

Amending Standing Orders:

Changes resulting from the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

October 2025

In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Senedd, including any proposals for the re-making or revision of Standing Orders.

This report recommends amendments to Standing Orders to reflect provisions within Part 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 which:

- bring together and formalise the procedural arrangements for making Welsh subordinate legislation; and
- place on a statutory footing the concept of a 'Welsh statutory instrument'.

If agreed, the proposed changes will come into effect on 1 January 2026.

The Senedd is invited to approve the proposals to amend the Standing Orders as at Annex A. The amended Standing Orders, if approved, are at Annex B.



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1. Background

1. The Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 (“the 2025 Act”) received Royal Assent on 10 July 2025. Part 1 of the 2025 Act inserts a new Part 2A into the Legislation (Wales) Act 2019 (“the 2019 Act”) to make provision about Senedd procedures for making Welsh subordinate legislation.
2. New Part 2A of the 2019 Act places on a statutory footing the concept of a ‘Welsh statutory instrument’. It also sets out and gives a name (or label) to certain types of Senedd scrutiny procedures for Welsh subordinate legislation that is required to be made by Welsh statutory instrument. These procedures, and their names, are provided in the 2025 Act as follows:
 - Senedd approval procedure: subordinate legislation subject to this procedure can only be made if a draft of the Welsh statutory instrument has been laid before, and subsequently approved by, the Senedd. This procedure is currently known informally as the ‘affirmative procedure’.
 - Senedd confirmation procedure: subordinate legislation subject to this procedure can be made by the Welsh Ministers, and subsequently laid before the Senedd, but cannot continue to have effect or come into force at a future point unless the Senedd subsequently confirms it through a resolution. This procedure is currently known informally as the ‘made affirmative procedure’.
 - Senedd annulment procedure: subordinate legislation subject to this procedure can be made by the Welsh Ministers, and subsequently laid before the Senedd. However, if the Senedd decides, before the end of 40 days beginning with the date on which the subordinate legislation was laid before it, that the legislation should not continue in effect, the legislation no longer has effect. This procedure is currently known informally as the ‘negative procedure’.
3. A number of changes are therefore required to Standing Orders to reflect the legislative changes introduced by the 2025 Act.

2. Changes required to Standing Orders

The concept of a ‘Welsh statutory instrument’ being placed on a statutory footing

4. Currently (prior to the relevant parts to the 2025 Act coming into force), instruments referred to as ‘Welsh statutory instruments’ form part of something (informally) known as the ‘UK statutory instruments series’. As described by the Welsh Government in the Explanatory Memorandum which accompanied the Bill (now Act):

Statutory Instruments made in Wales are called “Welsh Statutory Instruments” despite an instrument of this nature not existing in legislation.¹

5. Part 1 of the 2025 Act inserts a new Part 2A to the 2019 Act, within which new section 37A establishes ‘Welsh statutory instruments’ as a legal concept.

6. As a result, Standing Orders need to be updated to reflect the fact that there are now two types of statutory instrument which may be laid before the Senedd:

- Welsh statutory instruments (and draft Welsh statutory instruments) as defined in section 37A of the Legislation (Wales) Act 2019; and
- Statutory instruments (and draft statutory instruments) as defined in section 1 of the Statutory Instruments Act 1946.

7. Within the Senedd’s current Standing Orders the term “statutory instrument” is used 82 times.

8. The term forms a substantive aspect of a number of Standing Orders, including:

- Standing Order 21 – Constitutional and Legislative Affairs;
- Standing Order 27 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Senedd Procedure); and

¹ Welsh Government, Legislation (Procedure, Publication and Repeals) (Wales) Act 2025: Explanatory Memorandum, October 2024

- Standing Order 30A – Consent in Relation to Statutory Instruments made by UK Ministers.

9. Standing Orders must be updated to ensure the Senedd’s procedures apply correctly to both types of statutory instrument which may be laid before the Senedd, once the relevant provisions come into force.

Senedd scrutiny procedures for subordinate legislation

10. As outlined above, the new Part 2A of the 2019 Act codifies existing Senedd procedures for the making of subordinate legislation by giving them formal names (or labels):

- ‘Senedd approval procedure’ replaces the previous ‘draft affirmative’ and ‘affirmative’ resolution procedures;
- ‘Senedd confirmation procedure’ replaces ‘made affirmative procedure’; and
- ‘Senedd annulment procedure’ replaces ‘draft negative’ and ‘negative’ resolution procedures.

