

Guide to the scrutiny stages for Public Bills

June 2021



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

An electronic copy of this document can be found on the Senedd website:

www.senedd.wales

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

Welsh Parliament

Cardiff Bay

CF99 1SN

Tel: 0300 200 6565

Email: Contact@senedd.wales

© Senedd Commission Copyright 2021

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the Senedd Commission and the title of the document specified.

Contents

Summary of process for Senedd scrutiny of Public Bills.....	6
Introduction of a Public Bill	8
Form and introduction	8
Accompanying documentation.....	8
Stage 1 - consideration of the general principles of the Bill by a committee, and the agreement of those general principles by the Senedd.....	10
Referral of Bill to a ‘responsible committee’	10
Role of the responsible committee	11
Stage 1 scrutiny by responsible committee	11
Consideration of Bill by other Senedd committees.....	12
Subordinate legislation provisions in a Bill.....	12
Financial aspects of a Bill	12
The Stage 1 debate	12
Completion of Stage 1	13
Financial Resolution	14
What is a financial resolution?	14
Why are financial resolutions necessary?.....	14
Specific circumstances that require a financial resolution.....	15
Other key points about financial resolutions	15
Stage 2 - detailed consideration of the Bill by a committee.....	17
Start of Stage 2 and referral of Bill to a ‘responsible committee’	17
Timetable for Stage 2.....	18
Role of the responsible committee	18
Tabling amendments	18
Order of consideration.....	19
Grouping of amendments.....	19

Taking and recording decisions on amendments in committee.....	19
Moving amendments during committee proceedings.....	20
Disposal of amendments during committee proceedings.....	20
Completion of Stage 2.....	21
The Bill, as amended at Stage 2.....	21
Revised Explanatory Memorandum	21

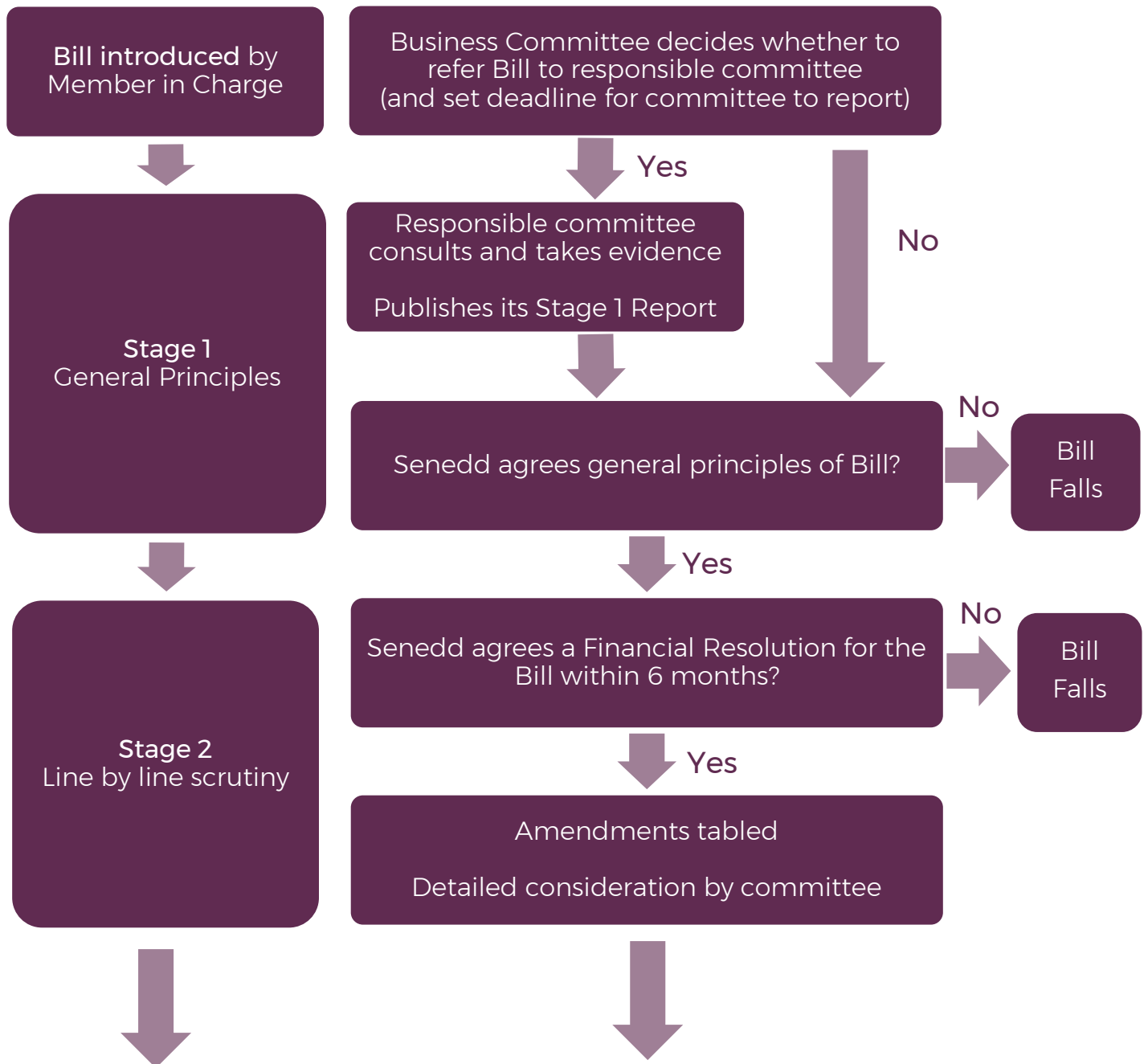
Stage 3 – detailed consideration of the Bill by the Senedd 23

