

STANDING ORDER 9 - Committees

General

- 9.1 Standing Order 9 applies to every committee of the Assembly other than where dis-applied by another Standing Order.
- 9.2 Any Member may table a motion to give specific or general instructions to any committee.

Membership of committees

- 9.3 The Assembly must consider a motion tabled by the Business Committee to determine the membership of each committee established by any Standing Order or by a resolution of the Assembly.
- 9.4 No amendments may be tabled to a motion under Standing Order 9.3
- 9.5 A motion to determine the membership of a committee under Standing Order 9.3 cannot be passed unless:
- (i) the membership reflects (so far as reasonably practicable) the balance of the political groups to which Assembly Members belong; and
 - (ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.
- 9.6 If a motion to determine the membership of a committee under Standing Order 9.3 is not passed:
- (i) the Assembly must consider a motion tabled by the Business Committee to determine the size of the committee; and
 - (ii) places on that committee must be allocated in accordance with the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 9.7.
- 9.7 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:
- (i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group, or
 - (ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is

greater than that so produced for any other political group,

the Presiding Officer must determine to which political group that place is to be allocated.

- 9.8 If places on any committee are to be allocated to a political group in accordance with Standing Order 9.3 or 9.6, it is for the leader of that political group to determine the names of the Members allocated from his or her group.
- 9.9 Any motion under Standing Order 9.3 or 9.6 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:
- (i) every Member who does not belong to a political group is offered a place on at least one committee; and
 - (ii) the total number of places on committees allocated to Members belonging to each political group is at least as great as the number of Members belonging to the political group.
- 9.10 A vacancy occurs on a committee when a Member:
- (i) resigns from the committee by notifying the Business Committee;
 - (ii) is removed from the committee by a resolution of the Assembly;
 - (ii) ceases to be a Member; or
 - (iv) ceases to be a member of the committee in accordance with Standing Order 9.11.
- 9.11 A Member ceases to be a member of committee if he or she joins or leaves a political group.
- 9.12 When a vacancy occurs on a committee, the Business Committee:
- (i) must consider the effect of that vacancy on the membership of that committee and of any other committee;
 - (ii) must, having regard to that consideration, table a motion under Standing Order 9.3 proposing the membership of the committee on which the vacancy occurred;
 - (iii) may, having regard to that consideration, also table one or more motions under Standing Order 9.3 proposing the membership of any other committee.

- 9.13 If the effect of a motion referred to in Standing Order 9.12(ii) is only to fill the vacancy with a Member from the same political group, then Standing Order 9.5(ii) does not apply.
- 9.14 Any question arising under Standing Orders 9.5 and 9.9 must be determined by the Presiding Officer.

Sub-committees

- 9.15 Any committee may resolve to establish one or more sub-committees. A resolution to establish a sub-committee must set out its membership, remit and duration.
- 9.16 No sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.
- 9.17 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.

Chairs

- 9.18 Each committee must elect a chair. In doing so the committee must have regard to the need to ensure that the balance of chairs across Committees reflects the political groups to which Assembly Members may belong.
- 9.19 Each committee has the power to appoint a temporary chair in the absence of its chair.
- 9.20 Except where Standing Orders provide otherwise, the chair of a committee must determine its procedures, having regard to any guidelines which may be issued by the Presiding Officer after consulting with the Business Committee and the chairs of committees.
- 9.21 In relation to the business of a sub-committee, the chair of the sub-committee has the powers of the chair of the committee of which it is a sub-committee

Behaviour in committees

- 9.22 The chair is to maintain order in committee meetings and must call to order any Member who:
- (i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;

- (ii) is obstructing the business of the Assembly;
- (iii) seeks to raise a matter outside the scope of the issue before the committee;
- (iv) is guilty of discourteous or unbecoming conduct;
- (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Assembly;
- (vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or
- (vii) disregards the authority of the chair.

9.23 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.

9.24 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required to do so, the chair may adjourn the meeting and report the matter to the Presiding Officer; and, with the permission of the Presiding Officer obtained in advance, a Member may propose that the Member be excluded from Assembly proceedings for a period in accordance with Standing Order 30.13.

9.25 In case of grave disorder arising in committee meetings or in any other such circumstance where he or she thinks it appropriate to do so, the chair may adjourn a meeting or may suspend the meeting for a specified time.

Sub judice

9.26 Subject to the right of the Assembly to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter where court proceedings have been initiated or where notice of appeal has been given in the United Kingdom, or where the Children's Commissioner for Wales or the Commissioner for Older People in Wales has decided to conduct an examination of a case, until the time when judgement has been given or a report has been made by either Commissioner, unless the chair is satisfied that:

- (i) the matter is clearly related to a matter of general public importance;
- (ii) the matter does not relate to a case which is to be heard, or is being heard, before a criminal court or before a jury

or to a case which is to be heard, or is being heard, in family proceedings; and

- (iii) the Member does not, in his or her comments, create a real and substantial risk of prejudice to the proceedings of a court either generally or in respect of a particular case.