11. However, the substance of the Senedd procedures themselves are unchanged by the 2025 Act.

12. Within the Senedd’s current Standing Orders there are seven instances that need to be updated in response to the new names (or labels) of the Senedd scrutiny procedures for Welsh subordinate legislation being introduced by the 2025 Act; these are summarised below (and included in full at Annex A):

- The sub-heading of Standing Order 27.2 (and its corresponding item within the Contents section) - “Motion for Annulment (Negative Resolution Procedure)”;
- The sub-heading of Standing Order 27.5 (and its corresponding item with the Contents section)² – “Motion for Approval (Affirmative Resolution Procedure)”;

² The corresponding item within the Contents section for Standing Order 27.5 does not currently match its sub-heading and is termed “Positive Resolution Procedure”, rather than “Affirmative Resolution Procedure”.

- Standing Order 21.3C(i) – “negative resolution procedure”;
- Standing Order 27.9B(i) – “affirmative procedure”;
- Standing Order 27.9B(ii) – “negative resolution procedure”.

13. The 2025 Act also requires an update to a reference made to “the Statutory Instruments Act 1946 (as modified)” in Standing Order 21.2(xi) to take account of changes to notification requirements to the Llywydd.

3. The Business Committee’s conclusions

14. The Business Committee considered the changes required to Standing Orders in response to the 2025 Act at its meeting on 9 October.

Definition of ‘statutory instrument’

15. The Committee agreed to propose that a definition of ‘statutory instrument’ should be added to the ‘Interpretation’ section of Standing Orders.

16. The new section 37A of the 2019 Act defines ‘Welsh statutory instrument’ in law as a document that contains ‘Welsh subordinate legislation’ made in the exercise of a power that is required by an enactment to be exercised by statutory instrument. For these purposes, ‘Welsh subordinate legislation’ is defined as subordinate legislation made only by the Welsh Ministers or a devolved Welsh authority. Therefore, once the 2025 Act is commenced, a ‘Welsh statutory instrument’ will be a distinct legal concept, and separate from a statutory instrument as defined in section 1 of the Statutory Instruments Act 1946.

17. The Committee considered that, given the large number of references to “statutory instrument” in Standing Orders, the most straightforward approach would be to insert a definition of ‘statutory instrument’ into the Interpretation section. The Committee favoured a definition which would apply equally to all references to “statutory instrument” within Standing Orders and which would be workable as applicable in any given context.

18. This approach avoids the need to revisit each instance of the term in Standing Orders and determine whether it should properly refer to a statutory instrument, or a Welsh statutory instrument.

19. The universal definition of ‘statutory instrument’ in Standing Orders needs to apply equally to Welsh statutory instruments (as defined in section 37A of the Legislation (Wales) Act 2019), as well as those defined in section 1 of the Statutory Instruments Act 1946, as applicable.

20. The Committee noted that the majority of statutory instruments laid before the Senedd will be Welsh statutory instruments (i.e. those containing Welsh subordinate legislation made by Welsh Ministers or devolved Welsh authorities). On this basis, it considered proposing the term ‘Welsh statutory instrument’ to refer to both types of statutory instrument. It concluded, for the reasons set out below, that the generic term ‘statutory instrument’ would be a more appropriate collective term to encompass both types of statutory instrument.

21. In reaching this decision, the Committee noted that the legal definition of ‘Welsh statutory instrument’ is limited to Welsh subordinate legislation made only by the Welsh Ministers or a devolved Welsh authority. However, the Standing Orders (and Standing Order 27 in particular) provide for Senedd procedures for “any statutory instrument or draft statutory instrument”. This includes joint and composite instruments and Orders in Council which will necessarily include provision made by persons other than Welsh Ministers or devolved Welsh authorities.

22. The Committee therefore concluded that there was a risk of confusion if the term ‘Welsh statutory instrument’ were to be used as a definition applicable to all types of statutory instrument. Further, it concluded that it would preferable to avoid a situation in which there were different definitions of the term ‘Welsh statutory instrument’ in the law and in the Senedd’s Standing Orders. This approach would also have necessitated amending the 82 instances of “statutory instrument” in Standing Orders, attracting the risks identified above.

