

## **Amending Standing Orders:**

Standing Order 26 Acts of the Senedd, and consequential changes to Standing Orders 26A Private Acts of the Senedd, 26B Hybrid Acts of the Senedd and 26C Consolidation Acts of the Senedd

March 2026

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 outlines matters considered by the Business Committee during its review of the scrutiny process for Public Bills, and recommends:

- Amending Standing Orders 26, 26A, 26B and 26C to require explanatory memorandums to include information about why the Member in charge is satisfied that the Bill is compatible with the Convention rights, and a consequential addition to the interpretation section.
- Amending Standing Order 26 to provide that government emergency Bills the Senedd has agreed may be introduced without an explanatory memorandum must be accompanied by a justice impact assessment.
- That certain matters (as summarised in Annex 3) are considered further in the Seventh Senedd.



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The Senedd is invited to approve the proposals to revise the Standing Orders as at Annex 1, and agree that the changes should take effect from the start of the next Senedd. The amended Standing Orders, if approved, are at Annex 2.

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# 1. The Business Committee's review

## Terms of reference

1. One of the Senedd's main responsibilities is making laws. It does this by considering and passing Bills in accordance with a procedural framework comprising:

- Provision in the Government of Wales Act 2006 ("the 2006 Act").
- Provision in Standing Orders.
- Formal and informal guidance.
- Established conventions, practices and ways of working.

2. In December 2024, the Business Committee agreed to review how the Senedd considers Bills introduced in accordance with Standing Order 26 to identify what is working well and what could be improved. The agreed terms of reference were:

*"To explore options for improving the operation and effectiveness of the Senedd's scrutiny of Public Bills introduced in accordance with Standing Order 26, by reviewing experiences in the Sixth Senedd (and previous Seneddau where relevant), including:*

- *Relevant procedures, practices, conventions, culture and ways of working.*
- *The experience of legislating in a hybrid environment."*

## Evidence gathering

3. In spring 2025, the Business Committee:

- Called for written evidence.
- Conducted interviews and group discussions with former and current Members of the Senedd, Commission officials, and current Members of other parliaments in the UK with experience of Member Bills.

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- Held a drop-in session for Members of the Senedd.
- Invited the Chairs' Forum to share its views.

4. In summer and autumn 2025, the Business Committee considered the evidence gathered, the Future Senedd Committee's recommendations, and relevant procedures and practices in other legislatures.<sup>1</sup> Where required, Business Managers consulted their political groups on emerging conclusions, and the Business Committee sought further, targeted evidence to inform its deliberations.

## Issues arising

5. In June 2025, the Business Committee identified the following issues for further consideration:

- Explanatory materials accompanying Bills.
- Timetabling at Stage 1, and for the purposes of amending stages.
- Financial resolutions.
- Admissibility of amendments identical to, or that differ only in trivial respects that have no legal effect from, those that have been tabled.
- The debate and disposal of amendments, and associated issues.
- 'further' and 'Further' amending stages.
- The 'reconsideration' of Bills if the Senedd in which they were passed has subsequently dissolved (the Business Committee's consideration of this issue will be addressed separately).
- Virtual participation in legislative scrutiny proceedings, and the means of voting available to committees (the Business Committee's consideration of this issue is addressed in a separate report<sup>2</sup>).

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<sup>1</sup> Including analysis of information shared with officials by legislatures in the UK and internationally (including legislatures in the UK, Australia, Canada, Cyprus, Ghana, India, Ireland, Jersey and Pakistan), and supplementary research primarily focusing on legislatures in the UK.

<sup>2</sup> Business Committee, Amending Standing Orders: Standing Order 17: voting in a Committee of the Whole Senedd and responsibility for meeting access, October 2025

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**6.** It also considered other miscellaneous issues raised by consultation respondents.

## 2. Explanatory materials

### Background

#### Procedural requirements

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**7.** Standing Orders 26.6 to 26.6C specify requirements for the explanatory memorandums (“EMs”) that must be laid when Bills are introduced in accordance with Standing Order 26. Compliance is assessed when a Bill is introduced. The requirements specify information types; they do not require particular methodologies or formats.