Relations with the Judiciary

- 9.27 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; and in this Standing Order "judge" includes persons holding the position of judge, whether full-time or part-time.
- 9.28. Committees must not discuss individual judicial appointments.

Quorum

- 9.29 A committee meeting must be declared inquorate if there are fewer than three Members, or less than one-third of the committee's members, whichever is the higher, present.
- 9.30 A committee meeting must be declared inquorate if, at the beginning of the meeting, the members present represent only one political group.
- 9.31 On declaring a meeting inquorate under Standing Order 9.29 or 9.30 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within 20 minutes, the meeting will stand adjourned.

Voting

- 9.32 Voting in committees is by a show of hands, and, when any Member of the committee requests that the vote be recorded, the names of those voting (including those recording an abstention) must be recorded in the minutes of the committee's proceedings.
- 9.33 Chairs of committees may vote. If there is an equality of votes, the chair must rule as to the disposal of the business in accordance with Standing Order 2.19.
- 9.34 No vote in any committee is valid if fewer than one-third of its members vote. Members recording an abstention are to be regarded as having voted.
- 9.35 If a vote is not valid under Standing Order 9.34, the chair must adjourn the item of business of which it formed a part to the next

meeting of the committee.

Openness of committees

- 9.36 Subject to Standing Order 9.37 committees must meet in public, and broadcasting access for public meetings must be permitted in accordance with such arrangements as the Assembly Commission from time to time agrees.
- 9.37 A committee may resolve to exclude the public from a meeting or any part of a meeting where:
- (i) international relations, national security, the investigation of alleged illegality, the effectiveness of law enforcement or the proper administration of justice requires the proceedings to be held in private;
 - (ii) a particular item of business cannot be discussed without disclosing personal information relating to specific identified or identifiable individuals which ought not to be disclosed;
 - (iii) discussion in public of a particular item of business would be likely to cause harm to commercial or economic interests;
 - (iv) discussion in public of a particular item of business would be likely to cause harm to the health or safety of an individual, the public, or the environment;
 - (v) a particular item of business cannot be discussed without reference to material which would be likely to be considered defamatory of any person;
 - (vi) the committee is deliberating on the content, conclusions or recommendations of a report it proposes to publish; or is preparing itself to take evidence from any person;
 - (vii) a particular item of business cannot be discussed without disclosing either legal advice supplied in confidence, or information supplied in confidence by, or confidential correspondence with, a person or organisation (including a public authority) which was not under any legal obligation to disclose that information and has not consented to its disclosure to the public;
 - (viii) a particular item of business cannot be discussed without reference to a document or documents which would be excluded or exempted from disclosure under legislation; or

(ix) any matter relating to the internal business of the committee, or of the Assembly, is to be discussed.

- 9.38 A motion proposed under Standing Order 9.37 must identify the grounds which the Member proposing it believes should give rise to the exclusion of the public.
- 9.39 So far as is appropriate in the circumstances and reasonably practicable, notice of motions and documents relating to business to be taken at any committee must be made available to all members of that committee in English and Welsh at least two working days before the meetings to which they relate.
- 9.40 Members of committees, and other persons addressing committees, may speak in English or in Welsh, and simultaneous interpretation facilities must be available for proceedings in Welsh. Persons other than Members may address committees in other languages by prior agreement with the chair.

Meetings

- 9.41 A committee chair may, after consulting the Presiding Officer, call a meeting of the committee in a week which is not a sitting week.

Substitutions at meetings

- 9.42 A committee member who has given advance notice to the chair may be represented at a meeting, or a part of a meeting, by another Member from the same political group who has been identified in advance. The nominated representative may participate in the meeting of the committee in all respects as if he or she were a member of it. No Member may represent more than one committee member at a meeting.

Attendance at meetings

- 9.43 Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting but may not vote.
- 9.44 Committees may invite any person to attend meetings for the purpose of giving evidence, or providing advice and may invite any such person or body to submit evidence and produce documents.
- 9.45 Any committee may, subject to sections 38 and 40 of the Act, exercise the powers in section 37 of the Act, to require persons to attend their proceedings or to produce documents.

- 9.46 Chairs may require a person who has been required to attend a committee to take an oath (or make an affirmation), to be administered by the clerk to the committee.

Meetings with other committees

- 9.47 Committees may meet concurrently with other committees of the Assembly.
- 9.48 Committees may meet concurrently with any committee of either House of Parliament or any joint committee of both Houses.

Committee Advisers

- 9.49 Committees may appoint advisers in accordance with guidelines issued by the Assembly Commission for the purposes of providing expert advice.

Committee Reports

- 9.50 Any Committee may report to the Assembly on matters within its remit.

Duration of Committees

- 9.51 Subject to Standing Order 11.3 Committees established by Standing Orders 10 to 20 must be established for the duration of an Assembly.
- 9.52 The Assembly must, on a motion tabled by the Business Committee, determine the duration of any other committee.