23. By including a universal definition of ‘Statutory Instrument’ in the interpretation section, the Senedd’s existing Standing Orders will require no further amendment to ensure its procedures apply to both types of statutory instrument which may be laid once the relevant provisions come into force.

Updating terminology

24. The Committee agreed to propose that:

- All references to “affirmative resolution procedure” or “positive resolution procedure” (as the case may be) should be replaced with “Senedd approval procedure”; and
- All references to “negative resolution procedure” should be replaced with “Senedd annulment procedure”.

25. As explained above, the 2025 Act formalises and labels the Senedd procedures in respect of subordinate legislation. Part 1 of the 2025 Act has been drafted to apply to pre-commencement enactments (i.e. enactments enacted before the changes made by the 2025 Act come into force). The effect of this is that where a pre-commencement enactment refers to a procedure for approving or annulling statutory instruments, these are to be interpreted as if they were references to the new Senedd procedures and associated labels. The Committee therefore agreed to propose that all current references to procedures for statutory instruments in Standing Orders should be updated to the new labels and terminology.

26. In coming to this conclusion, the Committee took account of the fact that the newly labelled procedures are applied with modification to certain instruments. For example, new Schedule 1B to the 2019 Act has the effect of bringing pre- and post-enactment joint and composite statutory instruments under the umbrella of the newly labelled Senedd procedures. However, for technical and interpretative reasons, the relevant procedures are modified by the 2025 Act to ensure workability in practice.

27. Notwithstanding this, the Committee concluded it would still be appropriate to refer to the newly labelled procedures in the headings to Standing Orders 27.2 and 27.5.

Standing Order 21.2

28. The Committee agreed to propose that the reference to section 4(1) of the Statutory Instruments Act 1946 in Standing Order 21.2(xi) should be amended to reflect updated provision in sections 37E(6), 37F(4), paragraphs 14(6) and 15(3) of Schedule 1B, and paragraphs 11(6) and 12(3) of Schedule 1C to the Legislation (Wales) Act 2019 (as modified by the 2025 Act).

29. Standing Order 21.2 lists the grounds on which the responsible committee (under Standing Order 21 – Constitutional and Legislative Affairs) must report on whether the Senedd should pay special attention to a statutory instrument or

draft statutory instrument required by any enactment to be laid before the Senedd.

30. Standing Order 21.2(xi) currently requires that the committee must report when “there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified)”.

31. This reference to the Statutory Instruments Act 1946 needs to be updated to refer to the relevant provisions of the Legislation (Wales) Act 2019 (as modified by the 2025 Act). However, the Committee noted that the substance of the responsible committee’s functions under Standing Order 21 as a whole remains unchanged.

32. The amendment is predominantly required to reflect new section 37E(6) of the 2019 Act. Under this provision, if a Welsh statutory instrument subject to the Senedd annulment procedure is not laid before the Senedd at least 21 days before it comes into force, the responsible authority must provide an explanation to the Presiding Officer. However, due to the way the 2025 Act is structured, this amendment is also required to reflect the various iterations and applications of the Senedd annulment procedure, including for:

- Joint and composite instruments – under paragraphs 14(6) and 15(3) of new Schedule 1B to the 2019 Act; and
- Orders in Council – under paragraphs 11(6) and 12(3) of Schedule 1C to the 2019 Act.

33. The amendment is also required to reflect new section 37F(4) of the 2019 Act. Under new section 37F, there are new requirements in respect of certain ‘no-procedure’ instruments. This includes a requirement under subsection (4) for the responsible authority to notify the Presiding Officer where a relevant Welsh statutory instrument was not laid before it comes into force.

Senedd annulment procedure

34. The Committee agreed to propose that Standing Order 27.2 should be amended to reflect new section 37E of, and the effect of Schedules 1A, 1B and 1C to, the 2019 Act, inserted by section 1 of the 2025 Act.

35. Standing Order 27.2 currently applies the ‘negative resolution procedure’ to both ‘negative’ and ‘draft negative’ instruments.

36. The effect of the 2025 Act is to remove the distinction between ‘negative’ and ‘draft negative’ instruments, and effectively ‘funnel’ the relevant instruments into a new singular ‘Senedd annulment procedure’ under new section 37E of the 2019 Act.

