

<p><b>3.1: Standing Order 2: Presiding Officer and Deputy</b></p> <p>See BC(3)31-10 (Paper 1): paragraph 7</p>	
<p><b>Election of Presiding Officer and Deputy</b></p>	
<p>2.1 At its first meeting after an Assembly election, the Assembly must elect from its Members a Presiding Officer and a Deputy.</p>	<p>No amendment necessary</p>
<p>2.2 If the office of the Presiding Officer or that of the Deputy becomes vacant, the Assembly must, as soon as possible, elect a Member to fill the vacancy. The election of a Presiding Officer takes precedence over all other business.</p>	<p>No amendment necessary</p>
<p>2.3 Subject to Standing Order 2.4, the proceedings for the election of a Presiding Officer at the first meeting after an Assembly election are to be chaired by the Presiding Officer who held office immediately before the Assembly election (“the former Presiding Officer”), <del>except that following the 2007 Assembly election the Clerk shall chair the proceedings.</del></p>	<p><b>Amend this Standing Order</b></p> <p>The reference at the end to the procedure following the 2007 Assembly election is now redundant and can be removed.</p>
<p>2.4 If:</p> <ul style="list-style-type: none"> <li>(i) at the first meeting after a general election the former Presiding Officer is unwilling or unable to act; or</li> <li>(ii) at any election of a Presiding Officer at any other time the Deputy is unwilling or unable to act, or there is no Deputy in office,</li> </ul> <p>the proceedings for the election of a Presiding Officer are to be chaired by the Clerk.</p>	<p>No amendment necessary</p>

2.5 No Member who chairs proceedings for the election of a Presiding Officer may be nominated for election as Presiding Officer in those proceedings.	No amendment necessary
2.6 At the election of a Presiding Officer or a Deputy, the chair must invite nominations. A nomination is, in the first instance, valid only if seconded by a Member who is not a member of the political group to which the nominating Member belongs.	No amendment necessary
2.7 If it appears that no Member is likely to be nominated and seconded by members of different political groups, the chair must adjourn the proceedings and may, on their resumption, accept nominations which are seconded by members of the same political group as the nominating Member.	No amendment necessary
2.8 If there is only one nomination, the chair must propose that the Member nominated be elected as Presiding Officer (or Deputy as the case may be). If that is opposed, or if there are two or more nominations, the chair must make arrangements for the election to take place by secret ballot.	No amendment necessary
2.9 If two Members have been nominated, the chair must declare elected the Member who has secured the greater number of votes cast in the ballot.	No amendment necessary
2.10 If more than two Members have been nominated and no Member receives more than half of the votes cast in a ballot, the candidate who has received the smallest number of votes is excluded and further secret ballots held until one candidate obtains more than half of the votes cast; and if there is an equality of votes between the two remaining candidates (or the only two candidates) a further secret ballot must take place.	No amendment necessary

<p>2.11 The Member elected as Presiding Officer must immediately take the oath or make an affirmation if he or she has not already done so, and then take the chair.</p>	<p>No amendment necessary</p>
<p>2.12 The Assembly must not elect a Presiding Officer and a Deputy who belong to:</p> <ul style="list-style-type: none"> <li>(i) the same political group;</li> <li>(ii) different political groups both of which have an executive role; or</li> <li>(iii) different political groups neither of which has an executive role.</li> </ul>	<p>No amendment necessary</p>
<p>2.13 Standing Order 2.12 may be disapplied by a resolution of the Assembly (provided that, if the motion for the resolution is passed on a vote, it has no effect unless at least two-thirds of those voting support it); and any Member may, without notice, propose a motion for such a resolution immediately before the Assembly proceeds to the election of a Presiding Officer or Deputy.</p>	<p>No amendment necessary</p>
<p>2.14 If in the course of an Assembly, the Presiding Officer and Deputy become members of:</p> <ul style="list-style-type: none"> <li>(i) the same political group;</li> <li>(ii) different political groups both of which have an executive role; or</li> <li>(iii) different political groups neither of which has an executive role,</li> </ul> <p>and neither resigns from office, then any Member may, without notice, propose a motion at the next plenary meeting</p>	<p>No amendment necessary</p>

