

Guide to the legislative process

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The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Copies of this document can also be obtained in accessible formats including Braille, large print, audio or hard copy from:

Scrutiny Support Team
National Assembly for Wales
Cardiff Bay
CF99 1NA

Tel: **0300 200 6565**
E-mail: **legislation@assembly.wales**

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Summary of process for Assembly scrutiny of Public Bills

Bill introduced by Member in Charge

Business Committee decides whether to refer Bill to responsible committee (and set deadline for committee to report)

Stage 1 General Principles	↓ Yes Responsible committee consults and takes evidence. Publishes its Stage 1 Report	⇒	↓ No Assembly agrees general principles of Bill? ↓ Yes Progresses to Stage 2	No ⇒ Bill falls
Stage 2 Line by line scrutiny	Amendments ⇒		Assembly agrees a Financial Resolution for the Bill within 6 months? ↓ Yes Detailed consideration by committee	No ⇒ Bill falls
Stage 3 Line by line scrutiny	Amendments ⇒		Detailed consideration by Assembly	
Further Stage 3 (optional) Line by line scrutiny	Amendments ⇒ Member in Charge or Government only		Detailed consideration by Assembly	
Report Stage (optional) Line by line scrutiny	Amendments ⇒		Detailed consideration by Assembly	
Further Report Stage (optional) Line by line scrutiny	Amendments ⇒ Member in Charge or Government only		Detailed consideration by Assembly	
Stage 4 Debate on passing Bill			Motion to pass Bill agreed? ↓ Yes	No ⇒ Bill falls
Bill becomes an Act			(and if no legal challenge) Royal Assent	



1. Introduction

1. This guide provides an overview of the procedure for the consideration and passing of Public Bills by the Assembly.
2. It also provides a brief overview of procedures for making and scrutinising subordinate legislation.

1.1. Background

3. The **Government of Wales Act 2006 (as amended)** (“the 2006 Act”) provides for the Assembly to make laws, known as ‘Acts of the Assembly’.
4. The Assembly is able to pass Acts on any matters that are not reserved to the UK Parliament by the Government of Wales Act 2006 (as amended by the Wales Act 2017)..

2. Bills in the Assembly

2.1. What is a Bill?

5. A Bill is a draft law. Once a Bill has been considered and passed by the Assembly, and given Royal Assent by the monarch, it becomes an ‘Act of the Assembly’.
6. An Act of the Assembly is a law, enforceable in relation to all areas of Wales where it is applicable.

2.2. Introducing a Bill

7. In order for a Bill to be considered by the Assembly, it must be formally ‘introduced’ into the Assembly. In practice, this means the Bill is laid with officials in the Table Office, who arrange for the Bill to be published on the Assembly’s website.
8. Most Bills are introduced by Ministers (‘Government Bills’) but Bills can also be introduced by:
 - an Assembly committee;
 - an individual Member whose name is drawn from a ballot; or
 - the Assembly Commission.
9. On introduction, except in some limited circumstances, Bills must be available in English and Welsh. The Presiding Officer must publish a statement indicating

whether or not he or she considers that the Assembly has the power to make the Bill. Each Bill must also be accompanied by an Explanatory Memorandum that sets out its policy objectives, details of any consultation already undertaken on the Bill, estimates of the costs of implementing the Bill and any other relevant information.

3. The process for considering a Government Bill

10. There is, generally, a four stage process for the consideration of a Government Bill in the Assembly.

3. 1. Stage 1

11. This stage involves the consideration of the general principles of a Bill by a committee (or committees), followed by the agreement (or otherwise) to the general principles by the Assembly.

12. The committee will focus on the main purpose(s) of the Bill, rather than looking at the fine detail (which is a matter for later stages). The committee may also invite representations from interested parties, and may take written and oral evidence to inform its work.

13. Once the committee has reported, the Assembly will be asked to debate and vote on the Bill's general principles - the 'Stage 1 debate'.

3. 2. Stage 2

14. This stage follows the completion of Stage 1 and involves the detailed consideration, by a committee, of a Bill and any amendments proposed by Assembly Members.