37. Under this procedure, the legislation is made by the person with the power to make it, laid before the Senedd and comes into force. However, if the Senedd decides (by resolution), before the end of 40 days beginning with the date on which the subordinate legislation was laid before it, that the legislation should not continue in effect, the legislation no longer has effect.

38. The Senedd annulment procedure will apply to all instruments laid in the Senedd from 1 January under which the parent enactment provides that it is subject to this procedure. However, the effect of new Schedules 1A, 1B and 1C to the 2019 Act is also to apply this procedure to instruments made under enactments made before Part 1 of the 2025 Act come into force (including joint and composite instruments and Orders in Council).

Senedd approval and confirmation procedure

39. The Committee agreed to propose that Standing Order 27.2 should be amended to reflect new sections 37D and 37E of, and the effect of Schedules 1A, 1B and 1C to, the Legislation (Wales) Act 2019, inserted by section 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

40. Standing Orders 27.5(i), (ii), and (iii) currently provide for the draft affirmative, affirmative and made-affirmative procedure, respectively.

41. The effect of the 2025 Act is to remove the distinction between ‘draft affirmative’ and ‘affirmative’ instruments and funnel the relevant instruments into a new singular ‘Senedd approval procedure’ under new section 37C of the 2019 Act.

42. Under this procedure subordinate legislation can only be made if a draft of the Welsh statutory instrument has been laid before the Senedd and subsequently approved by it. Approval is by way of a resolution (in this case, a decision following debate in Plenary).

43. Standing Orders do not currently expressly refer to the ‘made affirmative’ procedure. A statutory instrument subject to the ‘made affirmative’ procedure is an instrument that is made but must be approved within the period specified in

the enactment to remain in force. For Standing Order purposes, this procedure is currently reflected in Standing Order 27.5(iii) under the ‘motion for approval’ heading. The 2025 Act renames this procedure as the ‘Senedd confirmation procedure’.

44. In practice, the procedures currently known as ‘affirmative’ and ‘made-affirmative’ both entail a motion for approval in the Senedd. This remains unchanged under the 2025 Act, albeit that the procedures are renamed.

45. As is the case for instruments subject to the annulment procedure, the new Schedules to the 2019 Act apply the new approval and confirmation procedures to all relevant enactments, including those enacted before the provisions in the 2019 Act come into force (as described in paragraph 38 above).

4. Timing

46. To ensure that Standing Orders appropriately reflect the provisions in the 2019 Act (as amended once Part 1 of the 2025 Act comes into force on 1 January 2026), the Business Committee proposes that the changes outlined in Annex A come into effect on 1 January 2026. The changes will apply to instruments that are made, or laid in draft, on or after that date.

47. Instruments subject to the current negative procedure may continue to be made and laid before 1 January, but for some the period of possible annulment will not expire until after that date; they will continue to be subject to the current negative procedure.

48. Similarly, any instruments made and laid subject to the current ‘made affirmative’ procedure prior to 1 January, will continue to be considered by the Senedd under the current procedure if the motion to approve takes place after that date.

49. Additionally, the Welsh Government may begin to lay draft instruments before 1 January 2026 (in accordance with the existing Standing Orders) that are subject to the current affirmative procedure. As such they will be considered by the Senedd under the original procedure but, if approved, be made as Welsh statutory instruments.

50. These temporary transitional arrangements do not require to be set out in Standing Orders (as they reflect the intended commencement arrangements for

Part 1 of the 2025 Act). [Any questions as to the effective operation of Standing Orders during this short period of transition will be a matter for the Llywydd to determine.]

5. Decision

51. The Business Committee proposes that Standing Orders are changed with effect from 1 January 2026 to reflect Part 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 when it comes into force on that date. The proposed changes (outlined in Annex A):

- Insert a definition of “statutory instrument” into Standing Orders, to ensure the Senedd’s procedures apply correctly to each type of statutory instrument which may be laid;
- Amend Standing Orders 21 and 27 to reflect the new names (or labels) for the procedures relating to statutory instruments introduced by the 2025 Act.

52. On 9 October 2025, the Business Committee formally agreed to propose the changes to Standing Orders outlined in this report. The Senedd is invited to approve the proposed new Standing Orders at Annex B.

