

Standing Orders relating to committee business which require consideration by Business Committee are listed below. They are listed according to the agenda item.

<b>Item 3.2 – Establishment and Remits of Committees: Standing Order 12 and 21</b>	
<b>STANDING ORDER 12 – <u>Scrutiny Establishment and remit of Committees</u></b>	<p><b>Amend this title</b></p> <p>Delete ‘Scrutiny’ and replace with ‘Establishment and remit of’.</p> <p>It is proposed that this Standing Order encompasses the establishment of all types of committee, not scrutiny committees alone as is currently the case. The purpose of this proposal is to allow future Assemblies the flexibility to shape a committee structure that best suits any given set of circumstances it may face.</p> <p>This redrafted SO would allow future Assemblies to adopt a structure identical to the current arrangement. Alternatively, if the Assembly so resolves, it could adopt a different structure whereby there are fewer committees, more committees or committees undertaking both legislative and policy scrutiny.</p> <p>See also paragraphs 9 – 12 in the cover paper</p>
<b><u>General</u></b>	<p><b>Insert new sub-heading</b></p> <p>Insert ‘general’ here to retain consistency of use of sub-headings throughout SOs.</p>
<p>12.1 There <u>Assembly must establish</u> <del>be scrutiny</del> committees with power within their remit to:</p> <ul style="list-style-type: none"> <li>(i) examine the expenditure, administration, <u>statutory duties</u> and policy of the government and associated public bodies;</li> <li>(ii) <u>examine legislation</u>;</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Current SO 12.1 requires that there must be scrutiny committees with power within their remit to hold the Government to account. It is proposed that this Standing Order is broadened to capture the establishment of all committees. This amended SO would also include the requirement for the Assembly to establish committees that:</p>

<p>(iii) <u>undertake other functions specified in Standing Orders; and</u></p> <p>(iv) <u>consider any matter affecting Wales.</u></p>	<p>(i) also examine the Government’s statutory duties (this would include their duties relating to equal opportunities, sustainability and the Welsh language);</p> <p>(ii) examine legislation (this would include pre-legislative, legislative and post-legislative scrutiny);</p> <p>(iii) undertake the Assembly’s duties in relation to representing the people of Wales by:</p> <ul style="list-style-type: none"> <li>• undertaking other statutory and procedural functions outlined in Standing Orders (e.g. Public Accounts functions, Budget functions, Constitutional and Legislative functions and Standards of Conduct functions)</li> <li>• considering any matter affecting Wales.</li> </ul>
<p>12.2 The Business Committee must, as soon as possible after every Assembly election, <del>determine</del> <u>table a motion or motions proposing the titles and remits of the scrutiny committees.</u></p>	<p><b>Amend this Standing Order</b></p> <p>Current Standing Order 12.2 provides that the Business Committee determines the titles and remits of scrutiny committees.</p> <p>It is proposed that this Standing Order is amended to provide that:</p> <ul style="list-style-type: none"> <li>• the Business Committee must table a motion or motions proposing the committee structure following agreement in Business Committee [subject to qualified weighted voting in accordance with SO 11.5(iv)];</li> <li>• the proposal is subject to Assembly agreement.</li> </ul>
<p>12.3 If it appears necessary to the Business Committee during the course of an Assembly to alter the number, title or remit of one or more <del>scrutiny</del> committee (including by providing that any existing <del>scrutiny</del> committee should cease to exist), the Business Committee may table a motion proposing that the alteration take place. <del>No amendment may be tabled to the motion. If the motion is agreed, the resolution will constitute a</del></p>	<p><b>Amend this Standing Order</b></p> <p>References to scrutiny committees should be removed as the revised Standing Order 12 would now apply to all committees.</p> <p>It is proposed that the restriction on Members being able to table an amendment to a motion tabled by the Business Committee to alter the number, title or remit of one or more committee is removed.</p>

<p><del>resolution to establish a committee for the purposes of Standing Order 10.3.</del></p>	<p>The final sentence is an unnecessary provision as a consequence of changing the method by which the Business Committee proposes the Committee structure.</p>
<p>12.4 <del>In making determinations under Standing Order 12.2, or in tabling any motion under Standing Order 12.2 or 12.3, the Business Committee must ensure that:</del></p> <ul style="list-style-type: none"> <li><del>(i) every area of responsibility of the government and associated public bodies is may be subject to the scrutiny of a scrutiny committee;</del></li> <li><del>(ii) <u>all matters relating to the legislative competence of the Assembly or executive competence of Welsh Ministers may be subject to the scrutiny of a committee; and</u></del></li> <li><del>(iii) <u>where reasonably practicable, there is broad balance between the delivery of responsibilities specified in Standing Order 12.1(i) and 12.1(ii).</u></del></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>The reference to “making determinations” is now redundant given that the Business Committee is required to table a motion or motions by SO 12.2 and 12.3.</p> <p>12.4 (i) replicates the current requirement on the Business committee under SO 12.4, to ensure that all areas of government responsibility are covered by the committee structure Business Committee proposes.</p> <p>As the revised Standing Order 12 would apply to legislative committees now as well, a similar provision has been inserted regarding legislative scrutiny in SO 12.4 (ii). When proposing the committee structure therefore, Business Committee will be required to ensure that all areas of government responsibility and all legislative matters impacting on Wales may be subject to the scrutiny of a committee</p> <p>12.4(iii) places a requirement on the Business Committee to ensure that, where reasonably practicable, there is balance between the delivery of responsibilities relating to holding the government to account and responsibilities relating to the scrutiny of legislation.</p>
<p><b>Other Committees</b></p>	
<p><del>21.7</del> 12.5 The Assembly may establish any <u>other</u> committee, <del>other than those established under the Standing Orders,</del> on a motion tabled by any Member. <u>A motion to establish such a committee must propose the title and remit of the committee.</u></p>	<p><b>Move from existing Standing Order 21</b></p> <p>This Standing Order has been moved from existing SO 21 to ensure that all information about the establishment and remits of committees is contained in one location in Standing Orders.</p>

<p>21.2 <del>A motion to establish such a committee must propose the remit of the committee</del></p>	<p>The SO allows any Member to table a motion to establish a committee; the amendments:</p> <ul style="list-style-type: none"> <li>• reflect the fact that no committees would be named by Standing Orders, in line with the proposed approach;</li> <li>• merge existing 21.1 and 21.2 for clarity.</li> </ul>
<p><b>Duration</b></p>	
<p>12.6 <u>Subject to Standing Order 12.3, all committees established under Standing Order 12 will exist for the duration of the Assembly unless otherwise specified in the motion to establish the committee.</u></p>	<p><b>Move from existing Standing Order 10.51 – 10.52 and amend the Standing Order</b></p> <p>This Standing Orders retains the provision in current Standing Orders for committees to exist for a whole Assembly unless:</p> <ul style="list-style-type: none"> <li>• otherwise specified in the motion to establish the committee; or</li> <li>• it appears necessary to the Business Committee to table a motion proposing that the committee should cease to exist</li> </ul>
<p><b>STANDING ORDER 21 – Other Committees</b></p>	
<p><del>21.1</del> The Assembly may establish any <u>other</u> committee, <del>other than those established under the Standing Orders</del>; on a motion tabled by any Member. <u>A motion to establish such a committee must propose the title and remit of the committee</u></p>	<p><b>Amend this SO and move to SO 12</b></p> <p>It is proposed that this Standing Order is moved to new SO 12 to ensure that all information about the establishment and remits of committees is contained in one location in Standing Orders.</p> <p>The SO allows any Member to table a motion to establish a committee; the amendments:</p> <ul style="list-style-type: none"> <li>• reflect the fact that no committees would be named by Standing Orders, in line with the proposed approach;</li> <li>• merge existing 21.1 and 21.2 for clarity.</li> </ul>
<p><del>21.2 A motion to establish such a committee must propose the remit of the committee</del></p>	<p><b>Merge this with SO 21.1</b></p>