**8.** While most of the requirements have been included at the Senedd’s discretion, Standing Orders 26.6(i) and 26.6(xii) give effect to provision in the 2006 Act requiring the Member in charge to:

- State that the Bill is, in their view, within legislative competence.
- Make a statement setting out the potential impact of the Bill on the justice system in England and Wales.

**9.** Standing Orders 26.27 and 26.28 provide that, if a Bill is amended at Stage 2, the Member in charge must, unless the committee resolves otherwise, lay a revised EM at least five working days before the first meeting at which the Senedd considers Stage 3 proceedings.<sup>3</sup>

**10.** Analysis of procedures and practices in other legislatures shows some variation in what is statutorily or procedurally required, and/or otherwise expected, in terms of explanatory materials, but the Senedd’s requirements are not unusual.

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<sup>3</sup> Standing Orders 26.46A and 26.46B make equivalent provision for a revised EM after Stage 3 if the Senedd agrees to consider a Bill at Report Stage.

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## **Previous Business Committee consideration**

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**11.** The requirements have remained broadly consistent since 2007. Changes have included:

- The information that must be included regarding consultation (including any consultation on a draft Bill); the potential financial implications; the impact on the justice system in England and Wales; the derivation of Bill provisions; how Bill provisions will amend existing primary legislation; and where in the EM each requirement has been met.
- Arrangements for the revision of EMs following amending stages.

**12.** In 2016, the Business Committee did not reach consensus on the Constitutional and Legislative Affairs Committee's recommendation that EMs should indicate how the Member in charge had taken account of the European Convention on Human Rights.

**13.** During the Sixth Senedd, the Business Committee has considered, but not reached conclusions on, procedural changes relating to the UK's exit from the European Union, including a potential EM requirement regarding any implications arising from the United Kingdom Internal Market Act 2020 ("UKIMA").

## **The Business Committee's consideration**

### **Background**

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**14.** On 18 September, 9 October, 26 November 2025 and 29 January 2026, the Business Committee considered issues raised by consultation respondents, informed where relevant by feedback from political groups.

**15.** The Business Committee agreed on 18 September 2025 that, if it decided to propose changes to the Standing Order 26 EM provisions, it would consider whether to propose equivalent changes to the requirements in Standing Orders 26A, 26B and 26C regarding EMs for Private, Hybrid and Consolidation Bills.

### **Overarching issues**

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**16.** The Business Committee concluded that EMs fulfil various important purposes, including:

- Ensuring that key information and context is available.
- Informing scrutiny, and the determination by committees of the scope and approach of their scrutiny work.
- Providing assurance about the policy and legislative development process, and an evidence base against which the implementation of the legislation can be assessed.

**17.** The Business Committee agreed that reduced or delayed information could hinder scrutiny. It concluded that, as a matter of principle, there should continue to be no differences between the Standing Order 26 EM requirements applicable to government and non-government Bills.<sup>4</sup>

**18.** The Finance Committee raised concerns about inconsistent EM standards.<sup>5</sup> The Business Committee agreed that Standing Order requirements cannot, alone, deliver consistency. It concluded that committees in the Seventh Senedd may wish to monitor EM quality, and, if necessary, consider how to drive improvement.

### **Existing Standing Order requirements**

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**19.** The Welsh Government described the EM requirements as “cumbersome and overly/unnecessarily prescriptive”, and called for them to be:

*“[...] more proportionate and give Members in charge (primarily the Government but also Members leading on Private Member Bills) greater flexibility and discretion over what is provided and how it is provided, depending on the nature of the Bill”.*<sup>6</sup>

**20.** However, as neither the Welsh Government nor any other consultation respondents identified any specific requirements as unnecessary, or proposed their removal, the Business Committee agreed that the existing requirements should be retained.