Annex A: Proposed changes to Standing Orders and explanatory notes

INTERPRETATION		
“statutory instrument” means a ‘Welsh statutory instrument’ as defined in section 37A of the Legislation (Wales) Act 2019, or a ‘statutory instrument’ as defined in section 1 of the Statutory Instruments Act 1946, as applicable;		Add new interpretation Accounting for Part 1 of the 2025 Act, and its establishment of the concept of a “Welsh statutory instrument” on a statutory basis, the proposed insertion defines “statutory instrument” so that the Senedd’s procedures apply correctly to both types of statutory instrument, as applicable, which may be laid before the Senedd, i.e. a ‘Welsh statutory instrument’ as defined in section 37A of the Legislation (Wales) Act 2019, or a ‘statutory instrument’ as defined in section 1 of the Statutory Instruments Act 1946
STANDING ORDER 21 – Constitutional and Legislative Affairs		
Functions		Retain sub-heading
21.2(xi)	A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Senedd and report	Amend Standing Order The proposed change removes reference to the Statutory Instruments Act 1946 in SO 21.2(xi) and

	on whether the Senedd should pay special attention to the instrument or draft on any of the following grounds: (i) that there appears to be doubt as to whether it is intra vires; (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made; (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts; (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this; (v) that for any particular reason its form or meaning needs further explanation; (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements; (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts; (viii) that it uses gender specific language; (ix) that it is not made or to be made in both English and Welsh; (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd; or	replaces it with an updated reference to the relevant provisions of the Legislation (Wales) Act 2019. This is to reflect new sections 37E(6) and 37F(4) of the 2019 Act, and paragraphs 14(6) and 15(3) of Schedule 1B and paras 11(6) and 12(3) of Schedule 1C to it.
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	(xi) that there appears to have been unjustifiable delay in sending notification under section 4(1) of the Statutory Instruments Act 1946 (as modified) <u>sections 37E(6) and 37F(4) of the Legislation (Wales) Act 2019, and the equivalent provisions in Schedules 1B and 1C to it.</u>	
21.3C	The responsible committee under Standing Order 21.3B must report on the appropriate procedure using the following criteria: (i) whether the memorandum is sufficiently clear and transparent about why the government is of the opinion that the negative resolution <u>Senedd annulment procedure</u> should apply; (ii) whether the memorandum is sufficiently clear and transparent as to the changes that are being made by the regulations; (iii) whether there has been adequate consultation on the regulations; (iv) whether the memorandum is sufficiently clear and transparent about the impact the regulations may have on equality and human rights; (v) whether the regulations raise matters of public, political or legal importance; and (vi) any other matters the committee considers appropriate.	Amend Standing Order The proposed change removes reference to the “negative resolution” procedure, replacing it with “Senedd annulment” procedure, reflecting the changes brought by Part 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

STANDING ORDER 27 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Senedd Procedure)		
	Motion for Annulment (Negative Resolution <u>Senedd Annulment Procedure</u>)	Amend sub-heading The proposed change removes reference to the “Negative Resolution” procedure, replacing it with “Senedd Annulment” procedure, reflecting the changes brought by Part 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.
27.2	In the case of any statutory instrument which (i) is subject to annulment in pursuance of a resolution of the Senedd; or (ii) is laid in draft but cannot be made if the draft is disapproved; <u>to which the Senedd annulment procedure applies</u>, the Senedd may, not later than 40 days after the instrument is laid, resolve that the instrument be annulled or, as the case may be, that the draft be disapproved.	Amend Standing Order The proposed change reflects new section 37E of, and the effect of Schedules 1A, 1B and 1C to, the Legislation (Wales) Act 2019, inserted by section 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.
	Motion for Approval (Affirmative Resolution <u>Senedd Approval and Confirmation Procedures</u>)	Amend sub-heading The proposed change removes reference to the “Affirmative Resolution” procedure, replacing it with “Senedd Approval and Confirmation Procedures”, reflecting the changes brought by Part 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.
27.5	In the case of any statutory instrument or draft statutory instrument laid before the Senedd which, unless the Senedd by resolution approves it, cannot:	Amend Standing Order The proposed change reflects new sections 37D and 37E of, and the effect of Schedules 1A, 1B and 1C to, the

