statement.

**The Presiding Officer:** There might be an issue here, but it depends on the circumstances. The Presiding Officer is a guardian of the rights of all Members, and there might be a conflicting and difficult situation in which a Member might want to make a public statement in the Assembly, but other Members might take a different view. So, in those circumstances, the Presiding Officer might want to be able to insist on allowing that Member to make a personal statement. However, these are extreme cases.

**Peter Black:** I cannot remember the last time that a personal statement was made, apart from Veronica German's personal statement when she came into the Chamber.

**Jocelyn Davies:** Tom Middlehurst made a personal statement when he resigned from the Government.

**Peter Black:** That was a long time ago now.

**Jocelyn Davies:** Yes. What I am saying is that the Presiding Officer would consult the Business Committee, not that it would decide, but at least the groups would know that a personal statement would be made. It has only happened once or twice in the whole time since the Assembly was established, so it is not something that we need to worry too much about. However, it was certainly permitted for Tom Middlehurst to make a statement as to why he had resigned from Government.

**Peter Black:** That also happens in Parliament when a Minister resigns. You cannot forget Geoffrey Howe's statement about Margaret Thatcher, for example; it is in these moments that history is made.

**The Presiding Officer:** As this is a public discussion of these matters, it might be worth saying that consultation with the Business Committee may include electronic consultation in order to establish people's views within a time limit of, say, two hours, which is what one would normally give for an urgent question or something of the kind. That is the same approach that we would have there.

**Mr Crompton:** Just to clarify one point with regard to the new provision relating to statements to be made by Members other than personal statements, an obvious example is that this would allow a statement to be made by a backbench Member who is introducing a piece of legislation. So, just as the Government makes an introductory statement when a proposed Measure or proposed Order has been laid, that would allow a backbench Member to do likewise. That was the intention behind the new provision.

**Jane Hutt:** It would be helpful to include those circumstances in the guidance that you are talking about for the Presiding Officer.

**The Presiding Officer:** I think we have discussed it in a number of our Business Committee meetings as part of this review, namely that it would be very helpful to have a gloss on the final text of Standing Orders and/or guidance on best presiding and Business Committee practice in these matters. That is something that we might want to return to. This would not be a document that would need to be agreed. We have such a document already in a sense; we have a book that describes rulings and good practice, so if we were to develop that, I think that it would be helpful.

**Ms Daniel:** Just to say that we are not proposing any changes to the way that business is scheduled. Any requests for statements would still come to the Business Committee for you to decide upon and to allocate time and so on, so there would certainly be that kind of control.

**The Presiding Officer:** So, item 3.7 is agreed subject to that.

**Cwestiynau Llafar: Rheolau Sefydlog Rhif 7.46-7.57**  
**Oral Questions: Standing Order Nos. 7.46 – 7.57**

**Y Llywydd:** Symudwn at eitem 3.8 ar Reolau Sefydlog Rhif 7.46 i 7.57 ynghylch cwestiynau llafar, o dan bapur 2, atodiad A, ar dudalennau 22 i 25. Fe'ch gwahoddaf chi i gytuno ar ddileu'r cyfeiriad at y cyfnod hwyaf ar gyfer cwestiynau er mwyn adlewyrchu ein harferiad sefydledig ni. Ar gwestiynau brys mewn perthynas â'r comisiwn, cynigir bod y Dirprwy Lywydd—nad yw'n aelod o'r Comisiwn—yn hytrach na'r Llywydd, a fydd yn penderfynu ar unrhyw gwestiynau brys ynglŷn â chyfrifoldebau'r comisiwn er mwyn osgoi unrhyw wrthdaro. Os na ofynnir cwestiwn yn y Cyfarfod Llawn ac nid yw'n cael ei dynnu yn ôl, bydd y Gweinidog yn darparu ateb ysgrifenedig. A oes sylwadau ar hynny?

**The Presiding Officer:** We move to item 3.8 on Standing Order Nos. 7.46 to 7.57 concerning oral questions under paper 2, annex A, on pages 22 to 25. I invite you to agree to remove the reference to maximum time for questions to reflect our established practice. On urgent questions relating to the commission, it is proposed that the Deputy Presiding Officer—who is not a member of the Commission—rather than the Presiding Officer, will decide on any requests for urgent questions regarding the commission's responsibilities to avoid any conflict. If a question is not asked in Plenary and it is not withdrawn, then the Minister is to provide a written answer. Are there any comments on that?