<p>that the Presiding Officer and Deputy may remain in office. If no such motion is proposed, or the motion is not passed on a vote supported by at least two-thirds of those voting, then both the Presiding Officer and Deputy must resign from office.</p>	
<p><b>Functions of Presiding Officer</b></p>	
<p>2.15 The functions of the Presiding Officer are:</p> <ul style="list-style-type: none"> <li>(i) to chair plenary meetings;</li> <li>(ii) to determine questions as to the interpretation or application of Standing Orders; and</li> <li><u>(iiA) “to represent the Assembly in exchanges with any other bodies, whether within or outside the United Kingdom, in relation to matters affecting the Assembly;”</u></li> <li>(iii) such other functions conferred by any enactment, by the Assembly or by these Standing Orders.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>We are proposing that the functions of the Presiding Officer should include the role of representing the Assembly, to reflect established practice and to give it a clear footing in Standing Orders. This would include his role as the “ambassador” of the Assembly when it comes to external and international relations. It would also provide clarity to those who have a duty to consult the Assembly, whom they should address in the first instance, and give the Presiding Officer the authority to speak on behalf of the Assembly in matters affecting the Assembly.</p>
<p>2.16 The Presiding Officer’s determinations as to the interpretation or application of Standing Orders are final.</p>	<p>No amendment necessary</p>
<p>2.17 The Presiding Officer, having consulted the Business Committee, may issue written guidance to Members for the proper conduct of Assembly proceedings. <del>Guidance issued under Standing Order 2.17 only has effect if the Assembly so resolves.</del></p>	<p><b>Amend this Standing Order</b></p> <p>During consideration of the plenary Standing Orders on 2 November 2010, Business Managers agreed in principle to introduce a simplified mechanism for the Presiding Officer to issue guidance to Members on the conduct of Assembly business.</p> <p>SO 2.17 is amended to reflect this agreement in principle. This would</p>

	require that the Presiding Officer must consult Business Committee before issuing the guidance rather than the current mixed system where some guidance requires the endorsement of the Assembly and some not (amend Standing Order 2.17). This provision would then generally apply whenever there is reference to the Presiding Officer issuing guidance.
2.18 In the absence or at the request of the Presiding Officer, the Deputy must exercise the functions of the Presiding Officer, so far as permitted by the Act.	No amendment necessary
2.19 In carrying out the functions of the Presiding Officer, the Presiding Officer and Deputy must demonstrate impartiality at all times.	No amendment necessary
2.20 The Presiding Officer or Deputy may vote in plenary proceedings only when exercising a casting vote, <u>subject to Standing Order 2.20A</u> . Where there is an equality of votes a casting vote must be given: <p style="margin-left: 40px;">(i) in the affirmative where further discussion of the matter before the Assembly is possible; and</p> <p style="margin-left: 40px;">(iii) in the negative where further discussion is not possible or where there is a vote on an amendment.</p>	No amendment necessary
2.20A <u>The Presiding Officer and Deputy may exceptionally vote in plenary proceedings where legislation requires a resolution or motion to be passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.</u>	<b>Insert new Standing Order</b> <p>It is proposed that the Presiding Officer and Deputy should be allowed to vote, exceptionally, when legislation, such as the Government of Wales Act, requires that a vote on a resolution depends on a proportion of the total membership of the Assembly (40 out of 60 Members) rather than just two thirds of those voting. This normally applies to significant resolutions only, such as the vote</p>

	<p>on whether to request a referendum on Part IV of the Government of Wales Act, and the removal of the Auditor General from Office.</p> <p>When 40 out of 60 Members must agree a resolution, it follows that if the Presiding Officer and Deputy may not vote, it has the same effect as if they were to vote against the motion.</p> <p>By inserting a new provision allowing them to vote in these circumstances, it would allow the Presiding Officer or Deputy to decide whether to exercise their freedom to vote on this exceptional occasion.</p>
<b>Temporary Chair of Plenary Meetings</b>	
<p>2.21 Any Member other than a member of the government may, at the request of the Presiding Officer or Deputy when either is chairing a plenary meeting of the Assembly, temporarily chair <del>for not more than fifteen minutes on any one occasion.</del></p>	<p><b>Amend this Standing Order</b></p> <p>Amendment to reflect established practice.</p> <p>This restriction is not always applied in practice and should be relaxed to accord with what actually happens.</p>
<p>2.22 A Member acting as chair must not exercise any of the functions of the Presiding Officer except those contained in Standing Order 8, except that if the Member believes that the conduct of a Member is such as to warrant his or her withdrawal, the Member must suspend the meeting until the Presiding Officer or Deputy has returned.</p>	<p>No amendment necessary</p>
<b>Temporary Presiding Officer</b>	
<p>2.23 On each occasion that both the Presiding Officer and the Deputy Presiding Officer are unable to act (other than under Standing Order 2.21), the Clerk must take the chair solely in order to arrange for the election of a Member to act as</p>	<p>No amendment necessary</p>