### **Estimates of financial implications**

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<sup>4</sup> With the exception of a government emergency Bill that the Senedd has agreed in accordance with Standing Orders 26.95 and 26.96 may be introduced without an EM.

<sup>5</sup> [PBMB07.Finance.Committee](#)

<sup>6</sup> [PBMB12.Welsh.Government](#)

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**21.** The Welsh Government requested that consideration be given to the requirements regarding financial estimates.<sup>7</sup> Its suggestions included:

- Agreeing a level below which specific costs could be described in EMs as ‘minimal’ or ‘negligible’.
- Establishing an overall cost threshold below which full impact assessments were not required.

**22.** Following discussions between Welsh Government and Commission officials, the Business Committee agreed not to propose any formal procedural change.

### **Potential additional requirements**

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**23.** Some consultation respondents, including the Finance Committee,<sup>8</sup> the Climate Change, Environment and Infrastructure Committee<sup>9</sup> and the Legislation, Justice and Constitution (“LJC”) Committee,<sup>10</sup> suggested consideration of potential additional requirements.

### **Human rights implications**

**24.** Section 108A(2)(e) of the 2006 Act provides that a Bill provision will be outside the Senedd’s legislative competence if it is incompatible with the Convention rights (defined by section 158(1) of the 2006 Act as having the same meaning as in the Human Rights Act 1998).

**25.** Section 1 of the Human Rights Act 1998 states that, subject to any designated derogation or reservation in accordance with sections 14 or 15 of that Act:

*“(1) In this Act “the Convention rights” means the rights and fundamental freedoms set out in—*

*(a) Articles 2 to 12 and 14 of the Convention,*

*(b) Articles 1 to 3 of the First Protocol, and*

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<sup>7</sup> PBMB12.Welsh.Government

<sup>8</sup> PBMB07.Finance.Committee

<sup>9</sup> PBMB15.Climate.Change.Environment.and.Infrastructure.Committee

<sup>10</sup> PBMB16.Legislation.Justice.and.Constitution.Committee

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*(c) Article 1 of the Thirteenth Protocol,*

*as read with Articles 16 to 18 of the Convention”.*

- 26.** In respect of the LJC Committee’s longstanding call for a requirement for a “summary of the human rights implications of a Bill (based on the relevant impact assessments undertaken)”,<sup>11</sup> the Business Committee welcomed a commitment from the Welsh Government to “provide a short, high-level explanation of the Welsh Government’s position on human rights within Explanatory Memorandums in future”.<sup>12</sup>
- 27.** To complement this commitment, the Business Committee agreed on 29 January 2026 to propose a change to Standing Order 26.6 to require EMs to set out the reasons why the Member in charge is satisfied that the Bill is compatible with the Convention rights.
- 28.** The Business Committee agreed on 29 January 2026 to propose equivalent changes to Standing Orders 26A, 26B and 26C in respect of Private, Hybrid and Consolidation Bills.
- 29.** To avoid any risk of inconsistency (either within Standing Orders, or between Standing Orders and the 2006 Act), the Business Committee agreed to propose adding a definition of ‘Convention rights’ by reference to the definition in the 2006 Act to the interpretation section of Standing Orders.
- 30.** The proposed Standing Order changes are outlined in Annex 1.

### **UKIMA implications**

- 31.** In 2023-24, the Business Committee consulted Senedd committees, the Chairs’ Forum and the Welsh Government on potential procedural changes relating to the UK’s exit from the European Union, including whether EMs should be required to include an assessment of any impact of the UKIMA on the implementation of the Bill (if passed). The Business Committee agreed in February 2025 to defer consideration of this matter until the UK Government’s review of the UKIMA and common frameworks had been completed.
- 32.** The UK Government’s review was completed in July 2025. The Business Committee noted on 26 November 2025 and 29 January 2026 that

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<sup>11</sup> PBMB16 Legislation, Justice and Constitution Committee

<sup>12</sup> Correspondence between Welsh Government and Commission officials, November 2025

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intergovernmental discussions to develop guidance and establish ways of working are continuing, and that the Welsh Government's view remains that it would be premature to propose any procedural changes.