<b>Item 3.3 – Public Accounts Committee: Standing Order 13</b>	
<b>STANDING ORDER 13 – <del>Audit</del> <u>Public Accounts</u> Committee</b>	<p><b>Amend this title</b></p> <p>Delete ‘Audit’ and replace with ‘Public Accounts’. This is to reflect the current name of the Committee and is in accordance with section 30 of the Act, which permits the Assembly to change the name of the Audit Committee if the Assembly so determines.</p>
<b><u>Responsibilities Committee</u></b>	<p><b>Amend this sub-title</b></p> <p>Delete ‘Responsibilities’ and replace with ‘Committee’.</p>
<b>13.0</b> <u>In proposing the remits of committees under Standing Order 12.2, the Business Committee must ensure that there is a committee (in accordance with section 30 of the Act referred to as “the Public Accounts Committee”) with responsibility for delivering the functions specified in Standing Order 13.</u>	<p><b>Insert new Standing Order</b></p> <p>This amendment gives effect to the introduction of function-based Standing Orders, in line with the proposed approach. In order to meet the requirements of section 30 of the Government of Wales Act 2006, the Public Accounts Committee must be named here.</p>
<b><u>Functions</u></b>	<p><b>Insert new sub-title for clarity</b></p>
<p><b>13.1</b> <del>There is to be an Audit Committee to:</del> <u>The Public Accounts Committee (“the Committee”) must:</u></p> <ul style="list-style-type: none"> <li>(i) exercise the functions set out in paragraph 12 of Schedule 8 to the Act relating to the main estimate of income and expenses submitted by the Auditor General for each financial year;</li> <li>(ii) consider any supplementary budget motions tabled under section 126 of the Act that seek to amend amounts previously authorised by a</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Consequential amendment if SO 13.0 is agreed. Remove reference to the Audit Committee in the first sentence and replace with reference to the Public Accounts Committee.</p> <p>13.1(vi) PAC has proposed that the requirement to submit an annual report on its work to the Assembly should be removed as there is no legislative requirement for it to do so, little desire to produce an annual report and no significant benefit in doing so.</p>

<p>budget resolution or supplementary budget resolution in respect of the Auditor General;</p> <p>(iii) advise the Assembly in the exercise of its functions under paragraph 14 of Schedule 8 to the Act relating to the appointment of the auditor of the accounts of the Auditor General;</p> <p>(iv) present views to the Auditor General from time to time on the Auditor General’s exercise of his or her powers to undertake economy, efficiency and effectiveness examinations; <u>and</u></p> <p>(v) consider and report to the Assembly on any use of resources in excess of that authorised or deemed to be authorised that is recorded in the audited accounts of Welsh Ministers, the Commission, the Auditor General or the Ombudsman, recommending whether the Assembly should authorise the excesses retrospectively by supplementary budget resolution; <del>and</del></p> <p>(vi) <del>submit an annual report to the Assembly on the work of the Committee.</del></p>	
<p>13.2 The Committee may:</p> <p>(i) consider and report to the Assembly on any other document concerning financial control, accounting and auditing in relation to public expenditure;</p> <p>(ii) <u>consider and report to the Assembly on any other document concerning financial control, accounting and auditing in relation to public</u></p>	<p><b>Amend this Standing Order</b></p> <p>This proposal gives effect to the Public Accounts Committee’s request (SOR21 – Additional Evidence) that its remit should be extended in line with the PAC’s powers in Scotland so that it may:</p> <ul style="list-style-type: none"> <li>• consider and report on any document concerning financial control, accounting and auditing in relation to public expenditure; and</li> <li>• advise the auditor to the accounts of the Auditor General on examinations into the economy, efficiency and effectiveness</li> </ul>

<p><u>expenditure:</u></p> <p>(iii) take evidence and report to the House of Commons Public Accounts Committee if requested by that Committee to do so; and</p> <p>(iv) <u>advise the Auditor General's auditor on the examinations to be carried out under Paragraph 15(6) of Schedule 8 to the Act.</u></p>	<p>with which the Auditor General has used resources in discharging his or her functions.</p>
<p>13.3 In the performance of its responsibilities under Standing Order 13.2(i) the Committee must not question the merits of the policy objectives of the government, or those of any other body or person which is the subject of the Committee's report.</p>	<p>No amendment necessary</p>
<p><b>Membership</b></p>	
<p>13.4 Standing Order 10.3 applies to the Committee except that it must consist of <u>no fewer than 5 Members and no more than 10 Members</u> and no person specified in section 30(3) of the Act may be proposed as a member of it.</p>	<p><b>Amend this Standing Order</b></p> <p>PAC has proposed that the requirement for the Committee to have 10 members is reduced to be in line with the number of members on other scrutiny committees. It is proposed, therefore, that this SO is amended to state that the Committee has no fewer than 5 members and no more than 10. This will allow future Assemblies to manage the size of committees subject to capacity and circumstances. This complies with section 30 of the Government of Wales Act which requires the number of members to be specified in Standing Orders but does not specify the actual number.</p>
<p>13.5 Standing Order 10.18 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.</p>	<p>No amendment necessary</p>

<p>13.6 Standing Order 10.42 applies to the Committee except that no person specified in section 30(3) of the Act may be nominated as a representative.</p>	<p>No amendment necessary</p>
<p>13.7 No member of the Committee may participate in its consideration of any matter if he or she was at the relevant time a member of the government.</p>	<p>No amendment necessary</p>
<p>13.8 No member of the Committee may participate in its consideration of any matter which was within the responsibility of the House Committee (as constituted between 18 December 2002 and 2 May 2007), or is within the responsibility of the Commission, if he or she was at the relevant time a member of the House Committee or the Commission.</p>	<p>No amendment necessary</p>
<p><b>Auditor General</b></p>	
<p><del>13.9 The Auditor General may attend private meetings of the Committee, with the permission of or at the request of the chair.</del></p>	<p><b>Delete this Standing Order</b> PAC has proposed that this SO be deleted as it is within the Chair’s authority to allow individuals to attend committee meetings and does not need to be specified in SOs.</p>
<p><del>13.10 The Committee is to determine its programme of work in consultation with the Auditor General.</del></p>	<p><b>Delete this Standing Order</b> PAC has proposed that this SO be deleted as the Committee believes it places an unnecessary restriction on the PAC and does not reflect the way in which the Committee has developed over the course of the Third Assembly.</p>



<b>Item 3.4- COMMITTEE FUNCTIONS: Standing Orders 13 - 20 and 28</b>	
<b>Item 3.4(i) - Finance: Standing Order 14</b>	
<b>STANDING ORDER 14 - Finance Committee</b>	<b>Amend this title</b> Delete 'Committee'.
<b><u>Committee</u></b>	<b>Insert new sub-title</b>
14.0 <u>In proposing the remits of committees under Standing Order 12.2, the Business Committee must ensure that there is a committee (referred to within this Standing Order as “the responsible committee”) with responsibility for delivering the functions specified in Standing Order 14.</u>	<b>Insert new Standing Order</b>  This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders.  Rather than stating that there must be a specific Finance Committee, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 14 are undertaken by a committee. This committee is referred to throughout the Standing Order as the “responsible committee”.  This Committee would also be the “responsible committee” in relation to the functions currently undertaken by the Finance Committee under Standing Order 27, which will be amended accordingly.
<b><u>Functions</u></b>	<b>Insert new sub-title for clarity</b>
14.1 <del>There is to be a Finance Committee to</del> <u>The responsible committee must consider and report on :</u>  (i) —any report or other document laid before the	<b>Amend this Standing Order</b>  Consequential amendment if SO 14.0 is agreed - remove reference to specific committee. The overall effect would be to require a committee to exist specifically to report on proposals for the use of