<p>temporary Presiding Officer and a Member so elected must exercise the functions of the Presiding Officer until either the Presiding Officer or Deputy becomes able to act.</p>	
<p><b>Resignation or Removal from Office of Presiding Officer or Deputy</b></p>	
<p>2.24 The Presiding Officer or the Deputy may resign by giving notice in writing to the Clerk.</p>	<p>No amendment necessary</p>
<p><del>2.24A 7.42</del> If a motion:</p> <p>(i) <u>that the Presiding Officer be removed from office; or</u></p> <p>(ii) <u>that the Deputy be removed from office,</u></p> <p><u>is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</u></p>	<p><b>Move this Standing Order</b></p> <p>This is moved from SO7.42 to SO2, as it is more clear to explain how SO 2.25 would operate here, as agreed during consideration of the plenary Standing Orders on 2 November 2010.</p>
<p>2.25 If the Assembly resolves that the Presiding Officer or Deputy be removed from office, the office of Presiding Officer or Deputy, as the case may be, is immediately vacant.</p>	<p>No amendment necessary</p>

<p><b>3.2: Standing Order 3: The Assembly Commission</b></p> <p>See BC(3)31-10 (Paper 1)</p>	
<p><b>Appointment of Members</b></p>	
<p>3.1 As soon as reasonably practicable after an Assembly election, but no later than 10 days after the appointment of members of the Business Committee, the Assembly must consider a motion tabled by the Business Committee proposing the names of the four Members to be appointed as members of the Commission under section 27(2)(b) of the Act.</p>	<p>No amendment necessary</p>
<p>3.2 So far as is reasonably practicable, not more than one of the members of the Commission (other than the Presiding Officer) may belong to any one political group.</p>	<p>No amendment necessary</p>
<p>3.3 If there are four or more political groups in the Assembly, it is for the leader of each of the four largest political groups to inform the Business Committee of the name of a member of his or her political group who is to be included in the motion tabled under Standing Order 3.1.</p>	<p><b>Amend this Standing Order</b></p> <p>During discussions on Standing Order 10 in Business Committee, it was suggested that Standing Orders should not be so specific in referring to the leader of the political groups and could alternatively state that “Business Managers” should notify Business Committee – leaving the issue as to who makes the decisions to each group.</p> <p>Accordingly, Business Managers are requested to consider whether a change should be made to Standing Order 3.3 and 3.4.</p>
<p>3.4 If there are fewer than four political groups in the Assembly:</p> <p style="padding-left: 40px;">(i) it is for the leader of each of the political groups</p>	<p><b>Amend this Standing Order</b></p> <p>As above.</p>



<p>to inform the Business Committee of the name of a member of his or her political group; and</p> <p>(ii) it is for the Business Committee to determine the name of any additional Member or Members, who are to be included in the motion tabled under Standing Order 3.1.</p>	
<p>3.5 For the purposes of Standing Order 3.3, if there are two or more political groups with the same number of members, the Presiding Officer, having regard to the level of electoral support of each of the political groups in question, must determine which of those political groups is to be regarded as the larger (or largest, as the case may be).</p>	<p>No amendment necessary</p>
<p>3.6 No amendment may be tabled to a motion under Standing Order 3.1.</p>	<p>No amendment necessary</p>
<p><b>Resignation or Removal from Office</b></p>	
<p>3.7 A member of the Commission resigns from the Commission by giving notice in writing to the Clerk. The Presiding Officer cannot resign from the Commission.</p>	<p>No amendment necessary</p>
<p>3.8 Any Member may table a motion proposing that a particular Member (other than the Presiding Officer) be removed from the Commission and, if any such motion is agreed to in a plenary meeting, that Member is removed from the Commission with immediate effect.</p>	<p>No amendment necessary</p>
<p>3.9 When a member of the Commission ceases to be a Member</p>	<p>No amendment necessary</p>