**33.** While the Business Committee agreed not to propose changes to Standing Orders 26.6, 26A.13, 26B.9 or 26C.9 in relation to the implications of the UKIMA at this time, it agreed that the matter should be kept under review in the Seventh Senedd.

**Recommendation 1.** The Seventh Senedd Business Committee should keep under review whether any changes should be proposed to Standing Orders 26, 26A, 26B and 26C to require explanatory memorandums to include an assessment of the potential impact (if any) of the United Kingdom Internal Market Act 2020 on the effectiveness of the relevant Bill's provisions, should it be enacted.

### **Affordability assessments**

**34.** The Finance Committee highlighted the Welsh Government's positive response to its 2022 recommendation that an assessment of the affordability of the financial implications of government Bills should be included in EMs and regulatory impact assessments.<sup>13</sup>

**35.** The Business Committee welcomed the Welsh Government's commitment to continue providing such assessments. It concluded that formal procedural change would not be appropriate—because it would not be possible for non-government Members in charge to meaningfully comply—but agreed that the practice established in respect of government Bills should continue in the Seventh Senedd.

**Recommendation 2.** The Welsh Government in the Seventh Senedd should continue the good practice established in the Sixth Senedd of including in the explanatory memorandums and regulatory impact assessments for its Bills an assessment of the affordability of the financial implications.

### **Other issues**

**36.** The Business Committee agreed not to propose requirements relating to:

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<sup>13</sup> PBMB07.Finance Committee

- Methodological explanations for financial estimates.
- Plans for post-implementation review of the Bill, if passed.
- The Member in charge's policy intentions for the use of delegated powers.

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### **Justice impact assessments for emergency Bills introduced without EMs**

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**37.** Section 110A of the 2006 Act requires Standing Orders to include provision requiring a Member in charge to make a statement on or before introduction about the potential impact of the Bill on the justice system in England and Wales (commonly referred to as a justice impact assessment ("JIA")).

**38.** For most Standing Order 26 Bills, this is given effect by Standing Order 26.6(xii), which requires an EM to include a JIA. However, Standing Order 26.96 enables a motion under Standing Order 26.95 seeking the Senedd's agreement to treat a government Bill as an emergency Bill also to seek agreement that it may be introduced without an EM.

**39.** The Business Committee concluded that it was necessary, to ensure compliance with the 2006 Act, to propose a change to Standing Order 26.97<sup>14</sup> to require that any emergency Bill that the Senedd has agreed may be introduced without an EM is nevertheless accompanied on introduction by JIA. The proposed change is outlined in Annex 1.

**40.** As there is no provision in Standing Orders 26A, 26B or 26C for emergency Private, Hybrid or Consolidation Bills, the Business Committee concluded that no equivalent changes are required to those Standing Orders.

### **Revised EMs following amending stages**

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**41.** The Business Committee agreed that the deadline for laying a revised EM following an amending stage should continue to be aligned with the deadline for tabling amendments at the next stage.

**42.** The Business Committee noted that good practice had emerged in the Fifth Senedd (following the acceptance by the Welsh Government of a

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<sup>14</sup> Which currently reflects the requirement in section 110(2) of the 2006 Act for the Member in charge of an emergency Bill introduced without an EM to make a statement on legislative competence.

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recommendation from the Finance Committee), in which Members in charge had written to the Finance Committee and the Stage 1 responsible committee after laying a revised EM to provide a summary of any changes. This practice has not been consistently followed in the Sixth Senedd. The Business Committee agreed that the Welsh Government (and non-government Members in charge) should be encouraged to revive the practice.

**Recommendation 3.** After laying a revised explanatory memorandum in accordance with Standing Orders 26.28 or 26.46B (or equivalent provision in Standing Orders 26A, 26B or 26C), the Welsh Government (or the Member in charge of a non-government Bill) should write to the Finance Committee and the Stage 1 responsible committee to provide a summary of any changes made.