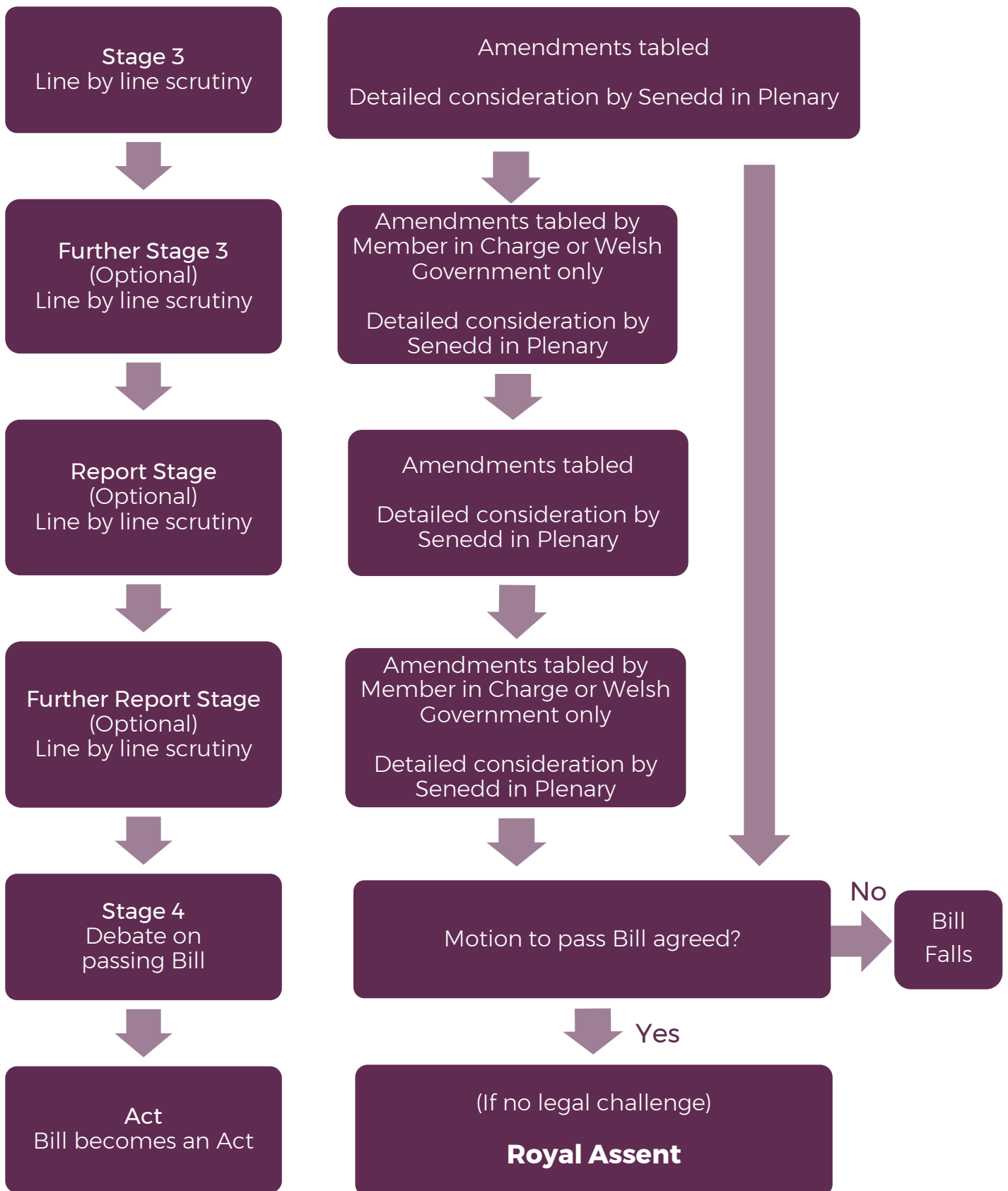
Start of Stage 3.....	23
Timetable for Stage 3.....	23
Role of the Senedd.....	24
Tabling amendments.....	24
Order of consideration.....	24
Selection of amendments.....	25
Grouping of amendments.....	25
Timetabling of proceedings.....	25
Taking and recording decisions on amendments in Plenary	26
Further Stage 3 proceedings.....	26
Completion of Stage 3.....	27
Report Stage and further Report Stage.....	27
The Bill, as amended at Stage 3.....	28
Revised Explanatory Memorandum	28

Stage 4 and onwards – the passing of the Bill by the Senedd and submission for Royal Assent 29

Stage 4.....	29
Post Stage 4.....	30
Reconsideration of Bills.....	31
Reconsideration of Bills passed.....	31
Reconsideration of Bills rejected.....	32
Post-Reconsideration Stage	33
Royal Assent.....	33

Summary of process for Senedd scrutiny of Public Bills





Introduction of a Public Bill

- 1.** Section 110(1) of the Government of Wales Act 2006 provides that, subject to the Senedd's Standing Orders, a Minister or any other Member of the Senedd may introduce a Bill.
- 2.** Standing Orders 26.1 to 26.6 provide the framework for the introduction of a Public Bill into the Senedd.
- 3.** On introduction, a Bill webpage will be published. Details about the Bill and its progress through the Senedd will be published on its webpage.