<p>Assembly by Welsh Ministers or the Commission containing proposals for the use of resources; <del>including budget motions and supplementary budget motions prepared under sections 125 and 126 of the Act;</del></p> <p><del>(ii) the estimates of income and expenses prepared by the Ombudsman under paragraph 15 of Schedule 1 to the Public Services Ombudsman (Wales) Act 2005; and</del></p> <p><del>(iii) the use of resources and payments out of the Welsh Consolidated Fund reported to the Assembly by Welsh Ministers under section 128 of the Act.</del></p>	<p>resources from the Consolidated Fund and with a broad catch-all capacity to report on other financial matters.</p> <p>14.1(i) - the latter part of this sub-section is an unnecessary elaboration and the consideration of these motions by the responsible committee is already covered by Standing Order 27;</p> <p>14.1(ii) - this is deleted as the consideration of these motions by the responsible committee is already covered by Standing Order 27;</p> <p>14.1(iii) - this is deleted as it would now be covered by the revised catch-all provision of SO 14.2(iii).</p>
<p>14.2 The <del>Committee</del> <u>responsible committee</u> may also consider and, <del>where it sees fit,</del> report on:</p> <p><del>(i) financial information in explanatory memoranda accompanying proposed Assembly Measures;</del></p> <p><del>(ii) the timetable for the consideration of budget proposals and budget motions and on the handling of financial business; and</del></p> <p><del>(iii) any other matter relating to or affecting the expenditure of the government or other expenditure out of the Welsh Consolidated Fund.</del></p>	<p>14.2(i) - this function would be included in Standing Order 23 (Assembly Measures), to be allocated to a responsible committee.</p> <p>14.2(ii) - This would be covered by the revised SO 14.2</p> <p>14.2(iii) - this function has been simplified and is a catch-all provision which ensures the responsible committee would be able to report on any financial matters relating to or affecting the Welsh Consolidated Fund. It also would cover matters previously listed under 14.1(iii)).</p>
<p>14.3 A reference to the use of resources is a reference to their expenditure, consumption or reduction in value and includes expenditure payable out of the Welsh Consolidated Fund and any other expenditure met out of taxes, charges and other sources of revenue.</p>	<p>No amendment necessary.</p>

<b>Item 3.4(ii) – Constitutional and Legislative Affairs : Standing Order 15</b>	
<b>STANDING ORDER 15 – Constitutional and Legislative Affairs-Committee</b>	<p><b>Amend this title</b></p> <p>Delete ‘Committee’ and add ‘and legislative’</p>
<b><u>Committee</u></b>	<b>Insert new sub-title</b>
<p>15.1 <del>There is to be a Constitutional Affairs Committee. In proposing the remits of committees under Standing Order 12.2, the Business Committee must ensure that the responsibility for delivering the functions in Standing Order 15 is assigned to a committee or committees (referred to within this Standing Order as “a responsible committee”).</del></p>	<p><b>Amend this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Constitutional Affairs Committee, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 15 are undertaken by a committee or committees of the Assembly, to be referred to as the “a responsible committee”.</p> <p>Although this does not explicitly name the Committee as proposed by the Chair’s response to the review of Standing Orders, other proposals in the response relating to the committees functions have been included.</p>
<b><u>Functions</u></b>	<b>Insert new sub-title</b>
<p>15.2 <del>Subject to Standing Order 15.7, the</del> <u>A responsible committee</u> must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>Remove “Subject to Standing Order 15.7” - consequential</li> </ul>

<p>Assembly and report on whether the Assembly should pay special attention to the instrument or draft on any of the following grounds:</p> <ul style="list-style-type: none"> <li>(i) that there appears to be doubt as to whether it is intra vires;</li> <li>(ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made;</li> <li>(iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;</li> <li>(iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;</li> <li>(v) that for any particular reason its form or meaning needs further explanation;</li> <li>(vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;</li> <li>(vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;</li> <li>(viii) that it uses gender specific language;</li> <li>(ix) that it is not made or to be made in both English and Welsh;</li> <li>(x) that there appears to have been unjustifiable delay in publishing it or laying it before the Assembly; or</li> </ul>	<p>amendment if the proposal to delete SO 15.7 is agreed [see below]</p> <ul style="list-style-type: none"> <li>• Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.</li> <li>• The committee responsible for the delivery of the functions in SO 15.2 (and 15.3) would also be the “responsible committee” in relation to the functions currently undertaken by the Constitutional Affairs Committee under Standing Order 24, which would be amended accordingly.</li> </ul>
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<p>(xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified).</p>	
<p>15.3 <del>Subject to Standing Order 15.7, the</del> <u>A responsible committee</u> may consider and report on whether the Assembly should pay special attention to any statutory instrument or draft statutory instrument required by any enactment to be laid before the Assembly on any of the following grounds:</p> <p>(i) that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;</p> <p>(ii) that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly;</p> <p>(iii) that it is inappropriate in view of the changed circumstances since the enactment under which it is made or is to be made was itself passed or made;</p> <p>(iv) that it inappropriately implements European Union legislation; or</p> <p>(v) that it imperfectly achieves its policy objectives.</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Remove “Subject to Standing Order 15.7” - consequential amendment if thr proposal to delete SO 15.7 is agreed [see below]</li> <li>• Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.</li> <li>• The committee responsible for the delivery of the functions in SO 15.3 (and 15.2) would also be the “responsible committee” in relation to the functions currently undertaken by the Constitutional Affairs Committee under Standing Order 24, which would be amended accordingly.</li> </ul>
<p>15.4 <del>The</del> <u>CA responsible committee</u> must make any report under Standing Order 15.2 or 15.3 in respect of any statutory</p>	<p><b>Amend this Standing Order</b></p>

<p>instrument or draft statutory instrument no later than 20 days after the instrument or draft has been laid.</p>	<p>Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.</p>
<p>15.5 In calculating for the purposes of Standing Order 15.4 any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.</p>	<p>No amendment necessary</p>
<p><u>15.5A Standing Orders 15.2 and 15.3 do not apply to draft Legislative Competence Orders or subordinate legislation subject to Special Assembly Procedure.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This proposed SO ensures that the responsible committee:</p> <ul style="list-style-type: none"> <li>• would not be required to consider technical / merits aspects of all draft LCOs but, if the proposal to delete SO 15.7 is agreed, SO 15.5A would not preclude a responsible committee from reporting on a draft LCOs;</li> <li>• would not consider subordinate legislation subject to Special Assembly Procedure.</li> </ul>
<p>15.6 <del>Subject to 15.7, the</del> <u>A responsible committee</u> may also consider and report on:</p> <ul style="list-style-type: none"> <li>(i) any other subordinate legislation laid before the Assembly <u>other than that subject to Special Assembly Procedure</u>;</li> <li>(ii) the appropriateness of provisions in proposed Assembly Measures and in Bills for Acts of the United Kingdom Parliament that grant powers to make subordinate legislation to the Welsh Ministers, the First Minister or the Counsel General;</li> </ul>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Insert “A responsible Committee” - consequential amendment if SO 15.1 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Constitutional Affairs Committee.</li> </ul> <p>15.6(i) - it is proposed that “other than that subject to Special Assembly Procedure” is added here to make clear that subordinate legislation subject to that procedure must be considered under procedures outlined in Standing Order 25 due to its quasi-judicial nature.</p>

<p>(iii) consequences for legislation subject to the consideration of the Assembly of draft orders under Part 1 of the Legislative and Regulatory Reform Act 2006;</p> <p>(iv) the exercise of commencement powers by the Welsh Ministers; <del>or</del></p> <p>(v) any legislative matter of a general nature within or relating to the competence of the Assembly or Welsh Ministers; <u>or</u></p> <p>(vi) <u>draft legislation which is the subject of consultation.</u></p>	<p>15.6(vi) - this new provision would effect the Constitutional Affairs Committee’s proposal that the responsible committee should be able to consider draft statutory instruments (and any other draft legislation which is the subject to consultation) before they are laid.</p>
<p><del>15.7— The Committee may not consider:</del></p> <p>(i) <del>any draft legislative competence order; or</del></p> <p>(ii) <del>any statutory instrument or draft statutory instrument that is required to be laid before Parliament, <u>subject to Standing Order 15.6(iii).</u></del></p>	<p><b>Delete this Standing Order</b></p> <p>CAC has proposed that SO 15.7 be removed to ensure that there is nothing to prevent a responsible committee considering:</p> <ul style="list-style-type: none"> <li>• SIs which are required to be laid before Parliament. These would now be subject to scrutiny under SO 15.2 and 15.3 in the same way as all other SIs.</li> <li>• Draft LCOs where valuable to do so. It would be for the Business Committee to determine which committee(s) could consider draft LCOs.</li> </ul>
<p>15.8 <u>A responsible committee may consider draft European Union legislation relating to matters within the legislative competence of the Assembly or to the functions of Welsh Ministers in order to consider whether it complies with the principles of subsidiarity.</u></p>	<p><b>Add new Standing Order</b></p> <p>15.8 - This new provision would effect the European and External Affairs Committee’s proposal that provision should be made in Standing Orders to acknowledge the role of the Assembly in considering the application of the principle of subsidiarity as set out</p>