## **3. Stage 1 timetabling**

### **Background**

#### **Procedural requirements**

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**43.** When a Standing Order 26 Bill is introduced, the Business Committee must:

- Establish and publish a timetable for consideration of the Bill, except any stage which is to be taken in plenary.
- Decide whether to refer the Bill to a committee to report on the general principles. If so, it must determine by when the committee must report. If not, it must explain the reasons for its decision.

**44.** If a Bill is referred, the Member in charge may not propose that the Senedd agrees the general principles until at least five working days after the committee has reported or the reporting deadline has passed (whichever is earlier).

**45.** Standing Orders require the referral decision to be taken on introduction. 'In principle' decisions are routinely taken in advance, informed by proposals from the Member in charge and consultation with relevant committees. If a Bill is referred, the scrutiny scope and approach is a matter for the relevant committee.

**46.** Standing Orders 19 and 21 enable the committees with responsibility for the functions specified in those Standing Orders (currently the Finance Committee

and the LJC Committee respectively) to consider Bills.<sup>15</sup> They usually comply with the reporting deadline set for the responsible committee.

## **Previous Business Committee consideration**

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**47.** Successive Business Committees have considered matters relating to Bill timetabling and referral. Changes have been made to:

- Standing Orders to reflect changes in the structure of the committee system, and require the Business Committee to explain any decision not to refer a Bill.
- The Business Committee's decision-making processes, including agreement in 2024 that any Member in charge proposing that their Bill is not referred, or is referred for fewer than ten sitting weeks, must provide additional information to justify their proposal and outline how the impact on scrutiny would be mitigated.

**48.** In 2016, the Business Committee considered whether Standing Orders should provide for a minimum reporting period for Bills that are referred, and/or to allow formal referral decisions to be taken before introduction. Neither proposal progressed.

## **The Business Committee's consideration**

### **Background**

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**49.** On 9 October and 11 December 2025, the Business Committee considered issues raised by consultation respondents, informed where relevant by feedback from political groups and analysis of relevant procedural requirements and practices in other legislatures.

### **Consideration by responsible committees**

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**50.** Consultation respondents were generally positive about the role of Stage 1 committee scrutiny. It was described by Thomas Glyn Watkin as “an excellent example of inclusive democracy” and “a gem [in the] crown of Welsh devolution”,

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<sup>15</sup> In addition, Standing Order 17.56 provides that any Senedd committee may report to the Senedd on matters relevant to its remit.

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because of the opportunities it provides for stakeholder and public engagement in legislative scrutiny.<sup>16</sup>

**51.** Senedd committees emphasised the value of stakeholder input, and highlighted concerns about potential risks to the quality of legislation and the Senedd’s reputation if there is inadequate time for robust scrutiny informed by meaningful opportunities for public and stakeholder engagement. Committees generally supported having at least 12 sitting weeks<sup>17</sup> for evidence gathering, deliberation and reporting. The LJC Committee proposed changing Standing Orders to specify this as a minimum, with a shorter deadline only being possible following a Senedd resolution.<sup>18</sup>

**52.** In correspondence with the LJC Committee in May 2025, the Counsel General and Deputy First Minister said:

*“The Government’s position is that it is imperative that we move away from the expectation that there is a rigid standard timescale and approach to Stage 1 scrutiny of any Bill, irrespective of size, scope or complexity. The Stage 1 process as it stands arguably risks duplicating the Government’s consultation process—involving the same stakeholders—on the general principles of the reforms. While the Government acknowledges the differences between a government consultation and the role of scrutiny in the Senedd, adopting a more tailored approach to Stage 1 scrutiny could enable more time for other matters including the scrutiny of subordinate legislation and Act implementation.”<sup>19</sup>*

**53.** The Business Committee agreed that committee consideration during Stage 1 provides valuable opportunities for the public and stakeholders to contribute their views on a Bill as introduced (as opposed to during consultations undertaken by the government or the Member in charge during the policy and legislative development process). Such consideration also allows the Bill to be considered in detail before the Senedd is asked to agree the general principles.