**Jane Hutt:** We are not happy about deleting the reference to maximum time. It is clearly the case that questions already often run on for longer than the times prescribed in Standing Orders. We believe that there needs to be some limit in terms of the timescales, not just from a Government perspective, but also with regard to the public knowing what is going to happen. Timetabling is sensitive. That would be our view.

**The Presiding Officer:** I am tempted to say that shorter answers from Ministers would always be helpful, but they would not be as informative, then, would they?

**Jocelyn Davies:** I would not disagree with Jane. I know that my group would like to have more surety of the timings.

On the oral questions not reached or not asked, if somebody is not in the Chamber to ask the question, and they have not bothered to withdraw it, I am not sure that that should be included. When does it become 'not asked'? Is it when someone is not in the Chamber when you get to their question? They should be there or they should withdraw it beforehand. There are opportunities to withdraw it beforehand, and I suppose that it means that if a question is not reached or asked, then they cannot submit that question again for a certain period of time. They should be there either to withdraw or to ask their question. This takes account of someone who does not stay in the Chamber to ask their question.

**Nick Ramsay:** On the issue of the length of time for Ministers, while I appreciate that Ministers do not want the possibility of answering questions for ever and ever, the point is—and I imagine the reason why this has been taken out—at present, questions go on far beyond 45 minutes to an hour. I can quite understand why that reference to 45 minutes has been deleted, to give flexibility to the Presiding Officer.

**The Presiding Officer:** The time for questions depends entirely on the number of Members who want to ask questions. The other approach of course would be not to call supplementary questions, which whoever is presiding is entitled to do. However, that cuts out the spread of Members being able to participate on a particular question, and that is always a difficulty.

**Mr Crompton:** On Jocelyn's point, my understanding of the change to Standing Order No.

7.57 to include questions not asked is just to bring the Standing Order in line with the practice that exists at the moment. So, questions not asked receive a written answer.

**Jocelyn Davies:** I am not saying that it does not happen, but the only time a question is either not reached or not asked is when someone has not been in the Chamber to ask their question. If a Member cannot be present in the Chamber to ask the question that they have tabled, when it is on the agenda, I am not sure that Standing Orders should protect them by allowing them an answer to a question that they could not be bothered to ask.

9.50 a.m.

**The Presiding Officer:** Is it not the case that what has happened is that the supplementary question cannot then be asked; that is, there cannot be an opportunity for the Member to ask a supplementary question. The answer is prepared—Government officials have gone to the trouble of doing so—so it seems that the prepared information is therefore not useable.

**Jane Hutt:** Marion just confirmed that those who do not ask the question do not receive the answer by the end of the day. Therefore, this is not current practice; the situation that you said was current practice is not. It is only if a question is not reached that Members get the written answer on the same day. However, if they are not asked because the Member is not present, they do not receive a written answer.

**Jocelyn Davies:** I do not believe that Standing Orders should protect Members who could not be bothered to withdraw their question if they have to be away, or could not be bothered to sit in the Chamber to ask their question.

**Peter Black:** I am happy to agree with Jocelyn. I wanted to come back to the timing of questions, as noted in Standing Order No. 7.48. My concern is that, if you leave the maximum times in, you will prevent backbench Members from asking questions. I know that the time allocated for questions can go on for a long time—or for what seems like a long time—and that can add to the length of a Plenary meeting. However, the purpose of Plenary is to scrutinise Ministers, and the Presiding Officer needs to have flexibility, particularly, for example, if one question is particularly topical. If the Presiding Officer wishes to allow more than the standard four minutes for that question, to enable everyone who wants to do so to get in on that question, you would need to have some flexibility there. I would therefore support taking the maximum times out.

**The Presiding Officer:** The practicalities of this are that we rely entirely on the electronic messaging system that provides those who assist us at the presiding desk with the names of Members who want to ask supplementary questions. Most of those come in beforehand, but a third or more, in practice, come in during the question. So, there is an air of spontaneity about it, and that is what causes the indicative timings—which is what they have always been—to run over.