<p><u>15.9</u> If a responsible committee considers that draft European Union legislation does not comply with the principle of subsidiarity it may:</p> <p>(i) <u>make written representations, on behalf of the Assembly, to the relevant committee of the House of Commons or the House of Lords with a view to having those representations incorporated into a reasoned opinion to be submitted by that committee to the relevant European Union authorities; and</u></p> <p>(ii) <u>if it does so, must lay a copy of those written representations before the Assembly.</u></p>	<p>in the Lisbon Treaty Protocol on the application of the principles of subsidiarity and proportionality. It is drafted in broad terms to allow future Assemblies to agree the detail of procedures subject to any given set of circumstances.</p> <p>Article 6 of the Lisbon Treaty Subsidiarity Protocol allows any national Parliament to, within eight weeks from the date of publication of a draft legislative act, send to the European Union institutions a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. It also provides that it is for each national Parliament to consult, where appropriate, regional parliaments with legislative powers.</p> <p>The European and External Affairs Committee's response to the review included a request for a formal mechanism for the Committee to submit its views to the House of Parliament if EU legislation does not comply with the principles of subsidiarity.</p>
<p><u>15.10</u> A responsible committee may, for the purpose of enabling its functions under Standing Order 15.9 to be exercised during any period when the Assembly is in recess, delegate those functions to the chair of the responsible committee, who must, if they are exercised, report that fact to the responsible committee as soon as possible.</p>	<p>New SO 15.9 and SO 15.10 are proposed in response to this request.</p> <p>Should the Business Committee agree in principle to the Committee's request, further consideration of the detailed mechanism by which representations would be made by the Assembly may be required.</p> <p>15.9 - Proposed SO 15.9 would allow a responsible committee to make written representations on behalf of the Assembly to the Houses of Parliament for them to be incorporated into a reasoned opinion to the relevant European Union authorities, in accordance with the protocol.</p> <p>15.10 - The EEAC also requested detail on how the written representations referred to in SO 15.9 would be handled during recess periods. Proposed SO 15.10 outlines an option whereby a responsible committee could delegate the functions relating to making written representations on behalf of the Assembly to the Chair of the Committee during recess periods.</p>



Item 3.4(iii) – Standards of Conduct: Standing Order 16	
<b>STANDING ORDER 16 – <del>Committee on</del> Standards of Conduct</b>	<b>Amend this title</b> Delete ‘Committee on’.
<b><del>Title and terms of reference</del> <u>Committee</u></b>	<b>Amend this sub-title</b> Delete ‘Title and terms of reference’ and replace with ‘Committee’.
16.0 <u>In proposing the remits of committees under Standing Order 12.2, the Business Committee must ensure that there is a committee (referred to as “the responsible committee”) with responsibility for delivering the functions specified in Standing Order 16.</u>	<b>Add new Standing Order</b>  This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.  Rather than stating that there must be a specific Committee on Standards of Conduct, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 16 are undertaken by a committee. This committee is referred to throughout the Standing Order as the “responsible committee”.
<b><u>Functions</u></b>	<b>Insert new sub-title</b>
16.1 <del>There is to be a Committee on Standards of Conduct which</del> <u>The responsible committee must:</u>  (i) investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with:	<b>Amend this Standing Order</b>  Insert “the responsible Committee” - consequential amendment if SO 16.0 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee to deliver the functions currently delivered by the Committee on Standards of Conduct.

<ul style="list-style-type: none"> <li>(a) Standing Order 31;</li> <li>(b) any Assembly resolution relating to the financial or other interests of Members;</li> <li>(c) Standing Order 32;</li> <li>(d) any Assembly resolution relating to Members' standards of conduct</li> <li>(e) any code or protocol made under Standing Order 1.13 and in accordance with section 36(6) of the Act; or</li> <li>(f) Standing Order 31A.</li> </ul> <ul style="list-style-type: none"> <li>(ii) consider any matters of principle relating to the conduct of Members generally;</li> <li>(iii) supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the Record of Membership of Societies and the form and content of the Register and the Record; <u>and</u></li> <li><del>(iv) present an annual report to the Assembly on the complaints made under Standing Order 16.1(i); and the action taken in consequence, and on its conclusions in respect of ethical standards in the conduct of the Assembly's business; and</del></li> <li>(v) establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 16.1(i).</li> </ul>	<p>16.1(iv) - it is proposed that this provision is removed on the basis that the Committee is able to report on its conclusions in respect of ethical standards in the conduct of the Assembly's business when it so wishes and deems it necessary to do so. In addition, the Standards Commissioner now has a duty to produce an annual report.</p>
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<b>Membership</b>		
16.2	<p>The Presiding Officer must not be a member of the <u>€responsible committee</u>, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.</p>	<p><b>Amend this Standing Order</b></p> <p>Insert “the responsible Committee” - consequential amendment if SO 16.0 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee to deliver the functions currently delivered by the Committee on Standards of Conduct</p>
16.3	<p>Subject to Standing Order 16.4, Standing Order 10.42 shall not apply to the <u>€responsible committee</u></p>	<p><b>Amend this Standing Order</b></p> <p>As above</p>
16.4	<p>Where a member of the <u>€responsible committee</u> is subject to a complaint under Standing Order 16.1(i), he or she may take no part in any consideration of the complaint by the <u>€responsible committee</u>. In such circumstances and in relation solely to the consideration of the complaint concerned, another Member from the same political group, who has been nominated in advance by <del>the leader of</del> that group, may replace that member. The nominated Member may participate in the meetings of the <u>€responsible committee</u> to consider the complaint as if he or she were a member of it. No Member may replace more than one <u>Committee</u> member of the <u>responsible committee</u> at a meeting.</p>	<p><b>Amend this Standing Order</b></p> <p>Insert “the responsible Committee” - consequential amendment if SO 16.0 is agreed: remove reference to specific committee and refer to the functions of the responsible committee, in line with the proposed approach. This would retain the requirement for there to be an Assembly committee to deliver the functions currently delivered by the Committee on Standards of Conduct.</p> <p>Remove “the leader of” - it is proposed that the reference to a group leader is removed to allow political groups the freedom to determine their own internal organisation. This Standing Order, as currently drafted, assumes that all political groups will choose to have a leader, which may not always be the case. The same change is proposed throughout Standing Orders to all references to leaders of political groups.</p>
<b>Meetings</b>		
16.5	<p>The <u>€responsible committee</u> must meet as soon as possible after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.</p>	<p><b>Amend this Standing Order</b></p> <p>As above</p>

16.6	The <del>E</del> responsible committee may meet in public or in private, but when deliberating upon a complaint, the <del>E</del> responsible committee must meet in private unless it resolves otherwise.	<b>Amend this Standing Order</b>  As above
16.7	Any Member who is the subject of an investigation by the <del>E</del> responsible committee must be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair, but may not vote).	<b>Amend this Standing Order</b>  As above
<b>Reports</b>		
16.8	If the <del>E</del> responsible committee has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Assembly as soon as possible after completion of the investigation.	<b>Amend this Standing Order</b>  As above
16.9	A report under Standing Order 16.8 may include a recommendation to censure a Member for failing to comply with any of the matters encompassed within Standing Order 16.1 (i).	No amendment necessary
16.10	If a motion to consider a report under Standing Order 16.8 is tabled by a member of the <del>E</del> responsible committee, time must be made available as soon as possible for the motion to be debated. No amendment may be tabled to such a motion.	<b>Amend this Standing Order</b>  As above