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<sup>16</sup> [PBMB10.Thomas.Glyn.Watkin](#)

<sup>17</sup> See section on approach to counting sitting weeks.

<sup>18</sup> [PBMB16.Legislation,Justice.and.Constitution.Committee](#)

<sup>19</sup> [PBMB12a.Welsh.Government](#)

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**54.** While the scope and approach of committee scrutiny is a matter for the relevant committee, the Business Committee recognised that this is inevitably affected by the reporting deadline, and how the deadline interacts with recesses and bank holidays. It agreed that inadequate deadlines could limit the extent to which the public and stakeholders are able to contribute.

**55.** The Business Committee noted that decisions about what constitutes adequate scrutiny are necessarily subjective, and that there will inevitably be different views on the appropriate balance between the government being able to get its legislation through, and the time available for the Senedd to perform its scrutiny function. It agreed, however, that such decisions are a matter for the legislature, not the government.

**56.** While the Business Committee was generally supportive of a 12-week reporting period, it did not support the proposal to specify a minimum reporting period in Standing Orders. Its view is that successive Business Committees should continue to have flexibility to take into account a Bill's specific circumstances when deciding on referrals and reporting deadlines. It agreed that Business Committees should continue to observe both the longstanding practice of consulting relevant committees prior to making timetabling decisions, and the practice established in the Sixth Senedd of requiring Members in charge to provide additional information if they propose that a Bill is not referred or is referred for fewer than ten sitting weeks.

### **Publication of pre-introduction Bills**

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**57.** During the second half of 2025, the Welsh Government trialled the publication of a pre-introduction version of each Bill intended for introduction in the final year of the Sixth Senedd.<sup>20</sup> Each pre-introduction Bill was accompanied by a written statement from the Member in charge. Pre-introduction versions of the relevant EMs were not published, although, in some cases, they were shared with the relevant committee and/or stakeholders.

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<sup>20</sup> In addition, on 5 January 2026, the Welsh Government published a pre-introduction version of the [Mental Health Review Tribunal for Wales \(Membership\) Bill](#), indicating its intention to seek the Senedd's agreement to introduce the Bill as a government emergency Bill in accordance with Standing Order 26.95. As the scrutiny timetables for emergency Bills are directly agreed by the Senedd, and such Bills may not be referred for committee scrutiny, the Business Committee did not undertake any further consultation with Senedd committees in respect of this Bill.

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**58.** The Business Committee wrote to the Committees involved in the Stage 1 scrutiny of the relevant Bills to ask their views.<sup>21</sup>

**59.** In general, the Committees were supportive of the publication of pre-introduction Bills. But, this was on the basis that it was not, and could not be, a substitute either for adequate time for scrutiny after introduction, or for the publication of draft Bills for consultation as part of the legislative development process.

**60.** Specific issues raised by the Committees included:

- Variation in the approach to sharing draft EMs or other explanatory materials in confidence with the Committees and/or relevant stakeholders had affected the extent to which they had been able to engage in preliminary activity prior to introduction.
- The potential for Bills to change significantly between the pre-introduction and as introduced versions had raised concerns about confusion or wasted work.
- For one Bill, the relative timing of the publication of the pre-introduction version and the establishment of the ad hoc committee established to scrutinise it had affected the extent to which preliminary activity could be undertaken.
- One Committee reported challenges in managing stakeholder expectations, and raised concerns about potential risks to confidence in the integrity of the scrutiny process if the status of the pre-introduction Bill was unclear and/or the Committee was not in a position to answer questions about its intended scrutiny approach.

**61.** The publication of one pre-introduction Bill had also resulted in some uncertainty during plenary about the extent to which the Welsh Government would respond to questions about the detail of the pre-introduction version.<sup>22</sup>

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<sup>21</sup> [Letter from the Culture, Communications, Welsh Language, Sport and International Relations Committee, November 2025](#); [Letter from the Economy, Trade and Rural Affairs Committee, November 2025](#); [Letter from the Finance Committee, October 2025](#); [Letter from the Legislation, Justice and Constitution Committee, November 2025](#); [Letter from the Member Accountability Bill Committee, November 2025](#).