**Peter Black:** Far be it for me to criticise the party leaders, but they can go on a bit, which adds to the length of the question. [*Laughter.*] Furthermore, when an urgent question has been turned down because there is already a relevant question to the Minister, the Presiding Officer will allow a substantial amount of time for that question. Therefore, you have to have that flexibility.

**Jocelyn Davies:** The word ‘maximum’ may be stretching it, but you need some flexibility around whether it is about 30 or 45 minutes; if it goes on much longer than that, and then the next lot of questions goes on a little longer, then your timings are way out by the time you get to the debates. That is what we find; sometimes, the time that is taken up by this bears no relation to that 30 or 45 minutes, but if it was around about that time, things might be better.

**The Presiding Officer:** That is exactly what happens in debates. The number of Members who take part in questions is determined by the number of Members who have put their names in. The same principle applies to a debate. If you do not have the speakers, then the debate does not go on; if you have the speakers, it may go on.

**Jane Hutt:** I remember that, when we previously reviewed Standing Orders, we looked at other places. In Scotland, for example, I understand that they are pretty tight about sticking to their timing slots. If there is no consensus in this—and we obviously have different views—then we need to consider the issue further. There is a strong view from our group—and from Government—that we should oppose deleting the reference to maximum time. We need to allow more flexibility of timing, recognising that we would have more time given, because you always do—you clearly do, Presiding Officer.

**Peter Black:** Instead of stating a maximum time, we could maybe look at an indicative time. To all intents and purposes, this is what you are trying to do, but at least you would have a time noted. There is an important principle here with regard to the rights of backbenchers.

**Jocelyn Davies:** Yes, but if Members are not in the Chamber to ask their questions, it could be because they did not know that the questions were going to go on for that long. They may think that their question, which may be No. 10 or 11, will not be reached, and therefore they will not be in the Chamber for it. So, if we were clearer about how much time questions are going to take up, Members would have no excuse for not being in the Chamber when their questions are reached.

**The Presiding Officer:** Not getting to a question usually happens when a number of previous questions have been withdrawn, but notification of withdrawals may not appear until the beginning of Plenary. So, that is also part of the issue. If you are lower down the order and you do not get called, then it is usually because previous questions have been withdrawn, and that usually happens on Wednesdays.

**Jane Hutt:** The maximum time limit for questions could be extended. For instance, questions to the First Minister could be extended to 50 minutes, from 45 minutes, and questions to Ministers could be extended from 30 minutes. That is not to say that that time must be used up, but it would mean that backbenchers would have more certainty. Perhaps we could return to this issue.

**The Presiding Officer:** Yes, I think so, because I am beginning to watch the clock now. We will return to matter under item 3.8. Diolch yn fawr.

**Nick Ramsay:** The Minister is not allowing this one through.

**Canllawiau'r Llywydd: Rheolau Sefydlog Rhif 7.52, 9.4, 29.3**  
**Presiding Officer's guidance: Standing Order Nos. 7.52, 9.4, 29.3**

**Y Llywydd:** Symudwn ymlaen at eitem 3.9 ar ganllawiau i'r Llywydd, sef Rheolau Sefydlog Rhif 7.52, 9.4 a 29.3, sydd i'w gweld yn atodiad A i bapur 2, ar dudalennau 23, 35 a 42. Mae hyn yn cynnig dull mwy syml i'r Llywydd gyflwyno canllawiau i Aelodau'r Cynulliad ar gynnal busnes, a'i gwneud yn ofynnol i'r Llywydd ymgynghori â'r Pwyllgor Busnes cyn cyhoeddi

**The Presiding Officer:** We now move to point 3.9 on the Presiding Officer's guidance, namely Standing Order Nos. 7.52, 9.4 and 29.3, which are to be seen in annex A to paper 2, on pages 23, 35 and 42. This proposes a simpler mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly Business, and would require the Presiding

canllawiau, yn hytrach na'r system gymhleth a chymysglyd bresennol, sy'n golygu bod angen cymeradwyaeth y Cynulliad ar gyfer rhai canllawiau ond nid ar gyfer y lleill. Byddai hyn felly'n gymwys yn gyffredinol drwy'r Rheolau Sefydlog. A oes unrhyw sylwadau ar hyn?