Item 3.4(iv): Consequential changes: Standing Orders 17 - 20	
<b>STANDING ORDER 17 – Equality of Opportunity Committee</b>	<b>Remove this Standing Order in its entirety</b>
<p><del>17.1 There is to be a Committee on Equality of Opportunity to consider and report on the relevant duties contained in the Act placed on the Assembly, the First Minister, Welsh Ministers or the Commission</del></p>	<p><b>Remove this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Equality of Opportunity Committee, revised Standing Order 12 places a duty on the Assembly to establish committees with power within their remit to:</p> <ul style="list-style-type: none"> <li>• examine the statutory duties of the government and any associated public bodies</li> <li>• consider any matter affecting Wales.</li> </ul> <p>This would include statutory duties in relation to equality of opportunity.</p> <p>This would still permit the Assembly to establish an Equality of Opportunity Committee in the next Assembly if it so wishes. Alternatively, the Assembly could resolve to allocate responsibilities relating to scrutiny of equality of opportunities to multiple committees in relation to their specific policy area.</p>
<b>STANDING ORDER 18 – Committee on European and External Affairs</b>	<b>Remove this Standing Order in its entirety</b>
<p><del>18.1 There is to be a Committee on European and External Affairs to consider and report on any matters relevant to the exercise by the First Minister, Welsh Ministers, the Counsel General or the Assembly of any of their functions relating to the European Union or external affairs.</del></p>	<p><b>Remove this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Committee on</p>

	<p>European and External Affairs, revised Standing Order 12 places a duty on the Assembly to establish committees with power within their remit to:</p> <ul style="list-style-type: none"> <li>• examine the expenditure, administration, statutory duties and policy of the government and associated public bodies;</li> <li>• consider any matter affecting Wales.</li> </ul> <p>This would include any matters relevant to the exercise by the First Minister, Welsh Ministers, the Counsel General or the Assembly of any of their functions relating to the European Union or external affairs.</p> <p>This would still permit the Assembly to establish a Committee on European and External Affairs in the next Assembly if it so wishes. Alternatively, the Assembly could resolve to allocate responsibilities relating to European and External Affairs to another committee or committees of the Assembly</p> <p>The Committee on European and External Affairs’ response to the review of Standing Orders included a request to ensure a formal mechanism for dealing with matters relating to EU subsidiarity. Provision has been made under new SO 15.8 – 15.10 (Constitutional and Legislative Affairs) which would require the Business Committee, in proposing a committee structure, to ensure that a committee of the Assembly is able to consider draft EU legislation relating to matters within the legislative competence of the Assembly or to the functions of Welsh Ministers in order to consider whether it complies with the principle of subsidiarity.</p>
<p><del>18.2 Members of the European Parliament representing Wales and the Assembly’s representatives on the Committee of the Regions may attend and, with the permission of the chair, speak at the Committee’s meetings, but they may not vote.</del></p>	<p><b>Remove this Standing Order</b></p> <p>This Standing Order is not necessary as it is within the authority of the Chair to determine the responsible committee’s procedures in accordance with SO 10.20. This could include allowing individuals to attend and participate in committee meetings and does not need to be specified in Standing Orders.</p>

<b>STANDING ORDER 19 – Committee for the Scrutiny of the First Minister</b>	<b>Remove this Standing Order in its entirety</b>
<p><del>19.1 There is to be a Committee for the Scrutiny of the First Minister which must take evidence from the First Minister on any matter relevant to the exercise by the Welsh Ministers and the Counsel General of any of their functions (other than in relation to the organisation of Government business in plenary).</del></p>	<p><b>Remove this Standing Order</b></p> <p>This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>Rather than stating that there must be a specific Committee for the Scrutiny of the First Minister, revised Standing Order 12 places a duty on the Assembly to establish committees with the power within their remit to examine the expenditure, administration, statutory duties and policy of the government. This would include any matter relevant to the exercise by the Welsh Ministers and the Counsel General of any of their functions (other than in relation to the organisation of Government business in plenary).</p> <p>This proposal would permit the Assembly to establish a Committee for the Scrutiny of the First Minister if it so wishes but would not require it to do so.</p>
<b>Meetings</b>	<b>Remove this sub-heading</b>
<p><del>19.2 For the purposes of taking evidence from the First Minister the Committee is not normally to meet more than twice in an Assembly year.</del></p>	<p><b>Remove this Standing Order</b></p> <p>Should the Assembly resolve to establish a committee of this kind, a requirement akin to SO 19.2 could be set out in the committee's remit if deemed necessary.</p>
<b>Chair</b>	<b>Remove this sub-heading</b>
<p><del>19.3 Standing Order 10.18 applies to the Committee, except that it must not be chaired by a Member who is a member of a political group with an executive role.</del></p>	<p><b>Remove this Standing Order</b></p> <p>Should the Assembly resolve to establish a committee of this kind, a requirement akin to SO 19.2 could be set out in the committee's remit if it deemed necessary.</p>

<p><b>Procedure in the Committee</b></p>	<p><b>Remove this sub-heading</b></p>
<p><del>19.4 The provisions of Standing Orders 10.15, 10.44 and 10.49 do not apply to the Committee.</del></p>	<p><b>Remove this Standing Order</b></p> <p>Should the Assembly resolve to establish a committee of this kind, a requirement akin to SO 19.2 could be set out in the committee's remit if deemed necessary.</p>
<p><b>STANDING ORDER 20 – Regional Committees</b></p>	<p><b>Remove this Standing Order in its entirety</b></p>
<p><del>20.1 If a majority of constituency and regional Members representing an electoral region give notice in the Table Office that they wish a Regional Committee to be established for the electoral region, the Business Committee must table a motion to establish a committee for the purposes of Standing Order 10.3 comprising the Members representing that region and the constituencies within it.</del></p>	<p><b>Remove this Standing Order</b></p> <p>Revised Standing Order 12.1 would permit the Assembly to establish Regional Committee(s) if it so wished.</p> <p>If the proposed change is made, the requirement for a majority of constituency and regional Member representing an electoral region to give notice to the Table Office that they wish a Regional Committee to be established for the region would be removed. Instead, the proposal would either have to be made by the Business Committee under revised SO 12.2 or via a motion tabled by any Member under revised SO 12.5.</p>
<p><del>20.2 A motion tabled under Standing Order 20.1 cannot be passed unless (if the motion is passed on a vote) at least two-thirds of the Members voting support it.</del></p>	<p><b>Remove this Standing Order</b></p> <p>If the proposed change is made, the requirement for two-thirds of Members voting to support the establishment of the Committee would be removed.</p>



Item 3.4(v) – Public Petitions: Standing Order 28	
<b>STANDING ORDER 28 - Public Petitions</b>	No amendment necessary
<b><u>Committee</u></b>	<b>Insert new sub-title</b>
<p>28.1 <del>The Assembly must consider, in accordance with the provisions of Standing Orders 28.2 to 28.12, any admissible petition. In proposing the remits of committees under Standing Order 12.2, the Business Committee must ensure that the responsibility for delivering the functions in Standing Order 28 is assigned to a committee or committees (referred to within this Standing Order as “a responsible committee”).</del></p>	<p><b>Amend this Standing Order</b> This amendment gives effect to the replacement of named committees in Standing Orders with function-based Standing Orders, in line with the proposed approach.</p> <p>In line with evidence received as part of the public consultation and the Petitions Committee, this revised Standing Order places a duty on the Business Committee to ensure that functions specified in Standing Order 28.1 are undertaken by a committee or committees to be referred to as the “a responsible committee”.</p> <p>To ensure that the requirement for the Assembly to consider any admissible petition is not lost as a result of this change, a consequential amendment to SO 28.9 is required whereby a responsible committee <u>must</u> take some form of action on a petition.</p>
<b><u>Form of Petitions</u></b>	<b>Insert new sub-title for clarity</b>
<p>28.2 A petition must clearly indicate:</p> <ul style="list-style-type: none"> <li>(i) the name of the petitioner, who may be an individual person (other than a Member), a body corporate or an unincorporated association of persons;</li> <li>(ii) an address of the petitioner to which all</li> </ul>	No amendment necessary