Form and introduction

- 4.** Standing Orders 26.1 to 26.5 provide that to be introduced a Bill must, be laid before the Senedd during a week in which the Senedd is sitting, be in proper form according to any determination made by the Presiding Officer, and be accompanied by a statement from the Presiding Officer in relation to whether the provisions of the Bill are within the legislative competence of the Senedd.
- 5.** Standing Order 26.5 provides that a Bill must be introduced in both English and Welsh, unless:
 - in respect of a Government Bill, the Member in charge states in writing that for specified reasons it would not be appropriate in the circumstances or reasonably practicable for the Bill to be introduced in both languages; or
 - not doing so is in accordance with determinations made by the Presiding Officer under Standing Order 26.3.

Accompanying documentation

- 6.** Standing Order 26.6 provides that on introduction a Bill must be accompanied by an Explanatory Memorandum which must:
 - state that in the Member in charge's view the provisions of the Bill would be within the legislative competence of the Senedd;
 - set out the policy objectives of the Bill;

- set out whether any alternative ways of achieving the policy objectives were considered, and if so, why the approach taken in the Bill was adopted;
- set out any consultation undertaken on the Bill, and summarise the outcome of that consultation;
- state the reasons why the Bill, or any part of it, had not been previously published as a draft;
- summarise what each of the provisions of the Bill is intended to do, and give other information necessary to explain the effect of the Bill;
- set out the best estimates of the financial implications of the Bill;
- set out any environmental and social benefits and dis-benefits arising from the Bill;
- set out the details of any subordinate legislation making powers in the Bill;
- if the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report from the Auditor General for Wales setting out his or her view on whether the charge is appropriate; and
- set out the potential impact (if any) on the justice system in England and Wales (a “justice impact assessment”), in accordance with section 110A of the Act.

Stage 1 - consideration of the general principles of the Bill by a committee, and the agreement of those general principles by the Senedd



Stage 1

- 7.** Section 111(1)(a) of the Government of Wales Act 2006 requires the Senedd's Standing Orders to include provision for general debate on a Bill with an opportunity for Members of the Senedd to vote on its general principles.
- 8.** Stage 1 of the Senedd's legislative process gives effect to this requirement and involves the consideration of the general principles of a Bill by a committee, and the agreement of those general principles by the Senedd.
- 9.** Standing Orders 26.9 to 26.15 provide the framework for Stage 1.

Referral of Bill to a 'responsible committee'

- 10.** Once a Bill has been introduced into the Senedd, the Business Committee must decide whether or not to refer it to a committee for consideration of the general principles (Standing Order 26.9).
- 11.** The committee to which the Business Committee refers the Bill is known as the 'responsible committee'.
- 12.** The Business Committee must also establish and publish a timetable for Stage 1 and 2 consideration of the Bill (Standing Order 26.7). The Business Committee may make changes to the timetable subsequently if it wishes to do

so, but must give reasons for doing so (Standing Order 26.8). This might include a request from the responsible committee or the Member in charge¹ of the Bill.

13. If the Business Committee decides not to refer the Bill to a responsible committee at Stage 1, the Member in charge of the Bill may table a motion proposing that the Senedd agrees to the general principles of the Bill (Standing Order 26.12).

Role of the responsible committee

14. The role of the responsible committee at Stage 1 is to consider and report on the general principles of the Bill (also referred to as ‘Stage 1 scrutiny’).

15. The work of the committee at this stage will focus on examining the principal purpose or purposes of the Bill, rather than looking at the detail of the text (which is a matter for Stages 2 and 3, and Report Stage where appropriate).

16. In conducting its scrutiny, the responsible committee may choose to consider:

- the aims/policy objectives of the Bill;
- whether a legislative approach is necessary to achieve those aims/objectives; and
- whether the Bill, as drafted, is capable of achieving its stated aims/objectives.

Stage 1 scrutiny by responsible committee

17. There are no specific requirements in Standing Orders for how the responsible committee carries out its work. However, usually the committee will ask for written and oral evidence from interested parties.

18. It is usual practice for a call for written evidence to be issued by the responsible committee at the beginning of its Stage 1 scrutiny, and for it to hold a number of meetings to take oral evidence from a range of interested

¹ A Public Bill may be introduced by the Welsh Government, an Senedd Committee, an individual Member or the Senedd Commission. The Member in charge is usually the Member of the Senedd who introduced the Bill (Standing Order 24).

stakeholders, including the Member in charge of the Bill, and, for non-Government Bills, the relevant Minister .

19. At the end of its Stage 1 scrutiny, the responsible committee must publish a report, which may contain a recommendation that the Senedd either agrees or does not agree to the general principles of the Bill. The report may also contain recommendations for amendments to the Bill, based on the information the committee has received, or on any other relevant matter on which the committee wishes to comment.

Consideration of Bill by other Senedd committees

Subordinate legislation provisions in a Bill

20. Where a Bill contains powers for the Welsh Ministers to make subordinate legislation (for example regulations or orders), the Legislation, Justice and Constitution Committee may consider and report on the relevant provisions of the Bill (Standing Order 21.7).

Financial aspects of a Bill

21. The responsible committee may consider the financial aspects of a Bill as part of its consideration of a Bill's general principles. In addition, the Finance Committee may also consider and report on the financial implications of the Bill (Standing Order 19.2).

The Stage 1 debate

22. Once the responsible committee has reported on the Bill (or has failed to report in the time allotted), or in cases where the Business Committee has decided not to refer the Bill to a committee, time will be allocated in Plenary for the Senedd to debate and decide whether to agree to the general principles of the Bill - the 'Stage 1 debate'.

