

**Annex A: proposed changes to Standing Order 22, 23, 24, 26 and accompanying explanation**

**6.1: Definition of Member in Charge of Legislation: new Standing Order 21A (replacing SO 22.4 – 22.12, 22.22 – 22.30, 23.1 – 23.12)**

See BC(3)33-10 Paper 4 – Paragraphs 8-9

Business Managers are invited agree to:

- (i) consolidate the definition of “member in charge” in a new stand-alone Standing Order: new SO 21A (*consequential amendments: delete SO 22.4 – 22.12, 22.22 – 22.30, 23.1 – 23.12*);
- (ii) include a similar definition for Commission proposed legislation: new SO21A.11 – SO21A.13;
- (iii) allow committee proposed legislation and Member proposed legislation to be transferred to the Welsh Government: new SO, 21.4A(iii), SO 21A.9, SO 21A.16, SO 21A.17; and
- (iv) require the unanimous agreement of the committee to transfer committee proposed legislation to the Government: new SO21A.9.

**Standing Order 21A – Definition of Member in Charge of Legislation**

21A.1 Standing Order 21A defines the “Member in charge” of an item of legislation.

21A.2 In Standing Order 21A “legislation” means, as the case may be,

- (i) proposed Orders under Standing Order 22;
- (ii) draft Orders under Standing Order 22;

**Insert New Standing Order to replace Standing Orders 22.4 – 22.12, 22.22 – 22.30, 23.1 – 23.12**

Proposed new Standing Order 21A to merge Standing Orders 22.4 – 22.12 with similar provisions in SO 22.22 – 22.30 and SO 23.1 – 23.12.

The definition of what is / who can be a “member in charge” is repeated in three different areas of

<p>(ii) proposed Measures under Standing Order 23.</p>	<p>Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone Standing Order to encompass them all.</p> <p>It is proposed that the new Standing Order would also include a provision to enable Member and Committee proposed legislation to be transferred to the Welsh Government (See new suggested Standing Orders 21A.9 and 21A.16).</p> <p>The current Standing Order does not allow the Government to take over a Committee or Member proposed legislation should that approach be the wish of the Committee or Member respectively.</p> <p>In relation to Committee proposed legislation, the unanimous agreement of the Committee would be required to allow the Government to take it over.</p>
<p><b>Government Legislation</b></p> <p>21A.3 Legislation laid or introduced by a member of the government is referred to as “government legislation”.</p> <p>21A.4 The Member in charge of an item of government legislation is:</p> <ul style="list-style-type: none"> <li>(i) the member of the government who laid or introduced the legislation (or, in the case of a draft Order, the Member of the government who introduced the proposed Order to which the draft Order relates);</li> <li>(ii) a member of the government who is authorised by the</li> </ul>	<p><b>Insert new Standing Orders</b></p> <p>There is no substantive change to the definitions of what is referred to as “government legislation”, they replicate the provisions in relation to proposed Orders (SO 22.4-22.5 and 22.11), draft Orders (SO 22.22-22.23 and 22.29), proposed Measures (SO 23.1-23.2 and 23.10).</p> <p>The only new provision is SO 21A.4 (iii), which relates to a new provisions in 21A.9 and 21A.16 to allow committee proposed legislation and Member proposed legislation to be transferred to</p>

<p>First Minister; or</p> <p>(iii) a member of the government who is authorised by virtue of Standing Orders 21A.9 or 21A.16.</p> <p>21A.5 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of government legislation.</p>	<p>the Welsh Government.</p>
<p><b>Committee Legislation</b></p> <p>21A.6 Legislation laid or introduced by a committee is referred to as “committee legislation”.</p> <p>21A.7 The Member in charge of an item of committee legislation is:</p> <ul style="list-style-type: none"> <li>(i) the member of the committee authorised by the committee that laid or introduced the legislation (or, in the case of a draft Order, the member of the committee authorised by the committee that introduced the proposed Order to which the draft Order relates); or</li> <li>(ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 22 or 23, specified by the Business Committee, a member of that other committee authorised by that other committee.</li> </ul> <p>21A.8 An authorisation under Standing Order 21A.7 (i) or (ii) no longer has effect if the Member so authorised ceases to be a member of the committee.</p>	<p><b>Insert new Standing Orders</b></p> <p>There is no substantive change to the definitions of what is referred to as “committee legislation”, they replicate the provisions in relation to proposed Orders (SO 22.6—22.7 and 22.12), draft Orders (SO 22.24-22.25 and 22.30), proposed Measures (SO 23.3-23.4 and 23.11).</p>

<p>21A.9 A committee may, with the agreement of the government, transfer an item of Committee legislation to a member of the government authorised by the First Minister, but only with the agreement (by unanimous resolution of those voting) of the committee referred to in Standing Order 21A.7(i) or, if that committee no longer exists, of the committee specified by the Business Committee under Standing Order 21A.7(ii).</p> <p>21A.10 When a Committee transfers an item of Committee Legislation to a Member of the government (in accordance with Standing Order 21A.9), that item of legislation is to be regarded, from then on, as an item of government legislation.</p>	<p><b>Insert new Standing Orders</b></p> <p>These are new provisions to enable Committee proposed legislation to be transferred to the Welsh Government with their agreement.</p> <p>21A.9 – this makes provision for committee legislation to be transferred to the government and includes a requirement for this to be by unanimous agreement of the committee.</p> <p>21A.10 – once transferred to the Government, it would be referred to as “government legislation”.</p>
<p><b>Commission legislation</b></p>	
<p>21A.11 Legislation laid or introduced by the Commission is referred to as “Commission legislation”.</p> <p>21A.12 The Member in charge of an item of Commission legislation is the member of the Commission authorised by the Commission to act as Member in charge of the legislation.</p> <p>21A.13 An authorisation under Standing Order 21A.12 no longer has effect if the Member so authorised ceases to be a member of the Commission.</p>	<p><b>Insert new Standing Orders</b></p> <p>Existing Standing Orders only define Commission proposed Legislation in terms of Commission proposed Measures. The proposals are broader to bring the definition of commission legislation in line with drafting for Member, Government and Committee proposed legislation.</p>
<p><b>Member legislation</b></p>	
<p>21A.14 Legislation, which is neither government legislation, committee legislation nor Commission legislation, is referred to as “Member legislation”.</p>	<p><b>Insert new Standing Orders</b></p> <p>There is no substantive change to the definitions of what is referred to as “Member legislation”,</p>

<p>21A.15 The Member in charge of an item of Member legislation is:</p> <ul style="list-style-type: none"> <li>(i) the Member who laid or introduced the legislation, or who was granted leave to introduce the legislation under Standing Order 22.50 or Standing Order 23.103 (or, in the case of a draft Order, the Member who introduced the proposed Order to which the draft Order relates);</li> <li>(ii) another Member authorised by the Member under Standing Order 21A.15(i), by means of a statement to that effect laid by that Member; or</li> <li>(iii) if no such authorisation is made, any Member authorised by the Assembly.</li> </ul>	<p>they replicate the provisions in relation to proposed Orders (SO 22.8—22.10), draft Orders (SO 22.26-22.28), proposed Measures (SO 23.7-23.9).</p>
<p>21A.16 A Member may transfer an item of Member legislation to a member of the government authorised by the First Minister, by means of a statement to that effect laid by that Member.</p> <p>21A.17 When a Member transfers an item of Member legislation to a member of the government (in accordance with Standing Order 21A.16), that item of legislation is to be regarded, from then on, as an item of government legislation.</p>	<p>These are new provisions to enable Member proposed legislation to be transferred to the Welsh Government.</p>

**6.2: Standing Order 22: Legislative Competence Orders**

**6.2.1 – Proposed Orders: SO 22.1 – 22.21B**

See BC(3)33-10 Paper 4 – Paragraphs 11-12

Business Managers are invited to agree to:

- (i) remove the reference to “pre-legislative” scrutiny: amend SO 22.2;
- (ii) consider whether to delete Standing Order 22.21 as it is no longer necessary;
- (iii) require the Presiding Officer to decide whether the proposed Order relates to the draft Order, as has been the practice during the Third Assembly: amend SO 22.21A; and
- (iv) other minor amendments: move SO 22.17 – 22.18 and amend SO 22.16, 22.19 – 22.21B.

<b>STANDING ORDER 22 – Legislative Competence Orders</b>	No amendment to heading necessary
22.1 Standing Order 22 applies only to Orders in Council within the meaning of section 95 of the Act.	No amendment necessary
22.2 A “proposed Order” is a proposal for an Order in Council that is to be subject to <del>pre-legislative</del> scrutiny under Standing Orders 22.13 to 22.21.	<p><b>Amend this Standing Order</b></p> <p>This Standing Order refers to “pre-legislative scrutiny” and in practice use of this term has been avoided as it is not strictly accurate, since the proposed Order will already have been laid.</p> <p>Propose the deletion of the words ‘pre-legislative’.</p>

<p>22.3 A “draft Order” is a draft Order in Council that is to be subject to approval by the Assembly under Standing Order 22.34.</p>	<p>No amendment necessary</p>
<p><b>Proposed Orders</b></p>	<p><b>Delete sub heading</b> (See suggested amendment below)</p>
<p><del>22.4 A proposed Order laid by a member of the government is referred to as a “government proposed Order”.</del></p> <p><del>22.5 The “Member in charge” of a government proposed Order is:</del></p> <p style="padding-left: 40px;"><del>(i) the member of the government who laid the proposed Order; or</del></p> <p style="padding-left: 40px;"><del>(ii) a member of the government who is authorised by the First Minister.</del></p> <p><del>22.6 A proposed Order laid by a committee is referred to as a “committee proposed Order”.</del></p> <p><del>22.7 The “Member in charge” of a committee proposed Order is:</del></p> <p style="padding-left: 40px;"><del>(i) the member of the committee authorised by the committee which laid the proposed Order; or</del></p> <p style="padding-left: 40px;"><del>(ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 22, specified by the Business Committee, a member of that other committee authorised by that other committee.</del></p> <p><del>22.8 A proposed Order laid by a Member, which is not a government proposed Order or a committee proposed Order, is referred to as a</del></p>	<p><b>Merge Standing Orders 22.4 – 22.12 with similar provisions in SO 22.22 – 22.30 and SO 23.1 – 23.12 and replace with new Standing Order 21A above</b></p> <p>The definition of what is / who can be a “member in charge” is repeated in three different areas of Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone Standing Order to encompass them all.</p> <p>A suggested draft stand-alone Standing Order to this effect is contained in a new Standing Order 21A detailed above.</p> <p>The new Standing Order would also include a new provision to enable Member and Committee proposed legislation to be transferred to the Welsh Government.</p>