<sup>22</sup> Plenary, [RoP](#), [paras 126 to 134], 7 October 2025

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**62.** The Business Committee noted that the reporting deadlines for each of the three Standing Order 26 Bills included in the trial were shorter than usual: around seven or eight sitting weeks. The Business Committee noted the concerns raised by Senedd committees about the impact of such deadlines on Bill scrutiny,<sup>23</sup> and agreed that such timetables should not be common practice. There was unanimous agreement that pre-introduction publication was not and could not be a substitute for allocating sufficient time for robust and meaningful committee scrutiny during Stage 1, or for the publication of draft Bills for consultation and pre-legislative scrutiny during the legislative development process.

**63.** However, the Business Committee acknowledged that the publication of pre-introduction Bills had been useful in helping the Senedd respond to the weight of the legislative programme and associated constrained timescales during the final year of the Sixth Senedd.

**64.** The Business Committee agreed that, if a similar approach were to be adopted again, there would need to be a shared understanding across the Welsh Government, the Business Committee, Senedd committees and Members about how the process would operate, the purpose and status of pre-introduction Bills, and how the issues raised by the Sixth Senedd Committees would be addressed.

### **Impact of four-year terms**

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**65.** The Welsh Government indicated that, while successive governments have generally avoided introducing Bills in the final year of a Senedd, this may not be possible in a four-year term.<sup>24</sup> The Chairs' Forum recognised that future Welsh Governments may need to work more quickly within the context of four-year terms, but said that this should not be at the expense of scrutiny.<sup>25</sup>

**66.** The Business Committee agreed that Bill timetables should be established on a case-by-case basis, but that four-year terms should not lead to inadequate Bill timetables.

### **Information about the Welsh Government's legislative programme**

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<sup>23</sup> For example, see [letter from the Economy, Trade and Rural Affairs Committee](#), December 2025

<sup>24</sup> [PBMB12 Welsh Government](#)

<sup>25</sup> Business Committee, [Issues raised by the Chairs' Forum](#), June 2025

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**67.** The Business Committee acknowledged that the management of the Welsh Government's legislative programme is a matter for the Welsh Government. However, it considered whether there was scope to enhance the Senedd's ability to prepare for and respond to the legislative programme, or to increase the Welsh Government's ability to take account of the Senedd's expectations regarding scrutiny.

**68.** The Welsh Government's usual practice is:

- To deliver an annual statement on the legislative programme in plenary in June or July.<sup>26</sup> In 2025, the statement was delivered in April, with the stated aim of providing the Senedd with earlier notice of the Welsh Government's plans for the remainder of the Sixth Senedd.
- To provide the Business Committee with a proposed timetable for each Bill around three weeks before the proposed introduction date. In May 2025, with the aim of providing advance notice of the Bills that the Welsh Government intended to bring forward in the final year of the Sixth Senedd, the Welsh Government provided the Business Committee with an overview of all anticipated Bills, including preliminary proposed timetables.

**69.** While it was generally content with the usual practice regarding the annual statement and Bill timetable proposals, the Business Committee agreed that the earlier scheduling of the annual statement and provision of additional information had been beneficial in enabling the Senedd and its committees to respond during the final year of the Sixth Senedd. It concluded that future Welsh Governments and Business Committees may wish to bear this in mind when approaching the final year of a Senedd.

## **Approach to counting sitting weeks**

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**70.** The Business Committee must, if it refers a Bill to a responsible committee during Stage 1, specify the date by which the committee must report. When taking decisions on deadlines, it takes into account proposals made by the Member in charge and consults relevant committees.

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<sup>26</sup> This is in addition to the requirement in Standing Order 11.21(ii) that time be made available annually for a debate on the policy objectives and legislative programme of the government.