23. There must be at least five working days between the date the responsible committee reported on the general principles of the Bill (or the deadline by which that committee should have reported) and the date of the Stage 1 debate (Standing Order 26.11).

24. The Stage 1 debate takes place on a motion by the Member in charge of the Bill, "That the Senedd agrees to the general principles of the [title] Bill". Such a motion may be amended, but amendments that might cast doubt on whether or not the Senedd agrees to the general principles, or which seek to amend the Bill, will not be accepted.

Completion of Stage 1

25. Stage 1 is completed following a vote by the Senedd on the general principles of the Bill (Standing Order 26.15).

26. If there is an equality of votes the Presiding Officer will use their casting vote. The casting vote will be given in the affirmative at a vote on the general principles of a Bill at Stage 1 (to enable further discussion of the Bill at subsequent Stages).

27. If the Senedd agrees the general principles of the Bill, it proceeds to Stage 2 for detailed consideration of the Bill by a committee (Standing Order 26.13).

28. If the Senedd does not agree to the general principles of the Bill, the Bill falls and no further action is taken on it (Standing Order 26.14).

Financial Resolution

What is a financial resolution?

29. A financial resolution is the authorisation by the Senedd, in principle, for the Welsh Ministers to spend money on a new service, or for a new purpose, or to increase spending on an existing service or purpose, as a consequence of a Bill.

30. The financial resolution recognises that the demand for funding resulting from the proposed Bill will need to be met from the Welsh Consolidated Fund.² This is distinct from the annual budget process and budget motion, which determine the amount of resources to be allocated to specified services and purposes for individual financial years i.e. the spending of money on functions that have already been conferred by various enactments.

31. If the Presiding Officer determines that a financial resolution is required for a Bill, a motion that the Senedd agrees the financial resolution is normally moved immediately after the end of the debate on the general principles. The motion asks the Senedd to agree in principle to the possible financial consequences of the Bill.

Why are financial resolutions necessary?

32. Senedd Bills, like other enactments, create functions (powers and duties). The conferring of functions by a Bill will often give rise to the raising of revenue or a new or increased demand for funding. It is for the Senedd (rather than the Welsh Government) to sanction the raising of revenue or the use of resources.

² The Welsh Consolidated Fund acts as a pot where the money voted by the UK Parliament for Wales is held. In addition to the budget provided to the Welsh Government, the expenditures of each of the Senedd Commission, the Auditor General for Wales and the Public Services Ombudsman for Wales also come out of the Welsh Consolidated Fund. The Senedd is responsible for approving budget motions and supplementary budget motions proposed by the Welsh Ministers. The Auditor General for Wales authorises payments out of the National Welsh Consolidated Fund to the Welsh Ministers if the expenditure has been approved by the Senedd.

Specific circumstances that require a financial resolution

33. Financial resolutions are required where a Bill:

- charges expenditure on, or increases significantly expenditure charged on, the Welsh Consolidated Fund (WCF);
- gives rise to significant expenditure payable out of the WCF for a new service or purpose or a significant increase in expenditure payable out of the WCF for an existing service or purpose; or
- would impose or increase a charge, or otherwise require a payment to be made, (including by provision that may be made by subordinate legislation), for the benefit of the WCF (Standing Orders 26.69 to 26.71).

34. It is for the Presiding Officer to decide, in every case, whether or not a financial resolution is required for a Bill (Standing Order 26.68). This decision will usually be made on the introduction of the Bill. The Presiding Officer may decide to revise that decision in light of evidence received at Stage 1.

Other key points about financial resolutions

35. Stage 2 starts after the general principles of a Bill have been agreed to (Standing Orders 26.15 and 26.16). However, no Stage 2 proceedings on a Bill (i.e. the disposal of amendments) can take place until a financial resolution, if one is required, has been agreed (Standing Orders 26.69 to 26.70).

36. In the case of a Bill for which the Presiding Officer has determined that a financial resolution is not necessary, if the effect of an amendment tabled to that Bill would be that a financial resolution would be required if it were agreed, no proceedings may be taken on the amendment until such a resolution is in place (Standing Order 26.72).

37. A motion for a financial resolution may not be amended, and only a member of the Welsh Government may move a motion for a financial resolution (Standing Order 26.73). Therefore, for non-Government Bills that require a financial resolution, it is for the Member in charge to request that the Welsh Government moves a suitable motion within six months of the completion of Stage 1.

38. If a financial resolution is required, but is not agreed within six months of the completion of Stage 1, the Bill falls (Standing Order 26.74).

Stage 2 – detailed consideration of the Bill by a committee



- 39.** Section 111(1)(b) of the Government of Wales Act 2006 requires the Senedd’s Standing Orders to include provision for the consideration of, and an opportunity for Members of Senedd Cymru to vote on, the details of a Bill.
- 40.** Stage 2 of the Senedd’s legislative process gives effect to this requirement and involves the detailed consideration of a Bill by a committee.
- 41.** Standing Orders 26.16 to 26.28 provide the framework for Stage 2. Standing Orders 26.7 to 26.8 also apply, as they relate to the timetable for the consideration of a Bill.
- 42.** This document should be read alongside the Guide to amendments to Public Bills, which sets out the rules and procedures for tabling, considering and making a decision on (or ‘disposing of’) amendments at Stage 2.

Start of Stage 2 and referral of Bill to a ‘responsible committee’

- 43.** If the Senedd agrees to the general principles of a Bill at Stage 1, the Bill proceeds to Stage 2. Stage 2 starts on the first working day after Stage 1 is completed (Standing Order 26.16).
- 44.** The Business Committee must either—
- refer the Bill to a responsible committee for Stage 2 proceedings (Standing Orders 26.18(i)-(ii)), or
 - propose, by motion, that Stage 2 proceedings be considered by a Committee of the Whole Senedd, involving all Members and chaired by the Presiding Officer (Standing Order 26.18(iii)).

Timetable for Stage 2

45. When referring a Bill to a committee, the Business Committee must also establish and publish a timetable for the completion of Stage 2 proceedings (Standing Order 26.7).

46. With the exception of Emergency Bills, at least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the Bill (Standing Order 26.17). This is intended to ensure there is sufficient time for Members to consider and table amendments to the Bill before Stage 2 proceedings begin.

47. No Stage 2 proceedings, i.e. disposal of amendments, can take place on a Bill until a financial resolution (if required) has been agreed by the Senedd, although amendments may be tabled before the financial resolution is agreed (Standing Orders 26.69 to 26.70).

Role of the responsible committee

48. The role of the responsible committee at Stage 2 is to consider the text of the Bill in detail and dispose of any amendments which are tabled. 'Disposal' of an amendment means that a decision has been taken on that amendment. This could include agreement, rejection, withdrawal etc.

Tabling amendments

49. Amendments may be tabled from the first day on which Stage 2 starts (Standing Order 26.20). Amendments must be tabled no fewer than five working days before the meeting at which they are to be considered (Standing Order 26.59).

50. Any Member may table amendments at Stage 2, and there is no limit on the number of amendments that may be tabled.

51. Amendments are tabled with the clerks who support the responsible committee. The clerks can also provide or arrange confidential procedural, legal and tabling advice to Members in relation to amendments.

52. After they have been tabled, amendments are published on the relevant Bill's webpage on a daily Notice of Amendments. Each amendment is given a unique number according to the order in which the amendments were tabled.

53. There is no selection of amendments at Stage 2, so any admissible amendment that has been tabled can be moved in committee.

Order of consideration

54. Amendments tabled at Stage 2 are disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the committee decides otherwise (Standing Order 26.21).

55. If a committee decides to vary the order in which the sections and schedules are to be considered, this would usually be done in advance of the first meeting at which amendments are to be considered. The amendments are reorganised into the order they will be voted on, which is the order in which they will appear if incorporated into the Bill (this is called the 'Marshalled List' - see the [Guide to amendments to Public Bills](#)). They are then reorganised again into the order in which they will be debated, in which they are grouped by subject so that debate flows logically (this is called the 'Groupings List').

Grouping of amendments

56. Amendments may be grouped at Stage 2 by the chair of the committee for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of (Standing Order 26.64).

Taking and recording decisions on amendments in committee

57. For each Stage 2 committee meeting, a Marshalled List and a Groupings List are prepared and published. These lists set out the order in which amendments will be debated and disposed of during proceedings.

Moving amendments during committee proceedings

58. An amendment must be moved (a way of formally introducing the amendment into proceedings) before a decision can be taken on it. Although any Member may table an amendment at Stage 2, only a member of the responsible committee can move (and vote on) an amendment during Stage 2 proceedings (Standing Order 26.22).

59. Any member of the responsible committee can move any amendment during Stage 2 proceedings, even if that amendment has been tabled by a Member who is not a member of the committee (Standing Order 26. 23).

60. A Member who has tabled an amendment and wishes it to be considered during Stage 2 proceedings, but is not a member of the responsible committee, may attend those proceedings (with the permission of the chair) and participate in the debate. They must, however, find a member of the committee who is willing to move their amendment for them. Only members of the responsible committee can vote on amendments.

Disposal of amendments during committee proceedings

61. Voting on amendments in committee is ‘on the nod’, unless any Member objects. The Chair will put the question that an amendment be agreed and, unless there are any objections, that amendment is deemed agreed. Where any Member objects, the committee is asked to vote on the amendment in question. Voting is by show of hands, and a simple majority in favour of an amendment is required for that amendment to be agreed.

62. Where there is an equality of votes a chair will use their casting vote. This is in addition to a chair’s normal vote as a member of the committee. The casting vote will be used to vote against amendments at Stage 2.

63. The minutes of each committee meeting record the decision taken on each amendment. Where a vote has taken place on an amendment, usual practice is for the names of those voting and the way in which they voted to be recorded.

Completion of Stage 2

- 64.** A section or schedule is deemed to be agreed when the last amendment tabled to it is disposed of (Standing Order 26.24). If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed for the purpose of Stage 2 proceedings at the point in which it is reached in the order of consideration (Standing Order 26.25).
- 65.** Stage 2 is completed once the last amendment has been disposed of by the responsible committee or the last section or schedule is deemed to be agreed, whichever is the later (Standing Order 26.26).
- 66.** Stage 3 begins on the first working day after the completion of Stage 2 (Standing Order 26.29).

The Bill, as amended at Stage 2

- 67.** Following the completion of Stage 2 proceedings, an ‘as amended at Stage 2’ version of the Bill is prepared and published on the Bill’s webpage. The amended version contains side-lining in the right hand margin, which indicates where any changes have been made to the text.
- 68.** Where an amendment requires a change in the numbering or structure of the Bill, these changes are included in the amended version. For example, if a new section were to be inserted between existing sections 1 and 2, the new section would be numbered ‘2’ and the following sections in the Bill re-numbered accordingly.