<p><del>“Member proposed Order”:</del></p> <p><del>22.9 The “Member in charge” of a Member proposed Order is:</del></p> <ul style="list-style-type: none"> <li><del>(i) the Member who laid the proposed Order;</del></li> <li><del>(ii) another Member authorised by that Member; or</del></li> <li><del>(iii) if no such authorisation is made, any Member authorised by the Assembly.</del></li> </ul> <p><del>22.10 A member of the government cannot be the Member in charge of a committee proposed Order or a Member proposed Order.</del></p> <p><del>22.11 A Member who ceases to be a member of the government can no longer continue to be the Member in charge of a government proposed Order.</del></p> <p><del>22.12 An authorisation under Standing Order 22.7 no longer has effect if the Member so authorised ceases to be a member of the committee.</del></p>	
<p><b>Form and Laying of Proposed Orders</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.13 Subject to Standing Orders 22.42 to 22.54, a proposed Order may be laid on any working day in a sitting week.</p> <p>22.14 At the same time as a Member lays a proposed Order under Standing Order 22.13, he or she must lay an Explanatory Memorandum.</p> <p>22.15 A proposed Order must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.</p>	<p>No amendments necessary</p>



<p><b>Detailed Consideration of a proposed Order</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.16 The Business Committee must either:</p> <ul style="list-style-type: none"> <li>(i) refer the proposed Order for detailed consideration to a <u>responsible committee</u> established in accordance with Standing Order 21.12.1 (referred to within this Standing Order as “the responsible committee”); or</li> <li>(ii) by motion in plenary propose that there should be no detailed consideration of the proposed Order.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>22.16(i) - The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO22.16 above [see paper BC(3)29-10 Paper 1 – Annex A].</p> <p>The legislative committee would already be established under Standing Order 12.1 i.e. a committee with responsibility for delivering functions under Standing Order 22 and 23. There would be no need to establish a new committee as a consequence of Standing Order 22.16 or 22.18.</p> <p>This legislative committee would be referred to as the “responsible committee” within this Standing Order.</p>
<p><del>22.17 If a motion under Standing Order 22.16 (ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which relates to the proposed Order, under Standing Order 22.31.</del></p> <p><del>22.18 If a motion under Standing Order 22.16 (ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration by a committee to be established in accordance with Standing Order 21.</del></p>	<p><b>Move and amend Standing Orders to 22.21A and 22.21B</b></p> <p>Propose re-ordering of these Standing Orders (see below for further detail)</p>

<p>22.19 <u>The responsible</u> committee must consider and report on the proposed Order.</p> <p>22.20 The Business Committee must establish a timetable for the <u>responsible</u> committee’s consideration of a proposed Order and may make subsequent changes to that timetable as it considers appropriate but must give reasons for such changes.</p>	<p><b>Amend these Standing Orders</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO22.16 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>
<p>22.21 In preparing its report on the proposed Order, the <u>responsible</u> committee must, so far as is reasonably practicable, take into account:</p> <ul style="list-style-type: none"> <li>(i) any recommendation on the proposed Order that has been made by any other committee of the Assembly; and</li> <li>(ii) any recommendation on the proposed Order that has been made by any committee of the House of Commons or the House of Lords or any Joint Committee of both Houses of Parliament.</li> </ul>	<p><b>Amend this Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO22.16 above [see paper BC(3)29-10 Paper 1 – Annex A].</p> <p>The Business Committee may also wish to consider whether these Standing Orders remain necessary given practice to date.</p> <p>For example, in relation to paragraph (i) there has been no desire in the Third Assembly for any Committee, other than a legislation committee, to report on a proposed Order. In relation to paragraph (ii), these committees rarely report before the Assembly Committee. In instances where they may report before the Assembly committee there is nothing in Standing Orders,</p>

	<p>which would prevent the Assembly committee from taking such reports into account.</p>
<p><del>22.17</del> <u>22.21A</u> If a motion under Standing Order 22.16(ii) is agreed, the Member in charge of the proposed Order may introduce a draft Order, which, <u>in the view of the Presiding Officer</u>, relates to the proposed Order, under Standing Order 22.31.</p>	<p><b>Move from existing Standing Order 22.17 and amend</b></p> <p>Proposed re-ordering of standing orders to create a more logical sequence. The Standing Orders now deal with the effect of Standing Order 22.16(i) firstly and Standing Order 22.16 (ii) secondly.</p> <p>Additional text inserted to define who makes the decision on whether the proposed Order relates to the draft Order. This reflects practice that has been established in the third Assembly.</p>
<p><del>22.18</del> <u>22.21B</u> If a motion under Standing Order 22.16(ii) is proposed but not agreed, the Business Committee must refer the proposed Order for detailed consideration to a <u>responsible committee</u> established in accordance with Standing Order <u>12.1 (referred to within this Standing Order as “the responsible committee”)</u>.</p>	<p><b>Move from existing Standing Order 22.18 and amend</b></p> <p>Proposed re-ordering of standing orders to create a more logical sequence. The Standing Orders now deal with the effect of Standing Order 22.16(i) firstly and Standing Order 22.16 (ii) secondly.</p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO22.16 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>

**6.2.2 – Draft Orders: SO 22.22 – 22.37**

See BC(3)33-10 Paper 4 – Paragraphs 13 – 14

Business Managers are invited to agree the proposal to:

- (i) strengthen the requirement placed on a member in charge to respond to recommendations made by a relevant committee in the explanatory memorandum: amend SO 22.33; and
- (ii) introduce a 2 week period between the laying of a draft Order and a plenary debate, to allow any appropriate committee to consider and report on the draft Order to inform the Assembly’s debate, unless the Business Committee agrees otherwise in consultation with the responsible committee: new SO 22.34A

**Member in Charge of a Draft Order**

**Delete Sub Heading**

(See suggested amendment below)

~~22.22 A draft Order introduced by a member of the government is referred to as a “government draft Order”.~~

**Merge Standing Orders 22.22 – 22.30 with similar provisions in SO 22.4 – 22.12 and SO 23.1 – 23.12 and move to a new Standing Order 21A (see above)**

~~22.23 The “Member in charge” of a government draft Order is:~~

- ~~(i) the member of the government in charge of the proposed Order to which the draft Order relates; or~~
- ~~(ii) a member of the government who is authorised by the First Minister.~~

The definition of what is / who can be a “member in charge” is (almost) replicated in three different areas of standing orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone standing order to encompass them all.

~~22.24 A draft Order introduced by a committee is referred to as a “committee draft Order.”~~

A suggested draft Standing Order to this effect is detailed in Standing Order 21A above.

~~22.25 The “Member in charge” of a committee draft Order is:~~

- ~~(i) the member of the committee authorised by the committee which laid the proposed Order to which the draft Order relates; or~~
- ~~(ii) if that committee no longer exists and another committee is, for the purposes of Standing Order 22, specified by the Business Committee, a member of that other committee authorised by that other committee.~~

~~22.26 A draft Order introduced by a Member, which is not a government draft Order or a committee draft Order, is referred to as a “Member draft Order”.~~

~~22.27 The “Member in charge” of a Member draft Order is:~~

- ~~(i) the Member who laid the proposed Order to which the draft Order relates;~~
- ~~(ii) the Member in charge of the proposed Order to which the draft Order relates;~~
- ~~(iii) another Member authorised by the Member referred to in Standing Order 22.27(i) or 22.27(ii); or~~
- ~~(iv) if no such authorisation is made, any Member authorised by the Assembly.~~

~~22.28 A member of the government cannot be the Member in charge of a committee draft Order or a Member draft Order.~~

~~22.29 A Member who ceases to be a member of the government can no~~

<p><del>longer continue to be the Member in charge of a government draft Order.</del></p> <p><del>22.30 An authorisation under Standing Order 22.25 no longer has effect if the Member so authorised ceases to be a member of the committee.</del></p>	
<b>Introduction of a Draft Order</b>	No amendment to sub heading necessary
<p>22.31 A draft Order may be introduced by being laid on a working day in a sitting week, provided that:</p> <ul style="list-style-type: none"> <li>(i) the draft Order is introduced in accordance with Standing Order 22.17;</li> <li>(ii) a committee has reported on a proposed Order to which the draft Order relates in accordance with Standing Order 22.19; or</li> <li>(iii) a committee has not so reported within the timetable set by the Business Committee in accordance with Standing Order 22.20.</li> </ul>	No amendments necessary
<b>Explanatory Memorandum to Accompany a Draft Order</b>	No amendment to sub heading necessary
22.32 At the same time as the Member in charge introduces a draft Order, he or she must lay an Explanatory Memorandum.	No amendment necessary

<p>22.33 The Explanatory Memorandum must include:</p> <ul style="list-style-type: none"> <li>(i) an explanation of how account has been taken of <del>any</del><u>the</u> <del>recommendations</del><u> made by any of the committees</u> referred to in Standing Order 22.21; and</li> <li>(ii) the reasons for any significant differences between the draft Order and the proposed Order to which it relates.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>It is proposed that this standing order be strengthened in terms of the provisions relating to responses by the Member in charge to committee recommendations. This amendment aims to ensure the Member in Charge responds to all recommendations made by a relevant committee.</p> <p>22.33(i) - This standing order may require further technical changes depending on the decision made in relation to SO 22.21.</p>
<p><b>Final Consideration</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.34 Not later than 40 working days after a draft Order has been introduced, the Assembly must consider a motion proposed by the Member in charge that the draft Order be approved.</p>	<p>No amendment necessary</p>
<p><u>22.34A A motion proposed under Standing Order 22.34 may be considered no earlier than ten working days after the draft Order has been introduced (not counting working days in a week when there is no plenary meeting of the Assembly), unless, having consulted with the responsible committee, the Business Committee agrees otherwise.</u></p>	<p><b>Insert New Standing Order</b></p> <p>Legislation Committee Chairs and consultation responses have raised concerns regarding the apparent gap in the Assembly’s scrutiny processes in relation to draft Legislative Competence Orders.</p> <p>There is a view, supported by the legislation committee chairs, that there should be time available between the laying of a draft Order and a plenary debate.</p>

	<p>The proposed new Standing Order would address these concerns by allowing any appropriate committee to consider and report on the draft Order to inform the Assembly’s debate, as happened with the Environment LCO.</p> <p>The Chairs of Legislation Committees highlighted the need to find a balance between allowing sufficient time to consider a draft order without unduly delaying the process.</p> <p>It is therefore proposed that a new standing order be inserted to allow for a 2 week period between the laying of a draft Order and a plenary debate, unless having consulted with the responsible committee, the Business Committee agrees otherwise.</p>
<p>22.35 No amendment to a motion under Standing Order 22.34 may be tabled if:</p> <ul style="list-style-type: none"> <li>(i) it would not be clear from a resolution of the Assembly approving the motion as amended by such an amendment that the Assembly has approved the draft Order; or</li> <li>(ii) it seeks to amend the draft Order.</li> </ul> <p>22.36 A draft Order cannot be amended.</p>	<p>No amendments necessary.</p>
<p><b>Publication of Notice of Refusal</b></p>	<p>No amendment to sub heading necessary</p>
<p>22.37 The Presiding Officer must, as soon as reasonably practicable, publish any notice laid in accordance with section 95(8) of the Act.</p>	<p>No amendment necessary</p>



**6.2.3 – Other provisions relating to proposed or draft Orders: SO 22.38 – 22.47**

Business Managers are invited to agree the proposal to:

- (i) make it clear that ballot proposals supported by the Assembly also fall at dissolution: new SO 22.39A;
- (ii) remove the limit on the number of committee proposed/draft Orders in progress at any one time: delete SO 22.44 and 22.45;
- (iii) remove the restriction on Members who have not previously had agreement to proceed with a proposed Order from re-entering the ballot: amend SO 22.49;
- (iv) allow a Member not to proceed with a motion seeking the Assembly’s agreement to laying a proposed Order: amend SO 22.50; and
- (v) other consequential changes: amend SO 22.43, 22.47 and 22.54.

<b>Withdrawal of a Proposed or Draft Order</b>	No amendment to sub heading necessary
22.38 A proposed or draft Order may be withdrawn at any time by the Member in charge, except in the case of a committee proposed or draft Order, when the Member in charge must first obtain the unanimous agreement of the committee before withdrawing the Order.	<b>Amend Standing Order</b>  Amended to ensure consistency with SO 21A.9
<b>Fall of a Proposed or Draft Order</b>	No amendment to sub heading necessary

22.39 A proposed or draft Order falls at dissolution.	No amendment necessary
<u>22.39A Approval to lay a proposed Order in accordance with Standing Order 22.50 ceases at dissolution.</u>	<p><b>Insert New Standing Order</b></p> <p>Proposed new Standing Order to improve clarity. Since a proposed or draft Order falls at dissolution this Standing Order would make the same provision for ballot proposals that had won the support of the Assembly but had not progressed further.</p> <p>It supports the principle that a new assembly should not be bound by decisions made by the last.</p>
22.40 A proposed Order falls if the draft Order to which it relates is approved or falls.	No amendment necessary
22.41 A draft Order falls if it is not approved by the Assembly.	No amendment necessary
<b>Committee Proposed and Draft Orders</b>	No amendment to sub heading necessary
22.42 Standing Orders 22.43 to 22.45 apply only to committee proposed and draft Orders.	No amendment necessary
<p>22.43 Any committee <del>other than a committee set up as a consequence of Standing Order 22.16(i), 22.18, 23.22 or 23.31(ii)</del> may:</p> <p>(i) lay a committee proposed Order relating to its remit; or</p> <p>(ii) subject to Standing Order 22.31, introduce a draft Order</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee's agreement in principle on 9 November to changes to committee Standing</p>

<p>relating to its remit.</p>	<p>Orders, as explained in SO22.16, SO 22.18 and 23.31 above [see paper BC(3)29-10 Paper 1 – Annex A].</p> <p>This amendment would mean that all committees would, in theory, be able to introduce legislation. However, if the 4th Assembly adopts the same model for legislation committees then those committees could be prevented from introducing legislation by virtue of the remit set out when they were established.</p>
<p><del>22.44 A committee may only have one committee proposed Order or committee draft Order in progress at any one time.</del></p>	<p><b>Delete Standing Order</b></p> <p>It is proposed that this be deleted as it seems unnecessary to place a limit on the number of committee proposed/draft Orders in progress at any one time.</p>
<p><del>22.45 For the purposes of Standing Order 22.44 a committee proposed Order or committee draft Order is in progress from the time it has been laid or introduced, as the case may be, until it falls, is withdrawn or, in the case of a draft Order, is approved.</del></p>	<p><b>Delete Standing Order</b></p> <p>The deletion of this Standing Order is a consequential amendment if the proposed deletion of Standing Order 22.44, as explained above, is agreed.</p>
<p><b>Member Proposed and Draft Orders</b></p>	<p>No amendment to sub heading necessary</p>

22.46 Standing Orders 22.47 to 22.54 apply only to Member proposed and draft Orders.	No amendment necessary
22.47 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek <u>leave agreement</u> to lay a Member proposed Order under Standing Order 22.50.	<p><b>Amend Standing Order</b></p> <p>The motion in SO 22.50 also asks the Assembly ‘to agree’ that the Member may lay a proposed Order.</p> <p>It is proposed that ‘leave’ be amended to ‘agreement’ to ensure consistency of wording of SO 22.47 and SO 22.50.</p>
22.48 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have provided an outline proposed Order and an Explanatory Memorandum.	No amendment necessary
22.49 No Member who has previously <del>won the ballot</del> <u>had agreement to lay a proposed Order</u> in that Assembly may <del>so</del> apply <u>to be included in the ballot</u> .	<p><b>Amend Standing Order</b></p> <p>It is suggested that this Standing Order be amended to remove the restriction on Members who have not previously had agreement to proceed with a proposed Order from re-entering the ballot.</p> <p>Where a Member has been successful in a ballot and has had agreement to proceed, they would not be allowed to re-enter the ballot, as is the case under the current Standing Orders.</p>
22.50 A Member who is successful in a ballot <del>must</del> may, within 25 working days of the date of the ballot, table a motion that the Assembly agrees that the Member may lay a proposed Order, to give effect to	<p><b>Amend Standing Order</b></p> <p>Amending the word ‘must’ to ‘may’ to enable a</p>

<p>the outline proposed Order to which it relates, and an Explanatory Memorandum.</p>	<p>Member not to proceed with a debate if they wish. If they did not table the motion within 10 days they would have lost their opportunity to do so.</p>
<p>22.51 A motion under Standing Order 22.50 is not amendable.</p>	<p>No amendments necessary</p>
<p>22.52 Time must be made available for a motion tabled under Standing Order 22.50 to be debated within 35 working days of the date of the ballot (not counting working days in a week when there is no plenary meeting of the Assembly).</p>	<p>No amendments necessary</p>
<p>22.53 Unless a motion under Standing Order 22.50 is agreed to, no further proceedings are to be taken on the proposed Order.</p>	<p>No amendment necessary</p>
<p>22.54 If a motion under Standing Order 22.50 is <del>disagreed to</del> <u>not agreed</u>, then no Member may enter any ballot held under Standing Order 22.47 for a period of six months after the motion <u>was not agreed</u> <del>has been disagreed to</del> if, in the opinion of the Presiding Officer, the proposed Order which he or she is intending to lay seeks to confer the same, or substantially the same, legislative competence as the proposed Order referred to in the motion which has been disagreed to.</p>	<p><b>Amend Standing Order</b>  No material change. This is to ensure consistent use of language across Standing Orders.</p>

**6.3: Standing Order 23: Assembly Measures**

**6.3.1 – Introduction of Assembly Measures and Stage 1: SO 23.1 – 23.28**

See BC(3)33-10 Paper 4 – Paragraph 15

Business Managers are invited to agree the proposal to:

- (i) improve Explanatory Memorandum which are laid with proposed Measures by strengthening the financial information required to include details of the estimated total costs of the Measure and to consider whether the Standing Order should be even more detailed: amend SO 23.18(vi);
- (ii) other consequential changes: delete SO 23.22 and amend 23.21, 23.23 – 23.24.

**STANDING ORDER 23 – Assembly Measures**

<b>General</b>	<b>Delete Sub Heading</b> (See suggested Amendment below)
<p><del>23.1 A proposed Measure introduced by a member of the government is referred to as a “government proposed Measure”.</del></p> <p><del>23.2 The Member in charge of a government proposed Measure is:</del></p> <ul style="list-style-type: none"> <li><del>(i) the member of the government who introduced the proposed Measure; or</del></li> <li><del>(ii) a member of the government who is authorised by the First Minister.</del></li> </ul> <p><del>23.3 A proposed Measure introduced by a committee is referred to as a “committee proposed Measure”.</del></p> <p><del>23.4 The Member in charge of a committee proposed Measure is:</del></p>	<p><b>Merge Standing Orders 23.1 – 23.12 with similar provisions in SO 22.4 -22.12 and 22.22 - 22.30 and move to a new Standing Order 21A (see above)</b></p> <p>The definition of what is / who can be a “member in charge” is repeated in three different areas of Standing Orders in relation to proposed Orders, draft Orders, and proposed Measures. It is proposed that there should be one stand-alone Standing Order to encompass them all.</p> <p>A suggested draft stand-alone Standing Order to this effect is contained in Standing Order 21A above.</p>

<p>(i) <del>the member of the committee authorised by the committee which made the proposal for the proposed Measure; or</del></p> <p>(ii) <del>if that committee no longer exists and another committee is, for the purposes of Standing Order 23, specified by the Business Committee, a member of that other committee authorised by that other committee.</del></p> <p><del>23.5 A proposed Measure introduced by the Commission is referred to as a “Commission proposed Measure”.</del></p> <p><del>23.6 The Member in charge of a Commission proposed Measure is the member of the Commission authorised by the Commission.</del></p> <p><del>23.7 A proposed Measure which is not a government proposed Measure, a committee proposed Measure or a Commission proposed Measure is referred to as a “Member proposed Measure”.</del></p> <p><del>23.8 The Member in charge of a Member proposed Measure is:</del></p> <p style="padding-left: 40px;"><del>(i) the Member who introduced the proposed Measure;</del></p> <p style="padding-left: 40px;"><del>(ii) another Member authorised by that Member; or</del></p> <p style="padding-left: 40px;"><del>(iii) if no such authorisation is made, any Member authorised by the Assembly.</del></p> <p><del>23.9 A member of the government cannot be the Member in charge of a committee proposed Measure, a Commission proposed Measure or a Member proposed Measure.</del></p> <p><del>23.10 A Member who ceases to be a member of the government can no</del></p>	<p>The new Standing Order will also include a provision to enable Member and Committee proposed Measures to be transferred to the Welsh Government (See new suggested standing orders 21A.9 and 21A.16 above).</p>
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<p><del>longer continue to be the Member in charge of a government proposed Measure.</del></p> <p><del>23.11 An authorisation under Standing Order 23.4 no longer has effect if the Member so authorised ceases to be a member of the committee.</del></p> <p><del>23.12 An authorisation under Standing Order 23.6 no longer has effect if the Member so authorised ceases to be a member of the Commission.</del></p>	
<p><b>Form and Introduction of Proposed Measures</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.13 Subject to Standing Orders 23.90 to 23.106, a proposed Measure may be introduced on a working day in a sitting week.</p> <p>23.14 A proposed Measure must be introduced by being laid.</p> <p>23.15 A proposed Measure must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.</p> <p>23.16 A proposed Measure must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:</p> <ul style="list-style-type: none"> <li>(i) indicate whether or not the provisions of the proposed Measure would be, in his or her opinion, within the legislative competence of the Assembly; and</li> <li>(ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Assembly and the reasons for that opinion.</li> </ul> <p>23.17 A proposed Measure must be introduced in both English and Welsh except in the following cases:</p>	<p>No amendments necessary</p>