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**71.** Members in charge often indicate how many sitting weeks a proposed deadline would allow the responsible committee for its work. Usually, the introduction week is counted as week 0; occasionally, the introduction week has been counted as week 1. This can result in differing perceptions of the proposed deadline, and confusion about whether the proposal engages the Business Committee’s policy that Members in charge proposing reporting deadlines allowing fewer than ten sitting weeks (counted on a week 0 basis) must provide additional information.

**72.** The Chief Executive and Clerk suggested adopting a consistent methodology.<sup>27</sup>

**73.** The Business Committee agreed that a week 0 counting methodology should be used consistently, that this should be reflected in published guidance on the legislative process, and that the Seventh Senedd Business Committee should include the number of sitting weeks available for committee reporting in its reports on Bill timetables.

**Recommendation 4.** The Seventh Senedd Business Committee should, when reporting on the timetable for consideration of a Bill, specify how many sitting weeks are included within the reporting deadline set for the responsible committee, calculated on the basis that the week the Bill is introduced is week 0.

### **Written responses to Stage 1 reports**

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**74.** There is no procedural requirement for written responses to Stage 1 committee reports. The Welsh Government has committed to respond to Finance Committee reports before Stage 1 debates. Some committees routinely request written responses before Stage 1 debates, or may do so for specific Bills.

**75.** While the Finance Committee described written responses as “essential”,<sup>28</sup> and the LJC Committee called for Standing Orders to be changed either to require responses or to adjust the timescales to increase the chances of responses being available,<sup>29</sup> the Welsh Government’s view is that written responses are not required because the Member in charge can respond to committee recommendations during the debate.<sup>30</sup>

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<sup>27</sup> PBMB09 Chief Executive and Clerk of the Senedd

<sup>28</sup> PBMB07 Finance Committee

<sup>29</sup> PBMB16 Legislation, Justice and Constitution Committee

<sup>30</sup> PBMB12 Welsh Government

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**76.** The Business Committee agreed not to propose any formal procedural changes either to require the Member in charge (and the Welsh Government for non-government Bills) to respond in writing to Stage 1 committee reports before the Stage 1 debate, or to increase the minimum period that must elapse before a Stage 1 motion may be moved.

**77.** However, the Business Committee agreed that Members in charge should provide written responses if requested by a committee, although it recognised that there may be circumstances when it is not possible for responses to some or all committee recommendations to be provided before the Stage 1 debate. To assist with this, committees could consider identifying which recommendations are a priority for a written response before the debate, and which might reasonably be responded to afterwards. It noted that there have been examples of Members in charge rescheduling Stage 1 debates to provide additional time to consider and respond to committee recommendations.<sup>31</sup>

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<sup>31</sup> This was the approach taken by the Welsh Government in respect of the Senedd Cymru (Electoral Candidate Lists) Bill, for example, as set out in [June 2024](#) by the Member in charge.

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## **Committee structures, remits and ways of working**

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**78.** There was a general expectation among respondents that legislative scrutiny capacity would increase in the Seventh Senedd, although the Chairs' Forum<sup>32</sup> and the Future Senedd Committee<sup>33</sup> emphasised the need for realism about the scale of the capacity increase.

**79.** Issues raised by consultation respondents relating to committee structures, remits and ways of working included:

- Committee size.
- Separate vs dual function policy and legislation committees.
- The use of ad hoc committees where Bills cut across multiple committees' remits, or to minimise the impact on committees' existing workloads.
- The extent to which committees have autonomy over their meeting times, and the challenges the timetable presents to flexible rapporteur or guesting arrangements, or joint working between committees.
- The extent to which the Finance Committee is expected to consider every Bill, or only those in relation to which significant financial implications have been identified.
- The extent to which Members have to sit on multiple committees.
- The approaches taken by committees to evidence gathering, including risks of digital exclusion, and the potential for greater innovation in evidence gathering methodologies.
- How the implementation of legislation is monitored and scrutinised, including post-legislative scrutiny.

**80.** The Business Committee highlighted these issues as part of the Chairs' Forum's review of the operation and effectiveness of committees. It agