

Subordinate Legislation (Other Than Subordinate Legislation Subject To Special Assembly Procedure)

Explanatory Memoranda

x.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.
Motion for annulment (negative resolution procedure)

x.2 In the case of any statutory instrument which –

- (i) is subject to annulment in pursuance of a resolution of the Assembly, or
- (ii) is laid in draft but cannot be made if the draft is disapproved,

any Member may, not later than 40 days after the instrument is laid, table a motion that the instrument be annulled or, as the case may be, that the draft be disapproved.

x.3 A motion under x.2 is not amendable.

Motion for approval (affirmative resolution procedure)

x.4 In the case of any statutory instrument or draft statutory instrument laid before the Assembly which, unless the Assembly by resolution approves it, cannot, -

- (i) be made;
- (ii) come into force; or
- (iii) remain in force beyond the period specified in the enactment conferring the power to make the instrument,

any member of the government may table a motion that the instrument or draft instrument be approved.

x.5 A motion under x.5 is not amendable.

x.6 No motion under x.5 may be considered in plenary until either:

- (i) the Subordinate Legislation Committee or any other Committee has reported on the instrument or draft; or
- (ii) 20 days have elapsed since the instrument or draft instrument was laid,

whichever is the earlier.

x.7 If any committee, other than the Subordinate Legislation Committee, intends to report on an instrument or draft instrument to which standing order x.5 applies, it must give notice to the government of its intention to do so no later than 7 days after the instrument or draft has been laid.

x.8 If any committee considers any instrument or draft instrument to which standing order x.5 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.

No amendment of instruments

x.9 A statutory instrument or draft statutory instrument, to which x.2 or x.5 applies, cannot be amended.

Withdrawal of instruments

x.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.

Calculation of days

x.11 In calculating for the purposes of Standing Order X any period of days, no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than 4 days.

Other motions in respect of instruments or draft instruments

x.12 x.1 to x.9 are without prejudice to the right of any Member to table any other motion in respect of an instrument or draft instrument.

Application to other subordinate legislation

x.13 Standing orders x.1 to x.13 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 enactment to be:

- (iii) laid before the Assembly, and
- (ii) subject to any form of Assembly procedure having the same or equivalent effect to those mentioned in x.2 or x.5.