15. Any Assembly Member may table amendments to the Bill and there is no limit to the number of amendments that can be tabled. However, only committee members may vote on amendments. This stage ends when all the amendments have been considered.

16. If the Presiding Officer determines that a financial resolution is required for the Bill, then no proceedings may take place at Stage 2 before that financial resolution is agreed by the Assembly. If a financial resolution is not agreed within six months of the agreement by the Assembly of the general principles of a Bill at Stage 1, the Bill falls.

3. 3. Stage 3

18. This stage follows the completion of Stage 2 and involves the detailed consideration, by the Assembly as a whole, of the Bill and any amendments proposed by Assembly Members.

19. Any Member may table amendments to the Bill, but the Presiding Officer can decide which amendments will be considered by the Assembly.

3. 4. Other amending stages

20. If the Assembly wishes, it may also consider a Bill at Further Stage 3, Report Stage and Further Report Stage.

3. 5. Stage 4

21. This is the last stage of the process and follows the completion of Stage 3 (or the final amending stage). At this Stage, the Assembly votes on whether to pass the final text of the Bill.

22. If the Presiding Officer's view is that any provision of a Bill relates to a protected subject-matter (such as the name of the Assembly, the persons entitled to vote in Assembly elections, and the size of the Assembly), the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Assembly seats. This is called a super-majority.

23. Where a super-majority is not required, a simple majority vote is required to pass the Bill (i.e. more Members vote in favour of passing the Bill than against passing it). In the event of a tied vote, the Presiding Officer's casting vote will be used against the Bill being passed.

3. 6. Passing a Bill

24. If passed by the Assembly at Stage 4, a Bill must receive Royal Assent from the monarch before formally becoming a piece of law.

25. If the Assembly does not pass the Bill at Stage 4, it falls and no further action can be taken on it.

4. Other Bills

26. Bills can also be introduced by Assembly committees, individual Members or the Assembly Commission and will generally follow a similar procedure to that set out above.

27. Members can only introduce a Bill if they have been successful in one of the ballots conducted under the authority of the Presiding Officer. In order to enter the ballot, Members must provide the title of the Bill they wish to introduce and an explanation of the policy objectives of that Bill. If they are successful in a ballot, they must also obtain leave from the Assembly as a whole to introduce a Bill based on that explanation.

5. Subordinate Legislation in the Assembly

5.1. What is subordinate legislation?

28. Acts of the Assembly are primary legislation, as are Acts of the UK Parliament. 'Subordinate legislation' is an umbrella term for laws made under the authority of an Act (or Assembly Measure). Subordinate legislation is also known as secondary or delegated legislation and generally takes the form of statutory instruments.

29. When passing a Bill, the Assembly approves its principles, general objectives and important points of detail. However, it will usually give the Welsh Ministers, or some other body, subordinate legislation powers to make detailed rules and regulations or compel action relating to how the main law is implemented.

5.2. How is subordinate legislation made?

30. Although a number of bodies, including local authorities and other statutory bodies, are able to make subordinate legislation, most subordinate legislation of concern to the Assembly will be made by Ministers.

31. There are three main categories of subordinate legislation depending on the procedure used for scrutinising and approving it. These are known as:

- No Procedure – usually published, but requiring only approval by Ministers (or their officials);
- Negative Resolution – published, but the Assembly can agree, within 40 days, to annul (cancel) the legislation if a Member tables a motion requesting it;
- Affirmative Resolution – published in draft and requiring the approval of the Assembly before it can come into force.

32. Occasionally, for particularly important or contentious legislation, a so-called **super affirmative** procedure is used. This is an affirmative procedure but with additional requirements, for example a period of consultation before the legislation can be put before the Assembly for approval.

5. 3. How is subordinate legislation scrutinised?

33. The Assembly's Standing Orders ensure that an Assembly committee is allowed up to 20 days to report to the Assembly on any issues raised by subordinate legislation.

34. Affirmative resolution subordinate legislation is always debated and must be approved by the Assembly before it can come into force. Negative resolution subordinate legislation comes into force on the date specified in it unless an Assembly Member requests that it is debated by the Assembly (by tabling a motion asking that the legislation is annulled).