<p>communications concerning the petition should be sent; and</p> <p>(iii) the names and addresses of any person supporting the petition.</p>	
<p>28.3 The Presiding Officer must determine the proper form of petitions and must publish his or her determinations.</p>	<p>No amendment necessary</p>
<p><b>Admissibility of Petitions</b></p>	
<p>28.4 A petition is not admissible if it:</p> <p>(i) contains fewer than 10 signatures;</p> <p>(ii) fails to comply with Standing Order 28.2 or is otherwise not in proper form;</p> <p>(iii) contains language which is offensive;</p> <p>(iv) requests the Assembly to do anything which the Assembly clearly has no power to do; or</p> <p>(v) is the same as, or in substantially similar terms to, a petition which was <u>closed less than a year earlier</u>;</p> <p style="padding-left: 40px;"><del>(a) presented by or on behalf of the same person, body corporate or unincorporated association during the same Assembly; and</del></p>	<p><b>Amend this Standing Order</b></p> <p>An internal review of the petitions process conducted by the Petitions Committee has proposed that the change to (v) is made to:</p> <ul style="list-style-type: none"> <li>• manage petitioners expectations</li> <li>• ensure the best use of a responsible committee’s time.</li> </ul> <p>If a petition has been submitted and closed within the past year, accepting another petition which is the same but has a different lead petitioner is unlikely to lead to a vastly different outcome. However, it may raise a petitioner's hopes that a different outcome will be achieved. This may also limit the likelihood of 'vexatious' petitions, where repeat petitions on the same subject are submitted.</p>
<p>28.5 Standing Order 28.4(i) does not apply if the petitioner is a</p>	<p>No amendment necessary</p>

<p>body corporate or an unincorporated association of persons.</p>	
<p>28.6 The Presiding Officer must consider and decide in a case of dispute whether a petition is admissible and must notify the petitioner, as soon as is reasonably practicable, of his or her decision and the reasons for it.</p>	<p>No amendment necessary</p>
<p>28.7 The Presiding Officer must publish a register of decisions made under Standing Order 28.6.</p>	<p>No amendment necessary</p>
<p><b>Action on a Petition</b></p>	
<p>28.8 If a petition is admissible, the Presiding Officer must refer that petition to <del>the relevant Assembly committee (“the committee”)</del> <u>a responsible committee.</u></p>	<p><b>Amend this Standing Order</b>                  Insert “a responsible Committee” - consequential amendment if SO 28.1 is agreed: remove reference to specific committee and refer to the functions of a responsible committee, in line with the proposed approach. This would ensure that there is a requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Petitions Committee.</p>
<p>28.9 <u>A responsible committee may must:</u></p> <ul style="list-style-type: none"> <li>(i) refer the petition to the government, any other committee of the Assembly or any other person or body for them to take such action as they consider appropriate;</li> <li>(ii) report to the Assembly; or</li> <li>(iii) take any other action which the committee considers appropriate.</li> </ul>	<p><b>Amend this Standing Order</b>                  To ensure that the requirement for the Assembly to consider any admissible petition is not lost as a result of the proposed change to SO 28.1, a consequential amendment to SO 28.9 is required whereby a responsible committee <u>must</u> take some form of action on a petition.</p>
<p>28.10 <u>A responsible committee must</u> notify the petitioner of any action taken under Standing Order 28.9.</p>	<p><b>Amend this Standing Order</b>                  Insert “a responsible Committee” - consequential amendment if SO</p>

	<p>28.1 is agreed: remove reference to specific committee and refer to the functions of a responsible committee, in line with the proposed approach. This would ensure that there is a requirement for there to be an Assembly committee or committees to deliver the functions currently delivered by the Petitions Committee.</p>
<p><b>Closing Petitions</b></p>	
<p>28.11 The <u>responsible</u> committee may close a petition at any time.</p>	<p><b>Amend this Standing Order</b> As above</p>
<p>28.12 When the <u>responsible</u> committee closes a petition, it must notify the petitioner that the petition is closed and of the reasons for closing it.</p>	<p><b>Amend this Standing Order</b> As above</p>

<b>Item 3.5 - General and Membership Of Committees: Standing Orders 10.1 - 10.14</b>	
<b>STANDING ORDER 10 - <del>Committees</del> <u>Rules of committee operation</u></b>	<b>Amend this title</b> Delete 'Committees' and replace with 'Rules of committee operation'.
<b>General</b>	
10.1 Standing Order 10 applies to every committee of the Assembly other than where disapplied by another Standing Order.	No amendment necessary
10.2 Any Member may table a motion to give specific or general instructions to any committee.	No amendment necessary
<b>Membership of Committees</b>	
10.3 The Assembly must consider a motion tabled by the Business Committee to determine the membership of each committee established by <del>any Standing Order or by a</del> resolution of the Assembly.	<b>Amend this Standing Order</b> This change reflects the fact that no committees would be named by Standing Orders, in line with the proposed approach.
10.4 No amendments may be tabled to a motion under Standing Order 10.3.	<b>Amend this Standing Order</b> Grammatical correction - replace 'amendments' with 'amendment'
10.5 A motion to determine the membership of a committee under Standing Order 10.3 cannot be passed unless:  (i) the membership reflects (so far as is reasonably practicable) the balance of the political groups to	No amendment necessary

<p>which Members belong; and</p> <p>(ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.</p>	
<p>10.6 If a motion to determine the membership of a committee under Standing Order 10.3 is not passed:</p> <p>(i) the Assembly must consider a motion tabled by the Business Committee to determine the size of the committee; and</p> <p>(ii) places on that committee must be allocated in accordance with the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 10.7.</p>	<p>No amendment necessary</p>
<p>10.7 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:</p> <p>(i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or</p> <p>(ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is greater than that so produced for any other political group,</p> <p>the Presiding Officer must determine to which political group that place is to be allocated.</p>	<p>No amendment necessary</p>
<p>10.8 If places on any committee are to be allocated to a political group in accordance with Standing Order <del>10.3 or</del> 10.6, it is</p>	<p><b>Amend this Standing Order</b></p>

<p>for the leader of that political group to determine the names of the Members allocated from his or her <u>their</u> group.</p>	<ul style="list-style-type: none"> <li>• Remove reference to Standing Order 10.3: As the Assembly agrees the membership of committees in circumstances where the use of the D'Hondt formula is not necessary, the reference to Standing Order 10.3 is redundant here.</li> <li>• Remove "the leader of": it is proposed that the reference to a group leader is removed to allow political groups the freedom to determine their own internal organisation. This Standing Order, as currently drafted, assumes that all political groups will choose to have a leader, which may not always be the case. The same change is proposed throughout Standing Orders to all references to leaders of political groups.</li> </ul>
<p>10.9 Any motion under Standing Order 10.3 or 10.6 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:</p> <ul style="list-style-type: none"> <li>(i) every Member who does not belong to a political group is offered a place on at least one committee; and</li> <li>(ii) the total number of places on committees allocated to Members belonging to each political group is at least as great as the number of Members belonging to the political group.</li> </ul>	<p>No amendment necessary</p>
<p>10.10 A vacancy occurs on a committee when a Member:</p> <ul style="list-style-type: none"> <li>(i) resigns from the committee by notifying the Business Committee;</li> <li>(ii) is removed from the committee by a resolution of the Assembly;</li> <li>(ii) ceases to be a Member; or</li> <li>(iv) ceases to be a member of the committee in</li> </ul>	<p>No amendment necessary</p>

<p>accordance with Standing Order 10.11.</p>	
<p>10.11 A Member ceases to be a member of a committee if he or she joins or leaves a political group.</p>	<p>No amendment necessary</p>
<p>10.12 When a vacancy occurs on a committee, the Business Committee:</p> <ul style="list-style-type: none"> <li>(i) must consider the effect of that vacancy on the membership of that committee and of any other committee;</li> <li>(ii) must, having regard to that consideration, table a motion under Standing Order 10.3 proposing <u>changes to</u> the membership of the committee on which the vacancy occurred; and</li> <li>(iii) may, having regard to that consideration, also table one or more motions under Standing Order 10.3 proposing <u>changes to</u> the membership of any other committee.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>10.12(ii) and (iii) – when a vacancy occurs on a committee, there is no need to put the whole membership before the Assembly for its agreement again, only the changes to the membership.</p>
<p><u>10.12A If a political group informs the Business Committee that they wish to change a member representing the group on a committee, the Business Committee must table a motion to give effect to that proposal.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Standing Order 10 does not currently provide clarity on how alterations to committee membership can be made when a group’s representative is being changed, which is a common occurrence during the course of an Assembly. It is proposed that Standing Orders are amended to reflect the accepted practice by which the Business Committee tables a motion to give effect to a proposal put forward a political group (usually via the group’s Business Manager)</p>



	to change a member representing the group on a committee.
<p>10.13 If the effect of a motion referred to in Standing Order 10.12(ii) or <u>10.12A</u> is only to fill the vacancy with a Member from the same political group, then Standing Order 10.5(ii) does not apply.</p>	<p><b>Amend this Standing Order</b></p> <p>Consequential amendment - if 10.12A is agreed, this amendment provides that the requirement that 2/3rds of those voting must support the motion is disapplied, reflecting established practice.</p>
<p>10.14 Any question arising under Standing Orders 10.5 and 10.9 must be determined by the Presiding Officer.</p>	<p>No amendment necessary</p>