Revised Explanatory Memorandum

- 69.** If a Bill is amended at Stage 2 proceedings the Member in charge must prepare a revised Explanatory Memorandum, unless the committee considering Stage 2 proceedings resolves that no revised Explanatory Memorandum is required (Standing Order 26.27).
- 70.** The revised Explanatory Memorandum prepared by the Member in charge must be laid at least five working days before the Senedd meets to consider Stage 3 proceedings for the first time (Standing Order 26.28).

71. The revised Explanatory Memorandum should fulfil the same purpose as the original Memorandum, in that it should provide an objective explanation of what each provision in the Bill does. It will be published on the Bill's webpage.

Stage 3 – detailed consideration of the Bill by the Senedd



72. Section 111(1)(b) of the Government of Wales Act 2006 requires the Senedd’s Standing Orders to include provision for the consideration of, and an opportunity for Members of Senedd Cymru to vote on, the details of a Bill.

73. Stage 3 of the Senedd’s legislative process gives effect to this requirement and involves the detailed consideration of a Bill by the Senedd in Plenary.

74. Standing Orders 26.29 to 26.44 provide the framework for Stage 3. The timetable for the consideration of a Bill by the Senedd in Plenary must be arranged under the provisions of Standing Orders 11.12 (for Government Bills) or 11.7(ii) (for non-Government Bills).

75. This document should be read alongside the [Guide to amendments to Public Bills](#), which sets out the rules and procedures for tabling, considering and making a decision (or ‘disposing of’) amendments at Stage 3.

Start of Stage 3

76. Stage 3 starts on the first working day after Stage 2 is completed (Standing Order 26.29).

Timetable for Stage 3

77. With the exception of Emergency Bills, at least 15 working days must elapse between the start of Stage 3 and the date of the first meeting of the Senedd that considers Stage 3 proceedings (Standing Order 26.30). This is intended to ensure there is sufficient time for Members to consider and table amendments to the Bill before Stage 3 proceedings begin.

78. Meeting dates for consideration of amendments to a Bill in Plenary are agreed through the usual process of organising and agreeing Plenary business (Standing Order 11.7).

Role of the Senedd

79. The role of the Senedd at Stage 3 is to consider the text of the Bill in detail and dispose of any amendments which are selected for consideration. 'Disposal' of an amendment means that a decision has been taken on that amendment. This could include agreement, rejection, withdrawal etc.

Tabling amendments

80. Amendments may be tabled from the first day on which Stage 3 starts (Standing Order 26.33). With the exception of 'late amendments', amendments must be tabled no fewer than five working days before the meeting at which they are to be considered (Standing Order 26.59). At Stage 3, the Presiding Officer may, under exceptional circumstances, accept a late amendment of which less than five days' notice has been given (Standing Order 26.35).

81. Any Member may table amendments at Stage 3, and there is no limit on the number of amendments that may be tabled.

82. Amendments are tabled with the clerks who support the responsible committee which considered the Bill at Stages 1 and 2. The clerks can also provide or arrange confidential procedural, legal and tabling advice to Members on amendments.

83. After they have been tabled, amendments are published on the relevant Bill's webpage on a daily Notice of Amendments. Each amendment is given a unique number according to the order in which the amendments were tabled.

Order of consideration

84. Amendments tabled at Stage 3 are disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the Senedd decides otherwise (Standing Order 26.36). The Senedd may vary the order in which the sections and schedules are to be considered by agreement of a motion of the Minister with responsibility for government business or the Business

Committee. Such a motion would usually be agreed in advance of the first meeting of the Senedd at which amendments are to be considered, in order for the Marshalled List (the list of all amendments tabled in the order in which they are to be considered -see the [Guide to amendments to Public Bills](#).) to reflect the new order.

Selection of amendments

85. Unlike Stage 2 proceedings, where any admissible amendment is able to be moved and debated, the Presiding Officer may select those amendments which are to be taken during Stage 3 proceedings (Standing Order 26.34).

86. The Presiding Officer has discretion to decline the selection of an amendment where he or she considers that the proper conduct of business makes it appropriate to do so. The purpose of selection is to allow proceedings on a Bill to be completed in reasonable time and, where appropriate, to avoid repeating unnecessary discussion of issues fully debated at Stage 2. Reasons for not selecting amendments may include, but are not limited to, the following:

- if an amendment would achieve the same effect as a similar amendment(s) already tabled;
- if an amendment is the same as or similar to an amendment considered (but not agreed to) during Stage 2 proceedings.

Grouping of amendments

87. For the purpose of Stage 3 proceedings, amendments may be grouped by the Presiding Officer for debate. An amendment debated as part of a group may not be debated again when it comes to be disposed of (Standing Order 26.64).

Timetabling of proceedings

88. The Senedd may, on a motion without notice of the Minister with responsibility for government business or the Business Committee, specify time-limits to be applied to debates on amendments (as they have been grouped by the Presiding Officer) (Standing Order 26.37). This may be appropriate, for example, where there is a large number of amendments and the time available needs to be reasonably distributed among the various groups of amendments.

Taking and recording decisions on amendments in Plenary

89. For each Stage 3 meeting, a Marshalled List and a Groupings List are prepared and published. These lists set out the order in which amendments will be debated and disposed of during proceedings.

90. Voting on amendments in Plenary is ‘on the nod’, unless any Member objects. The Presiding Officer will put the question that an amendment be agreed to and, unless there are any objections, that amendment is deemed agreed. Where any Member objects, that amendment must be voted on. Voting is by recorded electronic vote, and a simple majority in favour of an amendment is required for that amendment to be agreed.