	(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 <u>Any</u> member of the government may table a motion under Standing Order 27.5 that the instrument or draft instrument be approved: <u>that the Senedd approves:</u> <u>(i) a draft statutory instrument to which the Senedd approval procedure applies, or</u> <u>(ii) a statutory instrument to which the Senedd confirmation procedure applies.</u>	Legislation (Wales) Act 2019, inserted by section 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.
27.9B	If: (i) the responsible committee under Standing Order 21.3B reported in accordance with Standing Order 21.4B with a recommendation that the appropriate procedure for an instrument is the affirmative <u>Senedd approval</u> procedure; and (ii) the Welsh Ministers are nevertheless of the opinion that the appropriate procedure for the instrument is the negative resolution <u>Senedd annulment</u> procedure; the Explanatory Memorandum laid in accordance with Standing Order 27.1 must explain why the Welsh Ministers do not agree with the committee's recommendation.	Amend Standing Order The proposed changes replace references to the “affirmative” procedure and the “negative” procedure with references to “Senedd approval” procedure and “Senedd annulment” procedure respectively. This reflects the changes brought by Part 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025.

Annex B: Standing Orders as amended

INTERPRETATION

“statutory instrument” means a ‘Welsh statutory instrument’ as defined in section 37A of the Legislation (Wales) Act 2019, or a ‘statutory instrument’ as defined in section 1 of the Statutory Instruments Act 1946, as applicable;

STANDING ORDER 21 – Constitutional and Legislative Affairs

Functions

21.2(xi) A responsible committee must consider all statutory instruments or draft statutory instruments required by any enactment to be laid before the Senedd and report on whether the Senedd should pay special attention to the instrument or draft on any of the following grounds:

- (i) that there appears to be doubt as to whether it is intra vires;
- (ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made;
- (iii) that the enactment which gives the power to make it contains specific provisions excluding it from challenge in the courts;
- (iv) that it appears to have retrospective effect where the authorising enactment does not give express authority for this;
- (v) that for any particular reason its form or meaning needs further explanation;
- (vi) that its drafting appears to be defective or it fails to fulfil statutory requirements;
- (vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts;
- (viii) that it uses gender specific language;
- (ix) that it is not made or to be made in both English and Welsh;
- (x) that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd; or
- (xi) that there appears to have been unjustifiable delay in sending notification under sections 37E(6) and 37F(4) of the Legislation (Wales) Act 2019, and the equivalent provisions in Schedules 1B and 1C to it.

21.3C The responsible committee under Standing Order 21.3B must report on the appropriate procedure using the following criteria:

- (i) whether the memorandum is sufficiently clear and transparent about why the government is of the opinion that the Senedd annulment procedure should apply;
- (ii) whether the memorandum is sufficiently clear and transparent as to the changes that are being made by the regulations;
- (iii) whether there has been adequate consultation on the regulations;
- (iv) whether the memorandum is sufficiently clear and transparent about the impact the regulations may have on equality and human rights;
- (v) whether the regulations raise matters of public, political or legal importance; and
- (vi) any other matters the committee considers appropriate.

STANDING ORDER 27 – Subordinate Legislation (Other than Subordinate Legislation Subject to Special Senedd Procedure)

Motion for Annulment (Senedd Annulment Procedure)

27.2 In the case of any statutory instrument to which the Senedd annulment procedure applies, the Senedd may, not later than 40 days after the instrument is laid, resolve that the instrument be annulled.

Motion for Approval (Senedd Approval and Confirmation Procedures)

27.5 Any member of the government may table a motion that the Senedd approves:

- (i) a draft statutory instrument to which the Senedd approval procedure applies, or
- (ii) a statutory instrument to which the Senedd confirmation procedure applies.

Draft Statutory Instruments to which paragraph 9 of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023 applies

27.9B If:

- (i) the responsible committee under Standing Order 21.3B reported in accordance with Standing Order 21.4B with a recommendation that the appropriate procedure for an instrument is the Senedd approval procedure; and
- (ii) the Welsh Ministers are nevertheless of the opinion that the appropriate procedure for the instrument is the Senedd annulment procedure;

the Explanatory Memorandum laid in accordance with Standing Order 27.1 must explain why the Welsh Ministers do not agree with the committee's recommendation.