<p>(otherwise than by dissolution), or resigns from or is removed from the Commission, the Assembly must consider a motion tabled by the Business Committee proposing the name of a Member to replace that Member as a member of the Commission.</p>	
<p><u>3.9A</u> No amendment may be tabled to a motion under Standing Order <u>3.9</u>.</p>	<p><b>Amend this Standing Order</b> To mirror the provision in SO 3.6 (rectifying its omission).</p>
<p><b>Special or General Instructions</b> <u>Directions to the Commission</u></p>	<p>Amend this title This is a technical correction to mirror the wording of SO3.10.</p>
<p>3.10 Any Member may table a motion to give special or general directions to the Commission. The Business Committee must report on whether time should be made available to debate such a motion.</p>	<p>No amendment necessary</p>

<b>3.3: Standing Order 4: Welsh Ministers and Deputy Welsh Ministers</b>	
See BC(3)31-10 (Paper 1): paragraphs 8 to 12	
<b>Nomination of First Minister</b>	No amendment necessary  Business Managers are invited to consider whether they would wish to change the formal procedure for nominating a First Minister. See paragraphs 8 – 12 of the covering paper.
4.1 Subject to section 47(3) of the Act, the Assembly must, within 28 days of an event specified in section 47(2) of the Act, nominate a Member for appointment as First Minister (“the nominee”).	No amendment necessary
4.2 The Presiding Officer must invite nominations. If only one nomination is made, the Presiding Officer must declare that Member to be the nominee. If more than one nomination is made, the Presiding Officer must, by roll call in alphabetical order of the membership, invite each Member present to vote for a candidate (except that neither the Presiding Officer nor the Deputy may vote). If two Members have been nominated, the Presiding Officer must declare the candidate who received the greater number of votes cast to be the nominee. If there is an equality of votes between the two candidates a further vote by roll call must take place.	No amendment necessary
4.3 If more than two Members have been nominated and no Member receives more than half of the votes cast by roll call,	No amendment necessary

<p>the candidate who has received the smallest number of votes must be excluded and further votes by roll call taken until one candidate obtains more than half of the votes cast; and the Presiding Officer must declare that Member to be the nominee. If there is an equality of votes between the two remaining candidates a further vote by roll call must take place.</p>	
<p><b>Resignation etc. of First Minister or another Member of the Government</b></p>	
<p>4.4 When the Presiding Officer is notified that the First Minister has tendered his or her resignation to Her Majesty, the Presiding Officer must, if the resignation is accepted, notify the Assembly.</p>	<p>No amendment necessary</p>
<p>4.5 When the Presiding Officer is notified that any other member of the government has resigned, the Presiding Officer must notify the Assembly.</p>	<p>No amendment necessary</p>
<p>4.6 If the Presiding Officer designates a person to exercise the functions of the First Minister under section 46 of the Act, he or she must notify the Assembly.</p>	<p>No amendment necessary</p>
<p><del>4.6A 7.43</del> <u>If a motion that the Welsh Ministers no longer enjoy the confidence of the Assembly is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</u></p>	<p><b>Move this Standing Order</b></p> <p>This has been moved from SO7.43 to SO 4, as it is more clear to explain how Welsh Ministers may be removed in SO4 than in SO7, as agreed during consideration of the plenary Standing Orders on 2 November 2010.</p>