<b>Item 3.6 - Sub-Committees: Standing Orders 10.15 - 10.17</b>	
<b>Sub-committees</b>	
10.15 Any committee may resolve to establish one or more sub-committees. A resolution to establish a sub-committee must set out its membership, remit and duration.	No amendment necessary
10.16 No sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.	No amendment necessary
10.16A <u>A sub-committee shall report to the committee which established it.</u>	<p><b>Insert new Standing Order</b></p> <p>Standing Order 10 does not currently provide clarity on the procedures for sub-committees to report. Accepted practice in most western legislatures is for a sub-committee to report to the committee which established it. It is proposed that Standing Orders are amended to reflect this.</p>
10.17 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.	No amendment necessary

Item 3.7 – Chairs and Behaviour In Committees: Standing Orders 10.18 – 10.25	
<b>Chairs</b>	
10.18 Each committee must elect a chair. In doing so the committee must, <u>in consultation with the Business Committee</u> , have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.	<p><b>Amend this Standing Order</b></p> <p>It is proposed that “in consultation with the Business Committee” is added here to ensure that current practice is reflected in Standing Orders. Consultation with Business Committee is currently undertaken to ensure that an overview of all committees is taken when deciding on matter of balance across the whole committee structure.</p>
10.18A <u>Proceedings for the election of a chair are to be chaired by the clerk to the committee. The clerk to the committee must invite nominations. If there is only one nomination, the clerk to the committee must propose that the Member nominated be elected as chair. If that is opposed, or if there are two or more nominations, the clerk to the committee must make arrangements for the election to take place in accordance with Standing Order 10.32.</u>	<p><b>Insert new Standing Order</b></p> <p>Standing Order 10 does not currently provide clarity on the procedures for the election of committee chairs. It is proposed that Standing Orders are amended to reflect the accepted way in which chairs are elected in the Third Assembly and to reflect similar procedures for the election of other office holders such as the Presiding and Deputy Presiding Officer.</p>
10.19 Each committee has the power to appoint a temporary chair in the absence of its chair <u>in accordance with Standing Order 10.18.</u>	<p><b>Amend this Standing Order</b></p> <p>This amendment is proposed to ensure consistency in the election of a permanent and temporary chair by referring to the procedures included in SO 10.18A.</p>
10.20 Except where Standing Orders provide otherwise, the chair of a committee must determine its procedures, having regard to any written guidance which may be issued by the Presiding Officer: <u>in accordance with Standing Order 2.17</u> <del>after consulting with the Business Committee and the chairs of committees.</del>	<p><b>Amend this Standing Order</b></p> <p>It is proposed that there should be a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business under SO 2.17 (see paper relating to plenary and the organisation of business)</p>

	To ensure consistency across SOs, this amendment would ensure that mechanisms for issuing guidance detailed under SO 2.17 are applicable to committees.
10.21 In relation to the business of a sub-committee, the chair of the sub-committee has the powers of the chair of the committee of which it is a sub-committee.	No amendment necessary
<b>Behaviour in Committees</b>	
<p>10.22 The chair is to maintain order in committee meetings and must call to order any Member who:</p> <ul style="list-style-type: none"> <li>(i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;</li> <li>(ii) is obstructing the business of the Assembly;</li> <li>(iii) seeks to raise a matter outside the scope of the issue before the committee;</li> <li>(iv) is guilty of discourteous or unbecoming conduct;</li> <li>(v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;</li> </ul>	No amendment necessary

<p>(vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or</p> <p>(vii) disregards the authority of the chair.</p>	
<p>10.23 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.</p>	<p>No amendment necessary</p>
<p>10.24 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required to do so, the chair may adjourn the meeting and report the matter to the Presiding Officer; and, with the permission of the Presiding Officer obtained in advance, a Member may propose that the Member be excluded from Assembly proceedings for a period in accordance with Standing Order 8.13.</p>	<p>No amendment necessary</p>
<p><del>10.25 In case of grave disorder arising in a committee meeting or in any other circumstance where he or she thinks it appropriate to do so, the chair may adjourn a meeting or may suspend the meeting for a specified time.</del></p>	<p><b>Move this Standing Order to “meetings” sub-heading</b></p> <p>As currently drafted, Standing Orders provide a committee chair with the power to suspend or adjourn a meeting in the case of grave disorder. To provide the necessary flexibility for a chair to organise the flow of business as effectively as possible (and in line with proposed changes to plenary procedures), it is proposed that the Standing Orders are amended to provide committee chairs with the ability to adjourn or suspend a meeting in any circumstance where he or she thinks it appropriate to do so. The amended standing order would be 10.41A.</p>

**Item 3.8 – Sub Judice and Relations with the Judiciary: Standing Orders 10.26 – 10.28**

**Sub judice**

- 10.26 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter which relates to active where court proceedings (as defined by Schedule 1 to the Contempt of Court Act 1981) have been initiated or where notice of appeal has been given in the United Kingdom, or where the Children’s Commissioner for Wales or the Commissioner for Older People in 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 either Commissioner, unless the chair is satisfied that:
- (i) the matter is clearly related to a matter of general public importance or a ministerial decision is in question;
  - (ii) the matter does not relate to a case which is to be heard, or is being heard, before a criminal court or before a jury or to a case which is to be heard, or is being heard, in family proceedings;
  - (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.

**Amend this Standing Order**

As proposed for plenary SOs, this SO does not define when proceedings are “initiated”. The Assembly’s Chief Legal Adviser, Keith Bush, has advised that the same approach should be taken as that in the Contempt of Court Act 1981 (CCA).

CCA does not refer to proceedings being “initiated” but to “active proceedings” (and when defining what this means makes it clear that proceedings that have been initiated can cease to be active if for example they are discontinued).

“Active proceedings” can include active appellate proceedings so a separate reference to appeals is redundant.

**The Business Committee agreed an identical change to Standing Order 8.16 (relating to plenary) on 2 November 2011.**

<b>Relations with the Judiciary</b>	
10.27 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; and in Standing Order 10.27 “judge” includes persons holding the position of judge, whether full-time or part-time.	No amendment necessary
10.28 Committees must not discuss individual judicial appointments.	No amendment necessary

<b>Item 3.9 – Quorum and Voting: Standing Orders 10.29 – 10.35</b>	
<b>Quorum</b>	
10.29 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, whichever is the <del>higher</del> <u>greater</u> , present.	<b>Amend this Standing Order</b>  Language correction
10.30 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.	No amendment necessary
10.31 On declaring a meeting inquorate under Standing Order 10.29 or 10.30 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within <del>20 minutes</del> <u>a time specified by the chair (or in the absence of the chair the clerk to the committee)</u> the meeting will stand adjourned.	<b>Amend this Standing Order</b>  To allow for greater flexibility in committee proceedings, it is proposed that the current 20 minute cut-off for a quorum to be reached in committee be removed and replace with a cut-off time specified by the chair (or, in the absence of the chair, the clerk).
<b>Voting</b>	
10.31A <u>Where a vote is necessary to dispose of a motion or amendment, the Chair must invite the committee to agree the motion or amendment. If any Member objects, a vote must be taken in accordance with provision in Standing Order 10.32. If no Member objects, the motion or amendment is deemed agreed by the committee.</u>	<b>Insert new Standing Order</b>  To improve the efficiency of committee business, it is proposed that provision is made within Standing Orders for committees to vote 'on the nod' unless any Member objects (in which case a vote by show of hands will take place), as is allowed in plenary meetings.
10.32 <u>Subject to Standing Order 10.31A, voting in committees is by a show of hands and, when any member of the committee requests that the vote be recorded, the names of those voting</u>	<b>Amend this Standing Order</b>  This is a consequential amendment if SO 10.31A is adopted.



