

Special Assembly Procedure

Z.1 Standing Order X applies to the exercise by the Welsh Ministers, the First Minister or the Counsel General of any power to make or confirm subordinate legislation which is, by virtue of any enactment, subject to special Assembly procedure.

Z.1A A petition presented in accordance with Standing Orders Z.1 to Z.13B is not to be regarded as a petition falling within Standing Order [petitions] and for the purposes of those Standing Orders the “petitioner” or the “counter-petitioner” is the person who presents the petition or counter-petition respectively.

Z.2 Any subordinate legislation subject to special Assembly procedure cannot be made or confirmed unless it has been laid before the Assembly and has complied with Standing Orders Z.2A to Z.13B.

Z.2A No subordinate legislation to which Standing Orders Z.1 to Z.13B apply can be laid before the Assembly until the requirements (if any) of the enabling enactment with respect to:

- (i) the publication or service of notices,
- (ii) the consideration of objections,
- (iii) the holding of inquiries or other proceedings preliminary to the making or confirmation of the subordinate legislation,

have been complied with and the member of the government with responsibility for the subordinate legislation has certified that they have been complied with.

Z.2B Subject to Standing Order Z.2A the member of the government with responsibility for the subordinate legislation may lay a draft of it before the Assembly and must give public notice of the entitlement of any person to present a petition to the Assembly against its making or confirmation.

Z.3 The notice must be published at least once in at least one newspaper circulating in the area to which the draft subordinate legislation relates. The notice must state:

- (i) the general effect of the draft subordinate legislation and where it may be inspected both at the Assembly and in a place in the area to which it relates;
- (ii) that petitions can be presented to the Presiding Officer against the draft subordinate legislation within the period of 20 working days beginning with the day on which the notice is first published in a newspaper;
- (iii) that a petition may either request particular amendments to be made to the draft subordinate legislation before it is made (specifying the amendments requested), or request that it should not be made; and

(iv) that the petitioner must have regard to any guidance issued by the Presiding Officer on this matter.

Z.4 The Presiding Officer is to be responsible for receiving petitions.

Z.4A If no petition is received within the period specified in Standing Order Z.3(ii) the Presiding Officer must, as soon as possible, report accordingly to the Assembly.

Z.4B If the Presiding Officer reports in accordance with Standing Order Z.4A, the member of the government with responsibility for the subordinate legislation may make or confirm it.

Z.5 The Presiding Officer must consider any petition received and inform the Assembly of its content and the number of signatures as soon as possible after the expiry of the period specified in the public notice.

Z.5A A petitioner has such a substantial ground of objection if his or her property or interests would be affected by the subordinate legislation. A petitioner which is an amenity society or similar body has such a substantial ground of objection if an interest which it represents would be affected by the subordinate legislation.

Z.6 If the Presiding Officer considers that any petition received does not disclose a substantial ground of objection to the subordinate legislation (or part of it), the Presiding Officer must notify the petitioner accordingly and permit him or her to make representations to the Presiding Officer.

Z.6A If, following consideration of any such representations, the Presiding Officer concludes that a petition:

- (i) discloses a substantial ground of objection to the subordinate legislation (or part of it), or
- (ii) does not disclose such a substantial ground of objection,

the Presiding Officer must, as soon as possible, report that fact to the Assembly and inform the petitioner accordingly.

Z.6B In a case falling within Standing Order Z.6A(i), the Presiding Officer's report must state that the petition must be considered by the Assembly.

Z.7 In a case falling within Standing Order Z.6A(ii), the member of the government with responsibility for the subordinate legislation may make or confirm it.

Z.8 In a case falling within Standing Order Z.6A(i) and where the petition requests amendments to be made to the subordinate legislation, the Presiding Officer may decide that the amendments requested would, in the Presiding Officer's opinion, affect the interests of other persons.

Z.8A If the Presiding Officer decides under Standing Order Z.8 that the petition does request any such amendment, the Presiding Officer must:

- (i) include in his or her report to the Assembly under Standing Order Z.6A his or her decision under Standing Order Z.8;
- (ii) inform the petitioner of his or her decision under Standing Order Z.8; and
- (iii) invite counter-petitions.

Z.8B Where counter-petitions are invited in accordance with Standing Order Z.8A(iii) the provisions of Standing Orders Z.3 to Z.7 apply to such counter-petitions as they apply to petitions.

Z.9 Where the Presiding Officer reports to the Assembly that a petition must be considered by the Assembly, the Business Committee must refer such a petition (and any counter-petition) to a committee to be established in accordance with Standing Order [committees] to consider the petition (and counter-petition) and to report in accordance with Standing Order Z.11.

Z.10 The petitioner, any counter-petitioner, and any applicant for the subordinate legislation, are entitled to be heard before the committee either in person or may be represented; and the member of the government with responsibility for the subordinate legislation is entitled to participate in the proceedings of the committee but may not vote and is entitled to be heard in person or may be represented.

Z.11 The committee must report to the Assembly with a recommendation that the subordinate legislation should:

- (i) not be made or confirmed,
- (ii) be made or confirmed without amendment, or
- (iii) be made or confirmed with such amendments as the committee considers expedient to give effect either in whole or in part to any petition (or counter-petition) and with such consequential amendments, if any, as they consider appropriate.

Z.12 Where the committee reports that the subordinate legislation should not be made or confirmed, no further proceedings may be taken on it, but this does not prevent a member of the government laying further draft subordinate legislation before the Assembly.

Z.13 Where the committee reports that subordinate legislation should be made or confirmed without amendment, the member of the government with responsibility for the subordinate legislation may make or confirm it.

Z.13A Where the committee reports that the subordinate legislation should be made or confirmed with amendments, it may be made or confirmed with such amendments.

Z.13B If the member of the government with responsibility for the subordinate legislation considers it inexpedient that it should be made or confirmed as proposed to be amended, it must either be withdrawn (without prejudice to the laying before the Assembly of further draft subordinate legislation) or the member of the government

with responsibility for it may table a motion that the Assembly should agree that it be made or confirmed without the amendments recommended by the committee.

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