91. Where there is an equality of votes the Presiding Officer will use their casting vote. The casting vote will be used to vote against amendments at Stage 3.

92. Transcripts of Plenary meetings are published within 24 hours of the meeting. Where a vote has taken place on an amendment, the names of those voting and the way in which they voted is recorded. Details of votes taken on amendments can also be found in the Votes and Proceedings, which is published within 30 minutes of the end of each meeting.

Further Stage 3 proceedings

93. When all selected amendments have been disposed of at Stage 3, the Member in charge of the Bill, or any member of the Government, may move a motion without notice that the Senedd consider further amendments at further Stage 3 proceedings (Standing Order 26.39).

94. If such a motion is agreed to, the Member in charge, or any member of the Government, may table amendments to the Bill to be moved at the further Stage 3 proceedings (Standing Order 26.40). Amendments are tabled in the same way as for Stage 2 and Stage 3 proceedings. However, amendments may only be tabled if they:

- meet the admissibility criteria under Standing Order 26.61, and

- are solely for the purpose of clarifying a provision of a proposed Bill or to give effect to commitments given at the earlier Stage 3 proceedings (Standing Order 26.41).

95. The timetabling of further Stage 3 proceedings is a matter for the Government for a Government Bill, or the Business Committee for a non-Government Bill.

Completion of Stage 3

96. A section or schedule is deemed to be agreed when the last amendment tabled to it is disposed of (Standing Order 26.42). If no amendment is tabled to a section or schedule, that section or schedule is deemed agreed for the purpose of Stage 3 proceedings at the point in which it is reached in the order of consideration (Standing Order 26.43).

97. Stage 3 is completed once the last amendment has been disposed of, or the last section or schedule of the Bill deemed agreed, whichever is the later (Standing Order 26.44).

Report Stage and further Report Stage

98. Once Stage 3 is completed, the Member in charge of the Bill may move a motion without notice that the Senedd consider amendments at Report Stage (Standing Order 26.45).

99. Report Stage provides additional flexibility to the scrutiny process so that the Senedd is able to return to certain issues in relation to a Bill if it so wishes. It also strengthens the scrutiny process by ensuring that, if necessary, the Senedd has access to an additional amending stage, particularly where substantial or significant changes, such as the insertion into a Bill of a new Part or Chapter, has been agreed at Stage 3.

100. The same procedures that apply for the purposes of Stage 3 and further Stage 3 also apply to Report Stage and further Report Stage (Standing Order 26.46).

The Bill, as amended at Stage 3

101. Following the completion of Stage 3 proceedings, if the Senedd has agreed to consider the Bill at Report Stage, an ‘as amended at Stage 3’ version of the Bill is prepared and published on the Bill’s webpage. The amended version contains side-lining in the right hand margin, which indicates where any changes have been made to the text.

102. Where an amendment requires a change in the numbering or structure of the Bill, these changes are included in the amended version. For example, if a new section were to be inserted between existing sections 1 and 2, the new section would be numbered ‘2’ and the following sections in the Bill re-numbered accordingly.

Revised Explanatory Memorandum

103. If a Bill is amended at Stage 3 proceedings and the Senedd agrees to consider the Bill at Report Stage, the Member in charge must prepare a revised Explanatory Memorandum, unless the Senedd resolves that no revised Explanatory Memorandum is required (Standing Order 26.46A).

104. The revised Explanatory Memorandum prepared by the Member in charge must be laid at least five working days before the Senedd meets to consider Report Stage proceedings for the first time (Standing Order 26.46B).

105. The revised Explanatory Memorandum should fulfil the same purpose as the original Memorandum, in that it should provide an objective explanation of what each provision in the Bill does. It will be published on the Bill’s webpage.

Stage 4 and onwards – the passing of the Bill by the Senedd and submission for Royal Assent



106. Section 111(1)(c) of the Government of Wales Act 2006 ('the 2006 Act') requires the Senedd's Standing Orders to include provision for a final stage at which a Bill can be passed or rejected by the Senedd.

107. Stage 4 of the Senedd's legislative process gives effect to this requirement and involves a vote by the Senedd to pass the final text of the Bill.

108. Standing Orders 26.47 to 26.51 provide the framework for Stage 4.

Stage 4

109. At Stage 4, the Senedd will vote on a motion to pass the final text of the Bill. A motion that a Bill be passed may not be amended (Standing Order 26.49) and may not be moved unless the text of the Bill is available in both English and Welsh (Standing Order 26.50).

110. In addition, no motion that a Bill be passed may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in their view any provision of the Bill relates to a protected subject-matter (Standing Order 26.50A). Where the Presiding Officer has made a statement that any provision of the Bill relates to a protected subject matter, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats (Standing Order 26.50B).

111. Following the completion of Stage 3, or Report Stage where undertaken, a motion may be tabled by any Member that a Bill be passed. The motion must be tabled at least one working day before it is debated, and may not be considered by the Senedd until at least five working days after the completion of Stage 3

proceedings, or Report Stage proceedings where undertaken (Standing Order 26.47 to 26.47A).

112. Alternatively, subject to the requirements of Standing Order 26.50, with the agreement of the Presiding Officer, a Member may move without notice that the Bill be passed immediately after the completion of Stage 3 proceedings (or Report Stage proceedings where undertaken) (Standing Order 26.48).

113. A recorded vote must be taken on a motion that a Bill be passed. Subject to the provisions of Standing Order 26.50B, relating to protected subject matters, a simple majority in favour of the motion is required for the Bill to be passed.