<ul style="list-style-type: none"> <li>(i) when, in respect of a government proposed Measure, the Member in charge states in writing that, for specified reasons, it would not be appropriate in the circumstances or reasonably practicable for the proposed Measure to be introduced in both languages; or</li> <li>(ii) when not doing so is in accordance with determinations issued by the Presiding Officer under Standing Order 23.15.</li> </ul>	
<p><b>Documentation to Accompany a Proposed Measure</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.18 At the same time as a Member introduces a proposed Measure, he or she must also lay an Explanatory Memorandum which must:</p> <ul style="list-style-type: none"> <li>(i) state that in his or her view the provisions of the proposed Measure would be within the legislative competence of the Assembly;</li> <li>(ii) set out the policy objectives of the proposed Measure;</li> <li>(iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the proposed Measure was adopted;</li> <li>(iv) set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> <li>(a) the policy objectives of the proposed Measure and the ways of meeting them; and</li> <li>(b) the detail of the proposed Measure,</li> </ul> <p>together with a summary of the outcome of that</p> </li> </ul>	<p><b>Amend Standing Order</b></p> <p>23.18 (vi) - In their consultation response the Finance Committee suggested that financial information contained in Explanatory Memorandums (EMs) could be improved. This is a view shared by legislation committee chairs. (See Annex E)</p> <p>The weakness in the financial information provided in EMs has related mainly to the lack of information of the ‘total costs’ of the proposed Measure. Many EMs have only set out the additional costs, over and above costs spent on existing policy initiatives or services.</p> <p>23.18 (vi) (a) - amendments are proposed to improve clarity on estimated costs involved and to address the point above.</p> <p>The Finance Committee also proposed that the guidance they have produced in the third Assembly relating to financial information should</p>

<p>consultation;</p> <ul style="list-style-type: none"> <li>(v) summarise objectively what each of the provisions of the proposed Measure is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the proposed Measure;</li> <li>(vi) set out the best estimates of:             <ul style="list-style-type: none"> <li>(a) <del>any</del> <u>the gross</u> administrative, compliance and other costs to which the provisions of the proposed Measure would give rise;</li> <li>(b) the timescales over which such costs would be expected to arise; and</li> <li>(c) <del>where</del> <u>on whom</u> the costs would fall;</li> </ul> </li> <li>(vii) where the proposed Measure contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:             <ul style="list-style-type: none"> <li>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</li> <li>(b) why it is considered appropriate to delegate the power; and</li> <li>(c) the Assembly procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and</li> </ul> </li> </ul>	<p>be incorporated in the Standing Order or that the standing orders should make provision for more detailed guidance to be made by the relevant committee.</p> <p>The Business Committee may also wish to consider whether this Standing Order should be more detailed or whether guidance similar to that issued by the Finance Committee should be formally made in the 4<sup>th</sup> Assembly.</p>
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<p>why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure); and</p> <p>(viii) where the proposed Measure contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.</p>	
<p><b>Timetable for Consideration of a Proposed Measure</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.19 The Business Committee must establish and publish a timetable for the consideration of a proposed Measure, except for any stage taken in plenary (which must be arranged under the provisions of Standing Orders 6.4 or 11.7(ii), as the case may be).</p> <p>23.20 The Business Committee may make such subsequent changes to a timetable established under Standing Order 23.19 as it considers appropriate but must give reasons for such changes.</p>	<p>No amendments necessary</p>
<p><b>Stage 1: Consideration of General Principles</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.21 Once a proposed Measure has been introduced, the Business Committee must decide whether or not to refer consideration of the general principles to a <u>responsible committee established under Standing Order 12.1 (referred to within this Standing Order as “the responsible committee”)</u>.</p>	<p><b>Amend this Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders [see paper BC(3)29-10 Paper 1 – Annex A].</p> <p>The legislative committee would already be established under Standing Order 12.1 i.e. a committee with responsibility for delivering functions under Standing Order 22 and 23. There</p>

	<p>would be no need to have a separate Standing Order to establish a committee.</p> <p>This committee would be referred to as the “responsible committee” within this Standing Order.</p>
<p><del>23.22 If the Business Committee decides to refer consideration of the general principles to a committee, such a committee must be established in accordance with Standing Order 21.</del></p> <p>23.23 <u>If Business Committee agrees under Standing Order 23.21 to refer the proposed Measure to a responsible committee, the that responsible committee established as a consequence of Standing Order 23.22 must consider and report on the general principles of the proposed Measure.</u></p>	<p><b>Amend these Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>
<p>23.24 Not earlier than five working days after either:</p> <ul style="list-style-type: none"> <li>(i) <u>the responsible</u> committee has reported on the general principles of the Measure; or</li> <li>(ii) the deadline by which <u>the responsible</u> a committee is required to report has been reached,</li> </ul> <p>the Member in charge of the proposed Measure may propose that the Assembly agree to the general principles of the proposed Measure.</p> <p>23.25 If the Business Committee decides not to refer consideration of the general principles to a <u>responsible</u> committee, the Member in charge may propose that the Assembly agree to the general principles of the</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>

<p>proposed Measure.</p> <p>23.26 If the Assembly agrees to the general principles of the proposed Measure under Standing Orders 23.24, 23.25, 23.95 or 23.114, the proposed Measure proceeds to Stage 2.</p> <p>23.27 If the Assembly does not agree to the general principles of the proposed Measure under Standing Orders 23.24, 23.25, 23.95 or 23.114, the proposed Measure falls.</p> <p>23.28 Stage 1 is completed when the general principles of the proposed Measure have been agreed to or the Measure falls under Stage 1.</p>	
<p><b>6.3.2 – Assembly Measures Stage 2: SO 23.29 – 23.41</b></p> <p>See BC(3)33-10 Paper 4 – Paragraph 16</p> <p>Business Managers are invited to agree the proposal to:</p> <ul style="list-style-type: none"> <li>(i) remove the restriction which prevents a committee considering Stage 2 proceedings from meeting until 15 days have elapsed from the start of Stage 2: amend SO 22.30; and</li> <li>(ii) other consequential changes: amend 22.30 - 22.31, 22.35 – 22.36.</li> </ul>	
<p><b>Stage 2: Detailed Consideration by Committee</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.29 Stage 2 starts on the first working day after Stage 1 is completed.</p>	<p>No Amendment Necessary.</p>
<p>23.30 At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting <u>at which</u> <del>of the</del> <u>responsible</u> committee <del>that considers Stage 2 proceedings</del> <u>amendments to the</u></p>	<p><b>Amend Standing Order</b></p> <p>Currently this Standing Order is restrictive in</p>

<p><u>proposed Measure.</u></p>	<p>preventing a committee considering stage 2 from meeting until after 15 days have elapsed from the start of stage 2.</p> <p>Proposed re-wording to remove this restriction and provide greater flexibility.</p> <p>Also one consequential amendment to this Standing Order following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>
<p>23.31 If the Assembly has agreed to the proposed Measure’s general principles, the Business Committee must:</p> <ul style="list-style-type: none"> <li>(i) refer the proposed Measure back to the <u>responsible committee established as a consequence of Standing Order 23.22</u> for Stage 2 proceedings;</li> <li>(ii) refer the proposed Measure to a <u>responsible committee for Stage 2 proceedings if Business Committee agreed under Standing Order 23.21 not to refer consideration of the general principles to a responsible committee</u>; or</li> <li>(iii) by motion in plenary propose that Stage 2 proceedings be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 2.20.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>

<p>23.32 A proposed Measure may be amended in Stage 2 proceedings.</p> <p>23.33 Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts.</p>	<p>No amendment necessary.</p>
<p>23.34 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the committee considering Stage 2 proceedings has decided otherwise.</p>	<p>No amendment necessary.</p>
<p>23.35 Only a Member who is a member of a the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:</p> <ul style="list-style-type: none"> <li>(i) moving or seeking agreement to withdraw an amendment; or</li> <li>(ii) voting.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>
<p>23.36 An amendment tabled by a Member who is not a member of a the committee considering Stage 2 proceedings, may be moved by a member of the committee.</p>	<p><b>Amend Standing Order</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p> <p>To note, provisions for ‘en bloc’ voting and voting ‘on the nod’; will be provided for in a new</p>

	general Standing Order relating to voting in committees.
23.37 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.	No Amendment Necessary
23.38 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the committee for the purpose of Stage 2 proceedings.	No Amendment Necessary
23.39 Stage 2 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.  23.40 If a proposed Measure is amended at Stage 2 proceedings so as to insert a section or schedule, or substantially alter any existing provision, the committee considering Stage 2 proceedings may request that the Member in charge prepare a revised Explanatory Memorandum.  23.41 Any revised Explanatory Memorandum requested under Standing Order 23.40 must be laid at least five working days before the date of the first meeting of the Assembly that considers Stage 3 proceedings.	No Amendments Necessary
<b>6.3.3 – Assembly Measures Stage 3, Stage 4 and Reconsideration: SO 23.42 – 23.67</b>	
See BC(3)33-10 Paper 4 – Paragraphs 17-19	



Business Managers to agree the proposal to:

- (i) clarify that the Business Minister can agree time-limits that are to apply to debates on amendments **without notice**: amend SO 23.50;
- (ii) correct the legislative reference in SO 23.63;
- (iii) other consequential changes: amend 23.51; and
- (iv) in relation to SO 23.52, we are invited to consider whether to introduce new provisions which would allow a further amending stage after Stage 3 proceedings when appropriate - two options are proposed.

**Stage 3: Detailed Consideration by the Assembly**

No amendment to sub heading necessary.

- 23.42 Stage 3 starts on the first working day after Stage 2 is completed.
- 23.43 At least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Assembly that considers Stage 3 proceedings.
- 23.44 Stage 3 proceedings of a proposed Measure must be considered by the Assembly in plenary.
- 23.45 A proposed Measure may be amended in Stage 3 proceedings.
- 23.46 Amendments to be considered at Stage 3 proceedings may be tabled by any Member from the first day on which Stage 3 starts.
- 23.47 The Presiding Officer may select those amendments which are to be taken at Stage 3 proceedings.
- 23.48 The Presiding Officer may in exceptional circumstances accept an amendment at Stage 3 proceedings of which less notice has been given than is required under Standing Order 23.70. Such an amendment is referred to as a “late amendment”.

No amendments necessary.