<p>(including those recording an abstention) must be recorded in the minutes of the committee's proceedings.</p>	
<p>10.33 Chairs of committees may vote. If there is an equality of votes, the chair must rule as to the disposal of the business in accordance with Standing Order 2.20.</p>	<p>No amendment necessary</p>
<p>10.34 No vote in any committee is valid if fewer than one-third of its members vote. Members recording an abstention are to be regarded as having voted.</p>	<p>No amendment necessary</p>
<p>10.35 If a vote is not valid under Standing Order 10.34, the chair must adjourn the item of business of which it formed a part to the next meeting of the committee.</p>	<p>No amendment necessary</p>

<b>Item 3.10 – Openness of Committees and Remaining Provisions: Standing Orders 10.36 – 10.52</b>	
<b>Openness of Committees</b>	
<p>10.36 Subject to Standing Orders 10.37 and <del>11.9</del>, committees must meet in public and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Commission from time to time agrees.</p>	<p><b>Amend this Standing Order</b></p> <p>This is a consequential amendment if changes to Standing Order 11 – as proposed in BC(3)29-10(Paper 1) – are agreed. SO 11.9 currently determines when the Business Committee may meet in private. Under this proposal, the Committee would rely instead on the general provision to meet in private under SO 10.37(ix).</p>
<p><u>10.36A Committees must publish any written material submitted to them by members of the public in relation to proceedings of the committee, including evidence submitted or documents produced in response to an invitation under Standing Orders 10.44, unless:</u></p> <p style="margin-left: 40px;">(i) <u>it is not reasonably practicable to do so; or</u></p> <p style="margin-left: 40px;">(ii) <u>the content of the material makes it inappropriate to do so.</u></p>	<p><b>Insert new Standing Order</b></p> <p>It is proposed that a new Standing Order is inserted here to ensure that a specific reference is made to the publication of documents submitted by the public for consideration by a Committee.</p> <p>This change is proposed to bolster the legal protection for the contents of what is published. If a Standing Order requires material to be published, this provides the authority of the Assembly for doing so for the purposes sections 42 and 43 of the Government of Wales Act 2006. These are the sections of the Act that:</p> <ul style="list-style-type: none"> <li>• confer privilege for the purposes of the law of defamation on any statement made in a publication under the authority of the Assembly; and</li> <li>• disapply the strict liability rule for the purposes of the law of contempt of court to any publication made in, for the purpose of, or for purposes incidental, to Assembly proceedings.</li> </ul> <p>It is also proposed that the new Standing Order contains discretion for a committee to withhold publication if a document is defamatory or offensive.</p>
<p>10.37 A committee may resolve to exclude the public from a</p>	<p>No amendment necessary</p>

<p>meeting or any part of a meeting where:</p> <ul style="list-style-type: none"> <li>(i) international relations, national security, the investigation of alleged illegality, the effectiveness of law enforcement or the proper administration of justice requires the proceedings to be held in private;</li> <li>(ii) a particular item of business cannot be discussed without disclosing personal information relating to specific identified or identifiable individuals which ought not to be disclosed;</li> <li>(iii) discussion in public of a particular item of business would be likely to cause harm to commercial or economic interests;</li> <li>(iv) discussion in public of a particular item of business would be likely to cause harm to the health or safety of an individual, the public, or the environment;</li> <li>(v) a particular item of business cannot be discussed without reference to material which would be likely to be considered defamatory of any person;</li> <li>(vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;</li> <li>(vii) a particular item of business cannot be discussed without disclosing either legal advice supplied in confidence, or information supplied in confidence by, or confidential correspondence with, a person or organisation (including a public authority) which was not under any legal</li> </ul>	
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<p>obligation to disclose that information and has not consented to its disclosure to the public;</p> <p>(viii) a particular item of business cannot be discussed without reference to a document or documents which would be excluded or exempted from disclosure under legislation; or</p> <p>(ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.</p>	
<p>10.38 A motion proposed under Standing Order 10.37 must identify the grounds which the Member proposing it believes should give rise to the exclusion of the public.</p>	<p>No amendment necessary</p>
<p>10.39 So far as is appropriate in the circumstances and reasonably practicable, notice of motions and documents relating to business to be taken at any committee must be made available to all members of that committee in English and Welsh at least two working days before the meeting to which they relate.</p>	<p>No amendment necessary</p>
<p>10.40 Members of committees and other persons addressing committees, may speak in English or in Welsh and simultaneous interpretation facilities must be available for proceedings in Welsh. Persons other than Members may address committees in other languages by prior agreement with the chair.</p>	<p>No amendment necessary</p>
<p><b>Meetings</b></p>	
<p>10.41 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is</p>	<p>No amendment necessary</p>

not a sitting week.	
<p>10.41A <u>The chair may adjourn a meeting or may suspend the meeting for a specified time in any circumstance where he or she thinks it appropriate to do so.</u></p>	<p><b>Move from Standing Order 10.25</b></p> <p>As currently drafted, Standing Orders provide a committee chair with the power to suspend or adjourn a meeting in the case of grave disorder. To provide the necessary flexibility for a chair to organise the flow of business as effectively as possible (and in line with proposed changes to plenary procedures), it is proposed that Standing Orders are amended to provide committee chairs with the ability to adjourn or suspend a meeting in any circumstance where he or she thinks it appropriate to do so.</p>
<p><b>Substitutions at Meetings</b></p>	
<p>10.42 A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, by another Member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No Member may represent more than one committee member at a meeting.</p>	<p>No amendment necessary</p>
<p><b>Attendance at Meetings</b></p>	
<p>10.43 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.</p>	<p>No amendment necessary</p>
<p>10.44 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents.</p>	<p>No amendment necessary</p>

10.45	Any committee may, subject to sections 38 and 40 of the Act, exercise the powers in section 37 of the Act, to require persons to attend their proceedings or to produce documents.	No amendment necessary
10.46	Chairs may require a person who has been required to attend a committee to take an oath (or make an affirmation), to be administered by the clerk to the committee.	No amendment necessary
<b>Meetings with Other Committees</b>		
10.47	Committees may meet concurrently with other committees of the Assembly.	No amendment necessary
10.48	Committees may meet concurrently with any committee of <del>either House of Parliament or any joint committee of both Houses</del> <u>any UK legislature</u> .	<b>Amend this Standing Order</b>  Standing Orders currently provide that Assembly committees may meet concurrently with other committees of the Assembly or with any committee or joint committee of the Houses of Parliament. To provide greater flexibility for committees, it is proposed that this Standing Order is expanded to allow Assembly committees to meet concurrently with a committee or joint committee of any UK legislature.
<b>Committee Advisers</b>		
10.49	Committees may appoint advisers in accordance with guidelines issued by the Commission for the purposes of providing expert advice.	No amendment necessary

<b>Committee Reports</b>	
10.50 Any committee may report to the Assembly on matters within its remit.	No amendment necessary
<b>Duration of Committees</b>	
<p><del>10.51 Subject to Standing Order 12.3, committees established by Standing Orders 11 to 19 must be established for the duration of an Assembly.</del></p> <p><del>10.52 The Assembly must, on a motion tabled by the Business Committee, determine the duration of any other committee.</del></p>	<p><b>Move these Standing Orders to new Standing Order 12.6</b></p> <p>It is proposed that a presentational change is made to Standing Orders whereby provisions relating to the duration of committees are moved from the standing order relating to committee procedures (SO 10) to the standing order relating to their establishment and remits (SO 12). As the duration of a committee is required to be noted on its establishment, it would be clearer to include a standing order relating to committee duration under the revised standing order relating to establishment and remit of committees.</p>