114. Where there is an equality of votes the Presiding Officer will use their casting vote. The casting vote will be used to vote against the passing of a Bill at Stage 4.

115. If the Senedd rejects the Bill at Stage 4, no further proceedings can be taken on it. Any Bill which, in the opinion of the Presiding Officer, is in the same or similar terms as the Bill that was rejected must not be introduced in the same Senedd within the period of six months from the date on which the Bill was rejected (Standing Order 26.76).

Post Stage 4



116. If the Bill is passed, a four week period begins. During this period, the Counsel General and the Attorney General may, in accordance with section 112 of the Government of Wales Act 2006, refer the question of whether the Bill, or any provision of the Bill, would be within the Senedd's legislative competence to the Supreme Court for decision. Similarly, the Secretary of State for Wales may make an order prohibiting the Clerk of the Senedd from submitting the Bill for Royal Assent if he or she has reasonable grounds for believing that certain conditions apply (section 114 of the 2006 Act).

117. At the start of the period, the Presiding Officer writes to the Secretary of State for Wales, the Counsel General and the Attorney General to inform them that a Bill has been passed by the Senedd, and of the date on which the period expires. Responses received to these letters are published on the Bill's webpage.

Reconsideration of Bills



Reconsideration of Bills passed

118. Standing Orders 26.52 to 26.56B provide for Reconsideration Stage of a Public Bill by the Senedd after it has been passed.

119. Reconsideration of a Bill that has been passed may be undertaken if:

- i. a question has been referred to the Supreme Court under section 112 of the Act;
- ii. a reference for a preliminary ruling has been made by the Supreme Court in connection with that reference; and
- iii. neither of those references has been decided or otherwise disposed of (Standing Order 26.52).

120. Reconsideration Stage may also be undertaken if:

- i. the Supreme Court decides that the Bill or any provision of it would not be within the legislative competence of the Senedd; or
- ii. an Order is made in relation to the Bill under section 114 of the Act (Standing Order 26.53).

121. If a motion under Standing Order 26.52 or 26.53 is agreed to, Reconsideration Stage begins on the first working day after the motion is agreed (Standing Order 26.53A). Reconsideration Stage proceedings takes place in Plenary (Standing Order 26.54), and at least fifteen working days must elapse between the start of Reconsideration Stage and the first meeting of the Senedd that considers Reconsideration Stage proceedings (Standing Order 26.53B).

122. Any Member may table amendments to the Bill to be moved at Reconsideration Stage proceedings. However, amendments may only be tabled if they:

- meet the admissibility criteria under Standing Order 26.61, and
- are solely for the purpose of resolving the issue which is subject of:

- i. the reference to the Supreme Court for a preliminary ruling;
- ii. the decision of the Supreme Court; or
- iii. the Order under section 114 of the Act (Standing Order 26.55).

123. Following the completion of Reconsideration Stage proceedings, any Member may propose a motion without notice that the Senedd approves a Bill amended on reconsideration. Such a motion may not be amended (Standing Order 26.56).

124. No motion that a reconsidered Bill be approved may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not any provision of the Bill relates to a protected subject-matter. Where the Presiding Officer has made a statement that any provision of the Bill after reconsideration stage relates to a protected subject-matter, that Bill is only approved if the number voting is in favour of it is at least two-thirds of the total number of Senedd seats.

Reconsideration of Bills rejected

125. Standing Orders 26.52C to 26.56G provide for Reconsideration Stage of a Public Bill by the Senedd after it has been rejected.

126. Any Member may by motion propose that the Senedd reconsider the Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Bill rejected by the Senedd, that no provision of the Bill that is subject to the reference relates to a protected subject-matter (Standing Order 26.56C).

127. If the Senedd agrees to a motion under Standing Order 26.56C, Reconsideration Stage starts on the first working day after that motion is agreed. A Bill reconsidered in accordance with Standing Order 26.56C may not be amended.

128. At Reconsideration Stage in accordance with Standing Order 26.56C, any Member may table a motion that the Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion (Standing Order 26.56F).

129. No motion under Standing Order 26.56F may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in

his or her view any provision of the Bill relates to a protected subject-matter.

Post-Reconsideration Stage



130. If the reconsidered Bill is passed, a four week period commences. As before, the Counsel General or the Attorney General may refer the question of whether the Bill, or any provision of the Bill, would be within the Senedd's legislative competence to the Supreme Court for decision (section 112 of the 2006 Act). Similarly, the Secretary of State for Wales may make an order prohibiting the Presiding Officer from submitting the Bill for Royal Assent if he or she has reasonable grounds for believing that certain conditions apply (section 114 of the 2006 Act).

131. If a question is referred to the Supreme Court, and the Supreme Court decides that the Bill is within the legislative competence of the Senedd, there is a second four week period from the date of the Supreme Court's decision. During this time, the Secretary of State for Wales may make an order prohibiting the Presiding Officer from submitting the Bill for Royal Assent if he or she has reasonable grounds for believing that certain conditions apply (section 114 of the 2006 Act).

Royal Assent

132. Section 115 of the 2006 Act provides that a Bill, once passed by the Senedd, must be submitted by the Presiding Officer for Royal Assent. This can only be done after the expiry of the four week period.

133. A Bill receives Royal Assent when Letters Patent under the Welsh Seal signed by Her Majesty signifying Her Assent are notified to the Clerk. Once a Bill has received Royal Assent, it becomes an Act of Senedd Cymru.

134. The Clerk will notify the Senedd of the date of Royal Assent to an Act of Senedd Cymru (Standing Order 26.75).