Officer to consult the Business Committee before issuing guidance, rather than the current mixed and confusing system, which requires some guidance to have the endorsement of the Assembly, while others do not. This would therefore apply generally throughout Standing Orders. Are there any comments on this?

**Peter Black:** We are content.

**The Presiding Officer:** I see that all Members are content.

**Dadleuon brys: Rheolau Sefydlog Rhif 7.58-7.60**  
**Urgent debates: Standing Order Nos. 7.58-7.60**

**Y Llywydd:** Symudwn at eitem 3.10 ynghylch dadleuon brys o dan Reolau Sefydlog Rhif 7.58 i 7.60, sydd i'w gweld yn atodiad A i bapur 2, ar dudalennau 25 i 26. Yn yr un modd â chwestiynau brys, cynigir mai'r Dirprwy Lywydd, yn hytrach na'r Llywydd, a fyddai'n penderfynu ar unrhyw geisiadau ar gyfer dadleuon brys ynghylch cyfrifoldebau'r Comisiwn, er mwyn osgoi gwrthdaro buddiannau.

**The Presiding Officer:** We now move to item 3.10 on urgent debates under Standing Order Nos. 7.58 to 7.60, which are to be seen in annex A to paper 2, on pages 25 to 26. In the same regard as for urgent questions, it is proposed that the Deputy Presiding Officer, rather than the Presiding Officer, would decide on any requests for urgent debates regarding the Commission's responsibilities, in order to avoid any conflict of interest.

Are you agreed, Jocelyn, Nick, Peter and Jane? I see that you are. Thank you.

**Dadleuon: Rheolau Sefydlog Rhif 7.61-7.66**  
**Debates: Standing Order Nos. 7.61-7.66**

**Y Llywydd:** Symudwn at eitem 3.11 ar ddadleuon, sef Rheolau Sefydlog Rhif 7.61 i 7.66, sydd i'w gweld yn atodiad A i bapur 2, ar dudalennau 27 i 29. Cynigir y dylid gwneud y darpariaethau ar gyfer pa ddadleuon y mae'n rhaid eu cynnal yn flynyddol yn llai penodol ac yn fyrrach, gan beidio â chyfyngu ar allu'r Cynulliad i gynnal dadl arnynt os bydd y Llywodraeth yn cynnig hynny, neu os bydd y Pwyllgor Busnes yn cytuno rhoi amser. A oes unrhyw sylwadau ar hyn?

**The Presiding Officer:** We now move to item 3.11 on debates, which are Standing Order Nos. 7.61 to 7.66, which are to be seen in annex A to paper 2, on pages 27 to 29. It is proposed that the provisions on what debates have to take place on an annual basis should be made less prescriptive and be reduced, while not restricting the Assembly's ability to debate them if the Government proposed that, or if the Business Committee agrees to allow the time. Are there any comments on this?

**Peter Black:** I am generally content with this, but I ask that we could perhaps have a further report on short debates? This is an opportunity to review how short debates operate and to find a way to replace them with something that is more effective and which enables Members to do something meaningful in the Chamber. Short debates are useful ways of airing concerns, but at the same time, there are issues in that they do not always work as well as they could. I would like to see some options put before us on how we could change that.

**The Presiding Officer:** We can note that when we get to item 3.16.

**Peter Black:** I have Standing Order No. 7.64 here.

**The Presiding Officer:** Yes, that is fine. So, are we all agreed, Jocelyn, Nick, Peter and Jane? I see that you are.

**Y Llywydd:** Diolch yn fawr.

**The Presiding Officer:** Thank you.

**Y Drefn yn y Cyfarfodydd Llawn: Rheol Sefydlog Rhif 8  
Order in Plenary meetings: Standing Order No. 8**

**Y Llywydd:** Symudwn at bwynt 3.12 ar y drefn yn y Cyfarfodydd Llawn, sef Rheol Sefydlog Rhif 8, sydd i'w gweld yn atodiad A i bapur 2, ar dudalennau 30 i 34. Mae dau brif newid arfaethedig i Reol Sefydlog Rhif 8, sef darpariaeth newydd i alluogi gwahoddiad i berson annerch y Cynulliad os yw'r Pwyllgor Busnes yn cytuno, ac yna eglurhad o'r rheol *sub judice*. Byddai unrhyw newidiadau i'r ddarpariaeth hon hefyd yn cael eu hadlewyrchu yn y Rheolau Sefydlog cyfatebol o ran trafodion pwyllgorau.