<p>23.49 Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the proposed Measure, unless the Assembly has decided otherwise on a motion of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 6.4 or 11.7(ii) as the case may be).</p>	<p>No Amendment Necessary</p>
<p>23.50 The Assembly may, on a motion <u>without notice</u> of the Minister with responsibility for government business or the Business Committee (in accordance with Standing Orders 6.4 or 11.7(ii) as the case may be), agree to one or more time-limits that are to apply to debates on amendments (as they have been grouped by the Presiding Officer).</p>	<p><b>Amend Standing Order</b> Insert ‘without notice’ to reflect the practice that has been followed and to provide clarity of intention.</p>
<p>23.51 If a motion under Standing Order 23.50 is agreed to, debates on those groups of amendments <u>must</u> <del>shall</del> be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <ul style="list-style-type: none"> <li>(i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or</li> <li>(ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed.</li> </ul>	<p><b>Amend Standing Order</b> Replace ‘shall’ with ‘must’ to ensure consistent use of language across standing orders. No material change.</p>

<p>23.52 When all amendments selected at Stage 3 proceedings have been disposed of, the Member in charge, or any member of the government, may without notice move that the Assembly consider further amendments at further Stage 3 proceedings. Such a motion may not be debated or amended.</p> <p>23.53 If a motion under Standing Order 23.52 is agreed to, the Member in charge of the proposed Measure, or any member of the government, may table amendments to the proposed Measure to be moved at the further Stage 3 proceedings.</p>	<p><b>To Note:</b></p> <p>Consultation responses and the views of Legislation Committee Chairs have suggested that consideration be given to the creation of provisions for a further amending stage for use when appropriate. Options for this include:</p> <ul style="list-style-type: none"> <li>i) Creating an opportunity for a further amending stage;</li> <li>ii) Reducing the restrictions currently outlined in standing order 23.52 and 23.53 to enable any Member to propose further stage 3 proceedings and table amendments at further stage 3 proceedings.</li> </ul> <p>Business Committee is invited to consider whether it wishes to make provisions for a further amending stage. If so, officials will consider options for further consideration.</p>
<p>23.54 Amendments under Standing Order 23.53 are only admissible if, in addition to the criteria in Standing Order 23.72, they are for the purpose of clarifying a provision of a proposed Measure (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Stage 3 proceedings.</p>	<p>No Amendment Necessary.</p>
<p>23.55 Where any amendment is tabled to a section or schedule of the proposed Measure, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is to be deemed agreed by the Assembly for the</p>	<p>No Amendment Necessary.</p>

<p>purpose of Stage 3 proceedings.</p> <p>23.56 If no amendment is tabled to a section or schedule of the proposed Measure, then that section or schedule is to be deemed agreed by the Assembly for the purpose of Stage 3 proceedings.</p> <p>23.57 Stage 3 is completed when the last amendment has been disposed of or the last section or schedule has been deemed to be agreed, whichever is the later.</p>	
<p><b>Stage 4 – Final Stage</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.58 Subject to Standing Order 23.61, immediately after the completion of Stage 3 proceedings, any Member may without notice move that the proposed Measure be passed.</p>	<p>No Amendment Necessary.</p>
<p>23.59 If no motion is moved under Standing Order 23.58, or if a motion is moved under that Standing Order but no decision is taken upon it, the government or the Business Committee must determine (under Standing Orders 6.4 or 11.7(ii) as the case may be) when the motion that the proposed Measure be passed is to be considered in plenary.</p> <p>23.60 A motion that a proposed Measure be passed may not be amended.</p> <p>23.61 No motion that a proposed Measure be passed may be moved unless the text of the proposed Measure is available in both English and Welsh.</p>	<p>No amendments necessary.</p>

<p>23.62 No motion under Standing Order 7.25(ii) may be moved in any Stage 4 proceedings.</p>	
<p><b>Reconsideration of Proposed Measures Passed</b></p>	<p>No Amendment to Sub Heading Necessary</p>
<p>23.63 Any Member may, after the proposed Measure is passed, by motion propose that the Assembly reconsider the proposed Measure, or any provision of it, if:</p> <ul style="list-style-type: none"> <li>(i) a question has been referred to the Supreme Court under section 99 of the Act;</li> <li>(ii) a reference for a preliminary ruling (within the meaning of section <del>100</del> <del>101</del> of the Act) has been made by the Supreme Court in connection with that reference; and</li> <li>(iii) neither of those references has been decided or otherwise disposed of.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>23.63(ii) amend to insert the correct legislative reference - replace '101' with '100'.</p>
<p>23.64 Any Member may by motion propose that the Assembly reconsider the proposed Measure if:</p> <ul style="list-style-type: none"> <li>(i) the Supreme Court decides that the proposed Measure or any provision of it would not be within the legislative competence of the Assembly; or</li> <li>(ii) an order is made in relation to the proposed Measure under section 101 of the Act.</li> </ul> <p>23.65 Proceedings at Reconsideration Stage must be considered by the</p>	<p>No amendments necessary.</p>

<p>Assembly in plenary.</p> <p>23.66 A proposed Measure may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 23.72, and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:</p> <ul style="list-style-type: none"> <li>(i) the reference for a preliminary ruling;</li> <li>(ii) the decision of the Supreme Court; or</li> <li>(iii) the Order under section 101 of the Act.</li> </ul> <p>23.67 Any Member may propose that the Assembly approves a proposed Measure amended on reconsideration. Such a motion may not be amended.</p>	
<p><b>6.3.4 – General Provisions in Relation to Amendments to Proposed Measures and other matters: SO 23.68 – 23.89</b></p> <p>Business Managers are invited to agree the proposal to:</p> <ul style="list-style-type: none"> <li>(i) replace the reference to “Table Office” with “Clerk” to reflect current practice – we have already agreed this in relation to plenary Standing Orders: amend 23.71;</li> <li>(ii) clarify how a motion or amendment may be withdrawn once moved (to be consistent with the amendments agreed in relation to the Plenary Standing Orders): amend SO 23.77;</li> <li>(iii) clarify the provisions regarding when the consent of Her Majesty or the Duke of Cornwall is required: amend SO 23.78;</li> <li>(iv) clarifying the provision regarding when a proposed Measure falls: amend SO 23.88; and</li> <li>(v) make it clear that ballot proposals supported by the Assembly also fall at dissolution: SO23.88A.</li> </ul>	

<p><b>General Provisions in Relation to Amendments to Proposed Measures</b></p>	<p>No Amendment to sub heading necessary</p>
<p>23.68 Standing Orders 23.69 to 23.77 apply to amendments in Stage 2 proceedings, Stage 3 proceedings or on Reconsideration.</p> <p>23.69 The Presiding Officer must determine the proper form of amendments to a proposed Measure.</p> <p>23.70 No amendment, other than a late amendment, may be considered unless it has been tabled five working days before it is considered.</p>	<p>No Amendments Necessary.</p>
<p>23.71 Any Member may add his or her name to an amendment (other than a late amendment) by notifying the <u>Clerk</u> <del>Table Office</del> at any time until the end of the working day before the amendment is due to be considered.</p>	<p><b>Amend Standing Order</b></p> <p>Amendments are tabled to Legislation Office, therefore the reference to “Table Office” here does not reflect current practice.</p> <p>It is proposed that any references to “Table Office” in Standing Orders will be replaced with “Clerk” to achieve a consistent approach throughout. In practice, the Legislation Office will still be responsible for receiving notifications. Any guidance to Members would make it clear that they should be sent to the “Legislation Office” and that it can be submitted by electronic means or in hard copy.</p> <p>This would be explained further in guidance to</p>

	Members.
<p>23.72 An amendment is not admissible if:</p> <ul style="list-style-type: none"> <li>(i) it is not in its proper form in accordance with Standing Order 23.69;</li> <li>(ii) it is not relevant to the proposed Measure or the provisions of the proposed Measure which it would amend;</li> <li>(iii) it is inconsistent with the general principles of the proposed Measure as agreed by the Assembly; or</li> <li>(iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.</li> </ul> <p>23.73 An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 23.68 to 23.77 must apply accordingly.</p> <p>23.74 Subject to Standing Order 23.35, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.</p>	No Amendments Necessary.
<p>23.75 The chair of a committee considering Stage 2 proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as</p>	No Amendments Necessary.



<p>part of a group may not be debated again when it comes to be disposed of.</p> <p>23.76 If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved:</p> <ul style="list-style-type: none"> <li>(i) in a committee considering Stage 2 proceedings, by a member of that committee; or</li> <li>(ii) in Stage 3 proceedings or on Reconsideration, by any other Member.</li> </ul>	
<p>23.77 An amendment which has been moved may be withdrawn by the Member who moved it, but only:</p> <ul style="list-style-type: none"> <li>(i) in a committee considering Stage 2 proceedings, <u>with the unanimous agreement of the committee</u> <del>by leave of that committee</del>; or</li> <li>(ii) in Stage 3 proceedings or on Reconsideration, <u>with the unanimous agreement</u> <del>by leave of the Assembly</del>.</li> </ul>	<p><b>Amend Standing Order</b></p> <p>Propose this Standing Order be amended to be consistent with the new Standing Order 7.22A (See BC(3)26-10(p7a)), which clarifies how a motion or amendment may be withdrawn once moved and reflects established practice.</p>
<p><b>Her Majesty’s and Duke of Cornwall’s Consent</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.78 If a proposed Measure contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Assembly must not debate the question whether the proposed Measure be passed <u>(or approved following Reconsideration)</u> unless such consent to such a provision has been signified by a member of the government during proceedings on the proposed Measure at a meeting of the Assembly.</p>	<p><b>Amend Standing Order</b></p> <p>Existing Standing Order 23.78 only refers to the ‘passing’ of a proposed Measure, which does not include the situation where the Assembly ‘approves’ a proposed Measure following Reconsideration Stage.</p> <p>Propose additional wording be inserted to</p>

	address this.
<b>Financial Resolutions</b>	No amendment to sub heading necessary
23.79 The Presiding Officer must decide in every case whether a financial resolution is required for a proposed Measure under Standing Orders 23.80 to 23.85.	No Amendment Necessary.
<p>23.80 If a proposed Measure contains a provision:</p> <ul style="list-style-type: none"> <li>(i) which charges expenditure on the Welsh Consolidated Fund; or</li> <li>(ii) the likely effect of which would be to: <ul style="list-style-type: none"> <li>(a) increase significantly expenditure charged on that Fund;</li> <li>(b) give rise to significant expenditure payable out of that Fund for a new service or purpose; or</li> <li>(c) increase significantly expenditure payable out of that Fund for an existing service or purpose,</li> </ul> </li> </ul> <p>no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the expenditure or the increase in expenditure being charged on or, as the case may be, payable out of that Fund.</p> <p>23.81 If:</p> <ul style="list-style-type: none"> <li>(i) a proposed Measure contains any provision which</li> </ul>	No Amendments Necessary.

<p>imposes or increases (or confers a power to impose or increase) any charge, or otherwise requires (or confers a power to require) any payment to be made; and</p> <p>(ii) the person to whom the charge or payment is payable is required, by or under section 120(1) of the Act, to pay sums received into the Welsh Consolidated Fund (or would be so required but for any provision made under section 120(2)),</p> <p>no proceedings may be taken on the proposed Measure at any Stage after Stage 1 unless the Assembly has by financial resolution agreed to the charge, increase or payment.</p> <p>23.82 Standing Order 23.81:</p> <p>(i) applies only where the charge, increase in charge or payment is significant; and</p> <p>(ii) does not apply where the charge, increase in charge or payment is:</p> <p style="padding-left: 40px;">(a) in respect of the provision of goods and is reasonable in relation to the goods provided; or</p> <p style="padding-left: 40px;">(b) wholly or largely directed to the recovery of the cost of providing any service for which the charge is imposed or the payment requires to be made.</p>	
<p>23.83 Where the effect of an amendment (or amendments) to a proposed Measure, if agreed to, would be that the proposed Measure would require a financial resolution which it would not otherwise require, no</p>	<p>No Amendments Necessary</p>

<p>proceedings may be taken on the amendment (or amendments) unless the Assembly has agreed to a motion for such a financial resolution.</p> <p>23.84 Only a member of the government may move a motion for a financial resolution. Such a motion cannot be amended.</p> <p>23.85 Unless:</p> <ul style="list-style-type: none"> <li>(i) notice of a motion for any financial resolution required in relation to a proposed Measure by Standing Order 23.80 or 23.81 is tabled within 6 months of the completion of Stage 1; and</li> <li>(ii) the motion is agreed to,</li> </ul> <p>the proposed Measure falls.</p>	
<p><b>Notification of Approved Measures</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.86 The Clerk must notify the Assembly of the date of the approval of an Assembly Measure by Her Majesty in Council.</p>	<p>No amendment Necessary.</p>
<p><b>Fall, Rejection or Withdrawal of Proposed Measures</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.87 If a proposed Measure falls or is rejected by the Assembly, no further proceedings may be taken on that proposed Measure and a proposed Measure which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the proposed Measure fell or was rejected.</p>	<p>No amendment necessary.</p>
<p>23.88 A proposed Measure falls if it has not been passed or approved <u>by the</u></p>	<p><b>Amend this Standing Order</b></p>

<p><u>Assembly</u> before the end of the Assembly in which it was introduced <del>but a proposed Measure in the same or similar terms may be introduced in any subsequent Assembly.</del></p>	<p>Proposed including ‘by the Assembly’ to clarify that this means Assembly approval following reconsideration and not Privy Council approval following passing by the Assembly. (See similar amendment to Standing Order 23.78)</p> <p>Proposed removal of the final phrase which is unnecessary.</p>
<p><u>23.88A Approval to introduce a proposed Measure in accordance with Standing Order 23.103 ceases at dissolution</u></p>	<p><b>Insert New Standing Order</b></p> <p>Propose new Standing order for clarity.</p> <p>Since a proposed Measure falls at dissolution this Standing Order would make the same provision for ballot proposals that had won the support of the Assembly but had not progressed further. It supports the principle that a new Assembly should not be bound by decisions made by the last. (See similar proposal for a new Standing Order 22.39A in relation to proposed and draft Orders in Annex A)</p>
<p>23.89 A proposed Measure may be withdrawn at any time by the Member in charge but must not be withdrawn after completion of Stage 1 except with the agreement of the Assembly.</p>	<p>No amendment necessary.</p>
<p><b>6.3.5 – Committee, Commission and Member Proposed Measures; and Government Proposed Emergency Measures: SO 23.90 – 23.116</b></p> <p>See BC(3)33-10 Paper 4 – Paragraphs 20-25</p>	

<p>Business Managers are invited to agree the proposal to:</p> <ul style="list-style-type: none"> <li>(i) remove the limit on the number of committee proposed Measures in progress at any one time: delete SO 23.92;</li> <li>(ii) remove the 6 month deadline for introduction of a proposed Measure to allow Members more time to consider the scope of the Measure and gain support for it: amend SO 23.98 and 23.105;</li> <li>(iii) if a member has previously been successful in the Measure Ballot but has not had agreement to proceed with a proposed Measure, it is proposed that they should not be prevented from re-entering the ballot: amend SO 23.101;</li> <li>(iv) if a Member is successful in the Measure ballot, it is proposed that the deadlines for tabling and debating a motion seeking the Assembly’s agreement to introduce a Member proposed Measure is amended to be in line with the LCO process (SO 22.50 and 22.52): amend SO 23.103 and 23.104; and</li> <li>(v) other minor changes: amend SO 23.99 and 23.106.</li> </ul>	
<b>Committee Proposed Measures</b>	No amendment to sub heading necessary
23.90 Standing Orders 23.91 to 23.95 apply only to committee proposed Measures.	No amendment necessary.
23.91 Any committee <del>other than a committee set up as a consequence of Standing Orders 23.22, 23.31(ii), 22.16(i) or 22.18</del> may introduce a committee proposed Measure relating to the committee’s remit.	<p><b>Amend standing order.</b></p> <p>The amendments to this Standing Order are consequential amendments following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders, as explained in SO23.21 above [see paper BC(3)29-10 Paper 1 – Annex A].</p>
<del>23.92 A committee may only have one committee proposed Measure in progress at any one time.</del>	<p><b>Amend standing order.</b></p> <p>Propose that this Standing Order be deleted to remove the limitations on the number of committee proposed Measures a committee may have in progress at any one time. This would be less restrictive. (See similar suggested deletion of</p>

	SO 22.44 relating to Legislative Competence Orders)
23.93 For the purposes of Standing Order 23.92, a committee proposed Measure introduced is in progress until it is agreed, falls or is withdrawn.	No amendment necessary.
23.94 Standing Orders 23.21 to 23.25 do not apply to committee proposed Measures.	No amendment necessary.
23.95 At Stage 1, the Member in charge of a committee proposed Measure may table a motion proposing that the Assembly agree to the general principles of the proposed Measure.	No amendment necessary.
<b>Commission Proposed Measures</b>	No amendment to sub heading necessary
23.96 The Commission may introduce a proposed Measure relating to the Commission's functions.	No amendment necessary.
<b>Member Proposed Measures</b>	No Amendment to Sub Heading Necessary
23.97 Standing Orders 23.98 to 23.106 apply only to Member proposed Measures.	No Amendment Necessary
23.98 Where a Member was the Member in charge of a Member proposed Order which became an Order in Council made by Her Majesty under section 95 of the Act, that Member may introduce one Member proposed Measure relating to that Order <del>within six months of the Order being made</del> . This does not affect a Member's right to enter a ballot held under Standing Order 23.99.	<b>Amend Standing Order</b>  Propose removing the 6 month deadline for introduction of a proposed Measure to allow Members more time to consider the scope of the Measure and gain support for it.
23.99 The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek <del>leave</del> <u>agreement</u> to introduce a Member proposed Measure.	<b>Amend Standing Order</b>  It is proposed that 'leave' be amended to 'agreement' to ensure consistency of wording in Standing Orders. (See similar amendment to SO

	22.47)
23.100 The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 23.102.	No amendment necessary
23.101 No Member who has previously <del>won the ballot</del> <u>had agreement to introduce a Member proposed Measure</u> in that Assembly may <del>so</del> apply to be included in the ballot.	<p><b>Amend Standing Order</b></p> <p>It is suggested that this Standing Order be amended to remove the restriction on Members who have previously been refused permission to introduce a Member proposed Measure from re-entering the ballot.</p> <p>Where a Member has been successful in a ballot and has had agreement to introduce a Member proposed Measure, they would not be allowed to re-enter the ballot, as is the case under the current Standing Orders.</p> <p>For consistency this change reflects the similar amendment to Standing Order 22.49 relating to LCOs.</p>
<p>23.102 The required pre-ballot information is:</p> <ul style="list-style-type: none"> <li>(i) the proposed title of the proposed Measure; and</li> <li>(ii) an Explanatory Memorandum which must contain: <ul style="list-style-type: none"> <li>(a) the policy objectives of the proposed Measure;</li> </ul> </li> </ul>	No amendment necessary



<p>and</p> <p>(b) details of any support received for the proposed Measure, including details of any consultation carried out.</p>	
<p>23.103 A Member who is successful in a ballot may within <del>10</del> <u>25</u> working days of the date of the ballot table a motion seeking the Assembly’s leave to introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 23.102.</p>	<p><b>Amend Standing Order</b></p> <p>Propose that 10 be amended to 25 to bring timings in line with the LCO process (See Standing Order 22.50)</p>
<p>23.104 Time must be made available for a motion tabled under Standing Order 23.103 to be debated within <del>20</del> <u>35</u> working days of the date of the ballot (not counting working days in a week when there is no plenary meeting of the Assembly).</p>	<p><b>Amend Standing Order</b></p> <p>Propose that 20 be amended to 35 to bring timings in line with the LCO process (See Standing Order 22.52)</p>
<p>23.105 If a motion under Standing Order 23.103 is agreed to, then the Member who has received leave to introduce a proposed Measure may, <del>within six months of the motion being agreed,</del> introduce a Member proposed Measure to give effect to the pre-ballot information tabled under Standing Order 23.102.</p>	<p><b>Amend Standing Order</b></p> <p>Propose removing the 6 month deadline for introduction of a proposed Measure to allow Members more time to consider the scope of the Measure and gain support for it.</p> <p>The suggested change would add clarity to the Standing Order without impacting on what occurs in practice.</p>
<p>23.106 If a motion under Standing Order 23.103 is <del>disagreed to</del> <u>not agreed</u>, then no Member may enter any ballot held under Standing Order 23.99 for a period of six months after the motion <u>was not agreed</u> <del>has been disagreed to</del> if the policy objectives of the proposed Measure</p>	<p><b>Amend Standing Order</b></p> <p>No material change. This is to ensure consistent use of language across Standing Orders.</p>

<p>which he or she seeks <del>leave agreement</del> to introduce are substantially the same as those of the proposed Measure referred to in the motion which has been <del>disagreed to</del> not agreed.</p>	
<p><b>Government Proposed Emergency Measures</b></p>	<p>No amendment to sub heading necessary</p>
<p>23.107 If it appears to a member of the government that an Emergency Measure is required, he or she may by motion propose that a government proposed Measure, to be introduced in the Assembly, be treated as a government proposed Emergency Measure.</p> <p>23.108 A motion under Standing Order 23.107 may also propose that a government proposed Emergency Measure may be introduced without the Explanatory Memorandum required by Standing Order 23.18.</p> <p>23.109 A government proposed Emergency Measure must, on its introduction, be accompanied by a statement from the Member in charge that, in his or her view, the provisions of the proposed Measure would be within the legislative competence of the Assembly.</p> <p>23.110 If the Assembly agrees to a motion under Standing Order 23.107:</p> <ul style="list-style-type: none"> <li>(i) the provisions of Standing Orders 23.111 to 23.116 must apply to such a proposed Measure; and</li> <li>(ii) the Member in charge must propose the timetable for consideration of Stages 1 to 4 (or any Reconsideration Stage) of the government proposed Emergency Measure.</li> </ul> <p>23.111 A motion under Standing Order 23.110(ii) may propose that all stages be taken on a single working day in a sitting week.</p> <p>23.112 The Member in charge may make such subsequent changes to a timetable established under Standing Order 23.110(ii) as he or she</p>	<p>No amendments necessary</p>

<p>considers appropriate, but must give reasons for such changes.</p> <p>23.113 Standing Orders 23.19 to 23.25, 23.29 to 23.31, 23.41 to 23.43, 23.61 and 23.70 do not apply in relation to government proposed Emergency Measures.</p> <p>23.114 At Stage 1, the Member in charge must table a motion proposing that the Assembly agree to the general principles of the government proposed Emergency Measure.</p> <p>23.115 Stage 2 must be considered by a Committee of the Whole Assembly, to be chaired by the Presiding Officer. The Presiding Officer or Deputy may vote in such proceedings only when exercising a casting vote in accordance with Standing Order 2.20.</p> <p>23.116 When a Member intends to table an amendment to a government proposed Emergency Measure, he or she must give such notice of that amendment as the Presiding Officer may determine for that Stage.</p>	
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**6.4: Standing Order 24 - Subordinate Legislation (other than subordinate legislation subject to special assembly procedure)**

See BC(3)33-10 Paper 4 – Paragraphs 26-29

Business Managers are invited to agree the proposal to:

- (i) require all SIs or draft SIs laid before the Assembly, including those subject to a parliamentary procedure, to be accompanied by an explanatory memorandum: amend SO 24.1;
- (ii) amend the provisions relating to motions to annul so that they conform with the Statutory Instruments Act 1946: amend SO 24.2 and insert new SO 24.2A;
- (iii) ensure that both the responsible committee and any other committee reporting on an SI subject to the affirmative procedure are given the opportunity to report within 20 days: amend SO 24.6(i); and
- (iv) other consequential amendments following the Business Committee’s agreement in principle on 9 November to amend Standing Orders relating to committees: amend SO 24.6 & 24.7.