<p><b>3.4: Standing Order 33A: Appointments</b></p> <p>See BC(3)31-10 (Paper 1): paragraphs 13 to 15</p>	
<p><b><u>STANDING ORDER 33A – Appointments etc. to Public Office</u></b></p>	<p><b>Insert new Standing Order 33A</b></p> <p>It is proposed that there should be one Standing Order to set out a consistent procedure for appointments of external offices (and their removal) which are not otherwise covered by Standing Orders. The Standing Order would be subject to any statutory conditions, such as any requirement relating to the majority by which a resolution must be passed. (See paragraphs 13- 15 of the covering paper).</p>
<p><b><u>Application</u></b></p>	<p><b>Insert new subtitle</b></p>
<p><u>33A.1 Standing Orders 33A applies (subject to Standing Order 33A.2) in relation to a public office if appointment to that office is required, by or under any enactment, to be made:</u></p> <ul style="list-style-type: none"> <li>(i) <u>by the Assembly, or</u></li> <li>(ii) <u>on the nomination or recommendation of the Assembly, or</u></li> <li>(iii) <u>with the approval of the Assembly.</u></li> </ul>	<p><b>Insert new Standing Order</b></p> <p>This provides for which public appointments would be covered by this new Standing Order. It applies to any appointments which the Assembly is required to under any Assembly Measure or Act of Parliament. It also clarifies that this would apply to all regardless of whether the Assembly’s duty is to make the appointment, or to make a nomination or recommendation to another person who is responsible for making the appointment, or to approve an appointment.</p>

	Currently this would apply to the Standards Commissioner, the Auditor General for Wales, the auditor of the accounts of the Auditor General and the Public Service Ombudsman.
<u>33A.2 Standing Order 33A does not apply to an office if provision for appointment to that office is made elsewhere in the Standing Orders.</u>	<b>Insert new Standing Order</b>  This provides that this Standing Order would not apply where they are already covered elsewhere in the Standing Orders i.e. it would not apply to the appointment of: the Presiding Officer and Deputy; the First Minister; Counsel General; and Trustees to the National Assembly for Wales Members' Pension Scheme.
<u>33A.3 An office to which Standing Order 33A applies is referred to as a "relevant office".</u>	<b>Insert new Standing Order</b>  Self-explanatory.
<u>33A.4 Standing Order 33A takes effect subject to any statutory requirements relating to the appointment.</u>	<b>Insert new Standing Order</b>  The Measure or Act which confers the duty to make an appointment on the Assembly, may provide that the appointment or removal from office is subject to certain requirements. For example, the Assembly may only recommend that the Auditor General is removed from office if the resolution is passed by 40 out of the 60 Assembly Members (Schedule 8 of GoWA).  This makes it clear that the processes set out in the Standing Order would be subject to these types of requirements.
<b><u>Method of appointment</u></b>	<b>Insert new subtitle</b>
<u>33A.5 Appointment to a relevant office (or a nomination or recommendation for, or approval of, appointment to a relevant office) is to be made by resolution of the Assembly.</u>	<b>Insert new Standing Order</b>  Self-explanatory.
<b><u>Committee consideration</u></b>	

<p><u>33A.6 A committee whose remit relates to the functions of a relevant office may meet to take evidence from a candidate for appointment to that office in order to consider whether the committee supports the appointment of that candidate.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This would enable Committees to hold a pre-appointment hearing, prior to the Assembly being formally asked to make the appointment. This would offer open and transparent scrutiny of the candidate and make an important contribution to the process and offer the Assembly additional confidence in the preferred candidate.</p>
<p><b><u>Removal from Office</u></b></p>	<p><b>Insert new subtitle</b></p>
<p><u>33A.7 Where the Assembly may, under any enactment, remove from office the holder of a relevant office, that removal from office is (subject to any conditions imposed by that enactment) to be made by resolution of the Assembly.</u></p>	<p><b>Insert new Standing Order</b></p> <p>This provides that the Assembly may also remove a person from office by resolution, subject to any statutory requirements.</p>
<p><u>33A.8 If a motion to remove from office the holder of a relevant office is tabled by at least six Members, time must be made available as soon as possible for the motion to be debated; and in any event such a debate must take place within five working days of the motion having been tabled.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Any Member could table a motion to remove a person from office. It would be a matter for Business Committee to decide whether to allocate time for that motion to be debated in Plenary.</p> <p>However, this Standing Order provides that if at least six Members table a motion, the Business Committee would have to make time available for it to be debated within five working days. This is the same approach as applies to any motion to remove from office the Presiding Officer or Deputy or a motion of no-confidence in Welsh Ministers (SO 7.42 and 7.43).</p>
<p><b><u>No amendments to motions</u></b></p>	<p><b>Insert new subtitle</b></p>
<p><u>33A.9 Motions under Standing Orders 33A.5 and 33A.8 may not be amended.</u></p>	<p><b>Insert new Standing Order</b></p> <p>Self-explanatory.</p>