**The Presiding Officer:** We now move to point 3.12 on the order in Plenary meetings, which is Standing Order No. 8, which is to be found in annex A to paper 3, on pages 30 to 34. There are two main proposed amendments to Standing Order No. 8, namely a new provision to enable the Assembly to invite someone to address it if the Business Committee agrees, and then clarification of the sub judice rule. Any changes to this provision would also be reflected in the corresponding Standing Orders relating to committee proceedings.

10.00 a.m.

**Jocelyn Davies:** On Standing Order No. 8.3A, my group is content with current practice and does not see the need for this change. The changes to Standing Order No. 8.16 in relation to sub judice matters are very timely, especially following the exchange in the Chamber a fortnight ago, when there was confusion as to whether the rule applied.

**The Presiding Officer:** There was no confusion; the advice was clear.

**Jocelyn Davies:** You were clear, but a Member was challenging that. Clarity for everyone would be most useful, so I wholeheartedly support that. I do not support the change regarding people addressing the Assembly, because I think that current practice is fine.

**The Presiding Officer:** I am not even sure what current practice is. It is normally a complex request that comes from Government or from a visiting dignitary, is it not?

**Jocelyn Davies:** They can come to the Chamber and speak, but that is not part of Plenary business; it is outside that envelope.

**Mr Crompton:** There are two main options. As Jocelyn described, someone can address 60 people who are sitting in the Assembly, but constitutionally the Assembly is not meeting in Plenary at that point in time. The alternative way, which we have used once, is to create a committee of the whole Assembly. Third parties can address committees, so that is a further way around it.

**Nick Ramsay:** Whichever of those options you choose, that person is in the Chamber, talking to Assembly Members, if the Business Committee so wishes. Therefore, I cannot see any problem with the new Standing Order. It is what has been happening anyway, to a certain extent. As far as I can see, this simply tidies that up.

**Jane Hutt:** The concern, as Jocelyn said, is whether it would change the rules. We have custom and practice about there being the opportunity to speak to the Assembly, but not as part of an item on the agenda for business. We would agree with Jocelyn, and Members in the

Labour group would prefer to keep things as they are and not have the extra Standing Order.

**Nick Ramsay:** You raised the question, Presiding Officer, of what ‘as things are’ means and what is happening at the moment. There is nothing in Standing Orders that really explains how that is happening. Would there be a committee of the Assembly at the start of the Plenary meeting when we want someone to address us? I am not entirely sure.

**Mr Crompton:** We established a committee of the whole Assembly on one occasion to allow an EU commissioner to speak to the Assembly. The intention behind the change to the Standing Order is just to simplify the process so that you do not have to go through the exercise of creating a committee of the whole Assembly, or of speaking to someone but not as part of the formal proceedings of the Assembly.

**Peter Black:** So, in theory, by using this Standing Order, there could be a slot in Plenary for the children’s commissioner to address the Assembly to answer questions on his report, without having to form a committee.

**The Presiding Officer:** Yes. Do you want to return to this?

**Jocelyn Davies:** That is the view of my group, repeatedly. The code of conduct for Assembly Members says that Plenary business should be their priority. If we have a visiting dignitary, I do not see why that should be my priority, if I choose not to attend. Our code of conduct says that we should be in Plenary meetings when they take place. My group is of the view that, if someone came to address the Chamber 10 minutes before the envelope of formal business begins, it is entirely up to you as to whether you attend.

**Nick Ramsay:** I think that Jocelyn is saying that she would like the current arrangements to be formalised in Standing Orders.

**Jocelyn Davies:** They do not need to be. I do not see the need for any changes, because there is current practice, and the Standing Orders account for that, without it being formal Plenary business.

**Peter Black:** Current practice, as Jocelyn describes it, could still continue under this Standing Order. The Standing Order gives more flexibility to the Business Committee. For example, if there was a matter of business for which we wanted to invite an outside person to give an address, it would be possible to enable the Assembly to include that on the agenda. There could still be situations in which a visiting dignitary would come here 10 minutes before a Plenary meeting in order to address the Assembly, but we could use Standing Order No. 8.3A to create an entirely new item of business. Having the Children’s Commissioner for Wales here is one example that I could give, or we may want to consider inviting the Prime Minister, though I think that the children’s commissioner might be more relevant. It would allow for more meaningful scrutiny of the children’s commissioner’s report, for example.

**Jocelyn Davies:** I would like to ask a question. During a committee of the whole Assembly, are office-holders just ordinary Members who can scrutinise and take part in proceedings, or are they still Ministers? Can they ask questions and take part in debates as ordinary Assembly Members? If the latter is the case, there are advantages to having a committee of the whole Assembly in order to scrutinise someone like the children’s commissioner. For example, I could ask a question, whereas I do not get to ask questions during Plenary meetings in my capacity as a Deputy Minister. I cannot take part in the scrutiny process. However, this example does not involve Government business.

**Peter Black:** Ministers have asked questions during a committee of the whole Assembly.



**Jocelyn Davies:** Maybe we could return to this issue after having some clarification.

**The Presiding Officer:** We are coming to the end of our time today, but we will return to agenda item 3.12.

**Y Pwyllgor Busnes: Rheol Sefydlog Rhif 11  
Business Committee: Standing Order No. 11**

**Y Llywydd:** Mae eitem 3.13 yn ymwneud â Rheol Sefydlog Rhif 11. Cynigir mân newidiadau i ddarpariaethau'r Pwyllgor Busnes i adlewyrchu arfer sefydledig ynglŷn â chael dau gategori o fusnes. Mae'r mater hwn yn olynol i'r hyn yr ydym wedi ei drafod eisoes.

**The Presiding Officer:** Item 3.12 relates to Standing Order No. 11. Minor amendments are proposed to Business Committee provisions to reflect established practice in terms of having two categories of business. This matter follows on from what we have discussed previously.

Is this agreed?

**Jocelyn Davies:** There is a point that I wish to make about the fact that the committee must be chaired by the Presiding Officer, who may vote only to exercise a casting vote. It occurred to me, given that there have been independent Assembly Members, that we could be in a position where the Presiding Officer was an independent Member. This Standing Order allows an independent Member to cast a vote at the Business Committee, but it also means that, if he or she was the Presiding Officer, they would not have the right to vote, unless it was a casting vote. The way that this is framed at the moment assumes that the Presiding Officer's vote would be cast by another committee member by virtue of them being a member of a certain political group. However, we could have a Presiding Officer who was not a member of a political group and was, therefore, denied the right to vote in the weighted voting. I do not agree with this; we ought to look at it again, and not just in terms of established current practice. We could be in a situation where current practice goes out of the window if an independent Member becomes the Presiding Officer. Currently, we would allow an independent Member to attend a meeting of the committee, though it has never happened. When we had the discussion on putting together this Standing Order, it was mooted that an independent Member would perhaps tell the Presiding Officer how they would want their vote cast, rather than them having to attend the entire Business Committee meeting to vote on one tiny part of it. This would prevent the Presiding Officer from casting a vote on behalf of someone else. We ought to rethink this issue. It is not a matter of great principle, but we have not got this quite right.

**The Presiding Officer:** In view of the time, I propose that we do not proceed further with the business on today's agenda.

Diolch yn fawr am eich cyfraniadau. Cynhelir cyfarfod nesaf y Pwyllgor Busnes ar 9 Tachwedd. Byddwn yn ystyried y Rheolau Sefydlog mewn perthynas â phwyllgorau, ac unrhyw newidiadau pellach yn dilyn trafodaethau'r cyfarfod hwn. Diolch yn fawr.

Thank you for your contributions. The next meeting of the Business Committee will be held on 9 November. We will be considering the Standing Orders in relation to committees, and any further changes following today's discussions. Thank you.

*Daeth y cyfarfod i ben am 10.09 a.m.  
The meeting ended at 10.09 a.m.*