**STANDING ORDER 24 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Assembly Procedure)**

**Explanatory Memoranda**

No amendment to sub-heading necessary

24.1 Any statutory instrument or draft statutory instrument laid before the Assembly ~~and which is not subject to a parliamentary procedure~~ must be accompanied by an Explanatory Memorandum, which must include any Regulatory Impact Assessment prepared in relation to the instrument.

**Amend this Standing Order**

Remove “and which is not subject to a parliamentary procedure” from this Standing Order. This is a consequential change following the Business Committee’s agreement in principle on 9 November to remove current Standing Order 15.7 [see paper BC(3)29-10 Paper 1 – Annex A].

Current Standing Order 15.7 prohibits the Constitutional

	<p>Affairs Committee from scrutinising SIs laid before the UK Parliament. It is proposed that this restriction is lifted, allowing a committee or committees of the Assembly to consider SIs subject to parliamentary procedure. If this proposal is agreed, an EM would be required for <i>all</i> SIs or draft SIs laid before the Assembly, <i>including</i> those subject to a parliamentary procedure. This would be necessary to enable scrutiny of all SIs by the committee responsible for the delivery of functions under SO 15.2 and 15.3.</p>
<p><b>Motion for Annulment (Negative Resolution Procedure)</b></p>	<p>No amendment to sub-heading necessary</p>
<p>24.2 In the case of any statutory instrument which:</p> <ul style="list-style-type: none"> <li>(i) is subject to annulment in pursuance of a resolution of the Assembly; or</li> <li>(ii) is laid in draft but cannot be made if the draft is disapproved,</li> </ul> <p><u>the Assembly</u> <del>any Member</del> may, not later than 40 days after the instrument is laid, <del>table a motion under Standing Order 24.2</del> <u>resolve</u> that the instrument be annulled or, as the case may be, that the draft be disapproved.</p>	<p><b>Amend this Standing Order</b></p> <p>Replace “any Member” with “the Assembly” and replace “table a motion under Standing Order 24.2” with “resolve”.</p> <p>In accordance with current Standing Order 24.2, where an SI is laid under the Negative Resolution Procedure, Members have 40 days in which to table a motion calling for that SI to be annulled.</p> <p>This does not comply with the requirements in the Statutory Instruments Act 1946. The Act demands that the resolution to annul (and not the tabling of a motion to annul) has to take place within 40 days of the SI being laid. In practice, the provisions of current SO 24.2 mean that any Member may consider that a motion to annul could be tabled on the 40th day after the SI was laid, and that motion could be debated at a later date. However, this would not meet the requirements of</p>

	<p>the Act.</p> <p>The proposed amendments to this Standing Order address this problem by stating that the Assembly may, not later than 40 days after the instrument is laid, resolve that the instrument be annulled or the draft be disapproved. The Member would have to table the motion to annul at least five days before this in order to have the debate within the 40 days. This would be explained in Table Office guidance for Members.</p>
<p><u>24.2A A motion under Standing Order 24.2 can be tabled by any member.</u></p>	<p><b>Insert new Standing Order</b></p> <p>The insertion of a new Standing Order here is a consequential change if proposed changes to SO 24.2 are agreed.</p> <p>Any Member can currently table a motion for annulment via SO 24.2. The proposed changes to SO 24.2 ensure that it complies with the Statutory Instruments Act 1946 but removes the explicit provision for <i>any</i> Member to table a motion that the instrument be annulled or the draft be disapproved. This new Standing Order would ensure that this provision is retained within Standing Orders.</p>
<p>24.3 A motion under Standing Order 24.2 is not amendable.</p>	<p>No amendment necessary</p>
<p><b>Motion for Approval (Affirmative Resolution Procedure)</b></p>	<p>No amendment to sub-heading necessary</p>
<p>24.4 In the case of any statutory instrument or draft statutory instrument laid before the Assembly which, unless the</p>	<p>No amendment necessary</p>

<p>Assembly by resolution approves it, cannot:</p> <ul style="list-style-type: none"> <li>(i) be made;</li> <li>(ii) come into force; or</li> <li>(iii) remain in force beyond the period specified in the enactment conferring the power to make the instrument,</li> </ul> <p>any member of the government may table a motion under Standing Order 24.4 that the instrument or draft instrument be approved.</p>	
<p>24.5 A motion under Standing Order 24.4 is not amendable.</p>	<p>No amendment necessary</p>
<p>24.6 No motion under Standing Order 24.4 may be considered in plenary until either:</p> <ul style="list-style-type: none"> <li>(i) <del>the Constitutional Affairs Committee</del> <u>the responsible committee under Standing Order 15.2 and 15.3</u> <del>or</del> <u>and</u> any other committee, which has given the notice mentioned in Standing Order 24.7, has reported on the instrument or draft; or</li> <li>(ii) 20 days have elapsed since the instrument or draft instrument was laid,</li> </ul> <p>whichever is the earlier.</p>	<p><b>Amend this Standing Order</b></p> <ul style="list-style-type: none"> <li>• Replace the reference to Constitutional Affairs Committee with reference to the responsible committee under Standing Order 15.2 and 15.3.</li> </ul> <p>The amendment to this Standing Order is a consequential amendment following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders [see paper BC(3)29-10 Paper 1 – Annex A].</p> <ul style="list-style-type: none"> <li>• Replace “or” with “and”</li> </ul> <p>This is a technical correction to the current Standing Orders. Standing Order 24.7 provides that <u>any</u> committee other than the Constitutional Affairs Committee may report on an instrument or draft subject to notice being given to</p>

	<p>the government. As such, “or” should be replaced with “and” in this Standing Order to ensure that both Committees are given the opportunity to report within 20 days.</p>
<p>24.7 If any committee, other than the <del>Constitutional Affairs Committee</del> <u>the responsible committee under Standing Order 15.2 and 15.3</u>, intends to report on an instrument or draft instrument to which Standing Order 24.4 applies, it must give notice to the government of its intention to do so no later than seven days after the instrument or draft has been laid.</p>	<p><b>Amend this Standing Order</b></p> <p>Replace the reference to Constitutional Affairs Committee with reference to the responsible committee under Standing Order 15.2 and 15.3.</p> <p>The amendment to this Standing Order is a consequential amendment following the Business Committee’s agreement in principle on 9 November to changes to committee Standing Orders [see paper BC(3)29-10 Paper 1 – Annex A].</p>
<p>24.8 If any committee considers any instrument or draft instrument to which Standing Order 24.4 applies, the member of the government who laid it (or another member of the government nominated by the First Minister to have responsibility for it) may attend the committee and participate in its proceedings relating to the instrument or draft but may not vote.</p>	<p>No amendment necessary</p>
<p><b>No Amendment of Instruments</b></p>	<p>No amendment to sub-heading necessary</p>
<p>24.9 A statutory instrument or draft statutory instrument, to which Standing Orders 24.2 or 24.4 apply, cannot be</p>	<p>No amendment necessary</p>



amended.	
<b>Withdrawal of Instruments</b>	No amendment to sub-heading necessary
24.10 A statutory instrument or draft statutory instrument laid before the Assembly may be withdrawn at any time by the member of the government with responsibility for that instrument.	No amendment necessary
<b>Calculation of Days</b>	No amendment to sub-heading necessary
24.11 In calculating for the purposes of Standing Order 24 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 four days.	No amendment necessary
<b>Other Motions in Respect of Instruments or Draft Instruments</b>	No amendment to sub-heading necessary
24.12 Standing Orders 24.1 to 24.8 are without prejudice to the right of any Member to table any other motion in respect of an instrument or draft instrument.	No amendment necessary
<b>Application to Other Subordinate Legislation</b>	No amendment to sub-heading necessary
24.13 Standing Orders 24.1 to 24.12 also apply with such modifications as are necessary, to any other subordinate legislation in the form of a report, guidance, code of practice or other document that is required by any	No amendment necessary

<p>enactment to be:</p> <ul style="list-style-type: none"><li>(i) laid before the Assembly; and</li><li>(ii) subject to any form of Assembly procedure having the same or equivalent effect to those mentioned in Standing Orders 24.2 or 24.4.</li></ul>	
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**6.5: Standing Order 26 – Consent in relation to UK Parliament Bills**

See BC(3)33-10 Paper 4 – Paragraphs 31-38

Business Managers are invited to agree the proposal to:

- (i) extend the coverage of Standing Order 26.1 to include:
  - any modification to the legislative competence of the Assembly: amend SO 26.1(ii); and
  - any modification to the executive functions of the Welsh Ministers: new SO 26.1(iii)
- (ii) introduce a mechanism for the Business Committee to refer legislative consent memoranda relating to the NAW for committee scrutiny and allow the Business Committee to set a timeline for the committee to report: new SO 26.3A and 26.3B;
- (iii) require that no plenary debate can take place on a legislative consent motion which has been referred for committee consideration, unless the committee has reported or the reporting deadline has passed: new SO 26.6;and
- (iv) require the Government to table a legislative consent motion seeking the consent of the Assembly in relation to Bills which change the legislative competence of the Assembly, in addition to the current requirement (the Government would not be required to seek consent in relation to Bills which alter the functions of Welsh Ministers): amend SO 26.4.

**STANDING ORDER 26 – Consent in Relation to UK Parliament Bills**

**UK Parliament Bills Making Provision Requiring the Assembly’s Consent**

**No amendment to sub-heading necessary**

It is proposed that the scope of Standing Order 26 is broadened beyond the current scope so that it also provides a systematic mechanism for the Assembly to be notified of any

	<p>UK Bill that alters:</p> <ul style="list-style-type: none"><li>• the legislative competence of the Assembly i.e. any changes to Schedule 5 (conferring Measure making powers on the Assembly, referred to as “framework powers”); currently it only applies where a Bill would have a negative impact on the Assembly’s legislative competence; and</li><li>• the executive functions of Welsh Ministers.</li></ul> <p>This is proposed to address the points made in responses to the to review of Standing Orders, as outlined below:</p> <ul style="list-style-type: none"><li>• <i>Constitutional Affairs Committee</i> stated their view that there is a scrutiny gap which relates to Westminster Bills that grant powers to the Assembly. They have requested that Standing Orders are amended to require Welsh Ministers to inform Committees when Westminster Bills have implications for the powers of Welsh Ministers or the Assembly (SOR18);</li><li>○ the <i>WLGA</i> note that there is limited scope for scrutiny of framework powers (i.e. Measure making powers) included in Westminster legislation and call on the Business Committee to consider providing mechanisms for the Assembly to better scrutinise Bills which either give the Assembly legislative powers or give executive powers to Welsh Ministers (SOR 12);</li><li>○ <i>Public Affairs Cymru</i> state that “there should be a mechanism for the National Assembly for Wales to scrutinise and contribute to the process of framework powers being given to Wales via Acts of Parliament. It is</li></ul>
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	<p>inconsistent that, despite the sometime lengthy scrutiny of LCOs, framework provisions which provide the same legislative transfers can avoid any specific scrutiny” (SOR 7)</p> <ul style="list-style-type: none"><li>○ the <i>WCVA</i> note that “there should be more opportunity for the National Assembly for Wales to scrutinise framework powers being given to Wales via UK Bills” (SOR 10);</li><li>○ the <i>Wales Governance Centre’s</i> written evidence states their view that the Assembly is not able to be fully effective in holding the government to account without scrutiny of executive powers sought in UK Bills (SOR 5).</li></ul>
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<p>26.1 In Standing Order 26, “relevant Bill” means a Bill under consideration in the UK Parliament which makes provision (“relevant provision”) in relation to Wales:</p> <ul style="list-style-type: none"> <li>(i) for any purpose within the legislative competence of the Assembly (apart from incidental, consequential, transitional, transitory, supplementary or savings provisions relating to matters that are not within the legislative competence of the Assembly); <del>or</del></li> <li>(ii) which <del>has a negative impact on</del> <u>modifies</u> the legislative competence of the Assembly; <del>or</del></li> <li>(iii) <u>which modifies the executive functions of the Welsh Ministers.</u></li> </ul>	<p><b>Amend this Standing Order</b></p> <p>Current SO 26 requires the Welsh Government to lay a legislative consent memorandum when a UK Bill:</p> <ul style="list-style-type: none"> <li>• seeks to legislate in an area where legislative competence is already devolved to the NAW; or</li> <li>• has a “negative impact” on the legislative competence of the NAW.</li> </ul> <p>In response to matters raised in the public consultation, it is proposed that this Standing Order is amended and broadened to require the Welsh Government to lay a memorandum when a provision in a UK Bill:</p> <ul style="list-style-type: none"> <li>(i) seeks to legislate in an area where legislative competence is already devolved to the NAW [as per the status quo]</li> <li>(ii) modifies the legislative competence of the Assembly [amending the current wording whereby a memorandum is only laid if provision within a Bill is deemed to have “a negative impact” on the legislative competence of the Assembly]</li> <li>(iii) modifies the executive functions of the Welsh Minister [broadening the current Standing Order to encompass changes to executive functions as well as legislative</li> </ul>
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	<p>competence].</p> <ul style="list-style-type: none"> <li>• 26.1(ii) – replace “has a negative impact on” with “modifies”.</li> </ul> <p>This change is proposed to broaden the Assembly’s ability to signify its consent to UK Bills that makes provision applying to Wales for <i>any purpose</i> within the legislative competence of the Assembly. This is instead of the current wording, which restricts the Assembly’s power to consent only to those Bills deemed to make relevant provision which “has a negative impact on” the legislative competence of the Assembly. This would now cover any changes to Schedule 5 of the Government of Wales Act i.e. any proposals to grant framework powers to the Assembly via UK Bills.</p> <ul style="list-style-type: none"> <li>• 26.1(iii) – insert new provision “which modifies the executive functions of the Welsh Ministers”</li> </ul> <p>Under this proposal the Government would only be required to table a legislative consent motion seeking the consent of the Assembly in relation to any provisions within its legislative competence or proposed changes to its legislative competence (relevant provisions as defined under 26.1 (i) and (ii)). Consent would not be required for proposed changes to the Welsh Ministers’ executive functions (as defined under the proposed new SO 26.1 (iii)).</p> <p>This would require an amendment to Standing Order 26.4.</p> <p>Under this proposal, a memorandum relating to the Welsh</p>
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	Ministers' executive functions would be laid for information rather than as a basis for a decision, on a motion, by the Assembly.
<b>Legislative Consent Memorandum</b>	No amendment to sub-heading necessary
<p>26.2 A member of the government must lay a memorandum ("a legislative consent memorandum") in relation to:</p> <ul style="list-style-type: none"> <li>(i) any UK Government Bill that is a relevant Bill on its introduction to the first House, normally no later than 2 weeks after introduction;</li> <li>(ii) any UK Private Member's Bill that was a relevant Bill on introduction and remains a relevant Bill after the first amending stage in the House in which it was introduced, normally no later than 2 weeks after it completes that stage;</li> <li>(iii) any Bill introduced into the UK Parliament that, by virtue of amendments: <ul style="list-style-type: none"> <li>(a) agreed to; or</li> <li>(b) tabled by a Minister of the Crown or published with the name of a Minister of the Crown in support,</li> </ul> </li> </ul> <p>in either House, makes (or would make) relevant provision for the first time or beyond the limits of any consent previously</p>	No amendment necessary



<p>given by the Assembly, normally no later than two weeks after the amendments are tabled or agreed to.</p>	
<p>26.3 A legislative consent memorandum must:</p> <ul style="list-style-type: none"> <li>(i) summarise the policy objectives of the Bill;</li> <li>(ii) specify the extent to which the Bill makes (or would make) relevant provision; and</li> <li>(iii) explain whether it is considered appropriate for that provision to be made and for it to be made by means of the Bill.</li> </ul>	<p>No amendment necessary</p>
<p><u>26.3A The Business Committee may refer any legislative consent memorandum in relation to a relevant provision within the meaning of Standing Order 26.1 (i) or 26.1(ii) to a committee or committees for consideration.</u></p>	<p><b>Insert new Standing Order</b></p> <p>In accordance with the Constitutional Affairs Committee response to the review (SOR18) and responses to the public consultation as referred to above, it is proposed that Standing Orders are amended to include a mechanism by which legislative consent memoranda which relate to provisions requiring the Assembly’s consent may be referred for committee scrutiny by the Business Committee. The Business Committee would be able to refer memoranda relating to relevant provisions as defined under 26.1 (i) and (ii) for committee scrutiny but would have the discretion to decide:</p> <ul style="list-style-type: none"> <li>• whether consideration by a committee or committees is necessary;</li> </ul>

	<ul style="list-style-type: none"> <li>• to whom a legislative consent memorandum would be referred if necessary; and</li> <li>• the timescale for committee consideration. (see SO 26.3B below)</li> </ul> <p>The purpose of this proposal is to allow opportunity for committee consideration, where deemed appropriate by the Business Committee, to inform any subsequent debate on the related legislative consent motion. As such, the Business Committee does not have a role under this Standing Order in referring legislative consent memoranda relating to relevant provisions as defined under 26.1(iii) – modifications to executive functions – as such memoranda will not be subject to the Assembly’s consent.</p>
<p><u>26.3B If a legislative consent memorandum is referred to a committee or committees for consideration in accordance with Standing Order 26.3A, the Business Committee must establish and publish a timetable for the committee or committees to consider and report on it.</u></p>	<p><b>Insert new Standing Order</b></p> <p>If SO 26.3A is agreed, it is proposed that the Business Committee should be required to set a deadline by which a committee must report if it chooses to refer a legislative consent memorandum for consideration. Such a deadline could consider factors such as the Westminster timetable for the passage of the Bill.</p> <p>If the Business Committee refers a memorandum for committee consideration, it is proposed that no associated legislative consent motion could be debated until after the deadline for the committee to report. This would be done</p>

	through inserting new SO 26.6 below.
<b>Legislative Consent Motion</b>	No amendment to sub-heading necessary
<p>26.4 When a legislative consent memorandum is laid <u>in relation to a relevant provision within the meaning of Standing Order 26.1(i) or 26.1(ii)</u>, the government must <del>at the same time</del> table a motion (“a legislative consent motion”), which must seek the Assembly’s agreement to the inclusion of a relevant provision in a relevant Bill.</p>	<p><b>Amend this Standing Order</b></p> <p><b>If the Business Committee agrees to new SO 26.3A (the option to refer legislative consent memoranda to committees)</b> this Standing Order would require amendment to remove the requirement on the Government to table a legislative consent motion at the same time they lay the legislative consent memorandum. This would allow the Government to decide when to table the motion, taking account of any reporting deadlines the Business Committee may set if it chooses to refer the memorandum for committee consideration.</p> <p><b>If the Business Committee agrees to new SO 26.1</b>, this Standing Order would also require a further amendment to ensure that it only applies in relation to a relevant provision within the meaning of Standing Order 26.1(i) or 26.1(ii).</p> <p>This amendment would reflect the requirement in SO 26.1 for the Welsh Government to lay a memorandum providing information on changes proposed in UK Bills to Welsh Ministers’ executive functions (as defined under 26.1(iii)), but would not include a requirement for this to go before the Assembly for its consent. The Government would only be required to table a legislative consent motion seeking the consent of the Assembly in relation to any provisions within its</p>

	<p>legislative competence or proposed changes to its legislative competence (relevant provisions as defined under 26.1 (i) and (ii)).</p>
<p>26.5 The Assembly must consider a legislative consent motion which has been tabled.</p>	<p><b>No amendment necessary</b></p>
<p>26.6 <u>If a legislative consent memorandum is referred by the Business Committee for consideration by a committee or committees in accordance with Standing Order 26.3A, the related legislative consent motion must not be debated until either:</u></p> <ul style="list-style-type: none"> <li>(i) <u>the committee has reported in accordance with Standing Order 26.3A; or</u></li> <li>(ii) <u>the deadline by which a committee is required to report in accordance with Standing Order 26.3B has been reached.</u></li> </ul>	<p><b>Insert new Standing Order</b></p> <p>As proposed above (SO26.3A and 26.3B), this new Standing Order introduces a requirement that no legislative consent motion can be debated until either the deadline for a committee to report on the relevant legislative consent memorandum has been reached or, if the relevant committee has reported before the deadline, once that committee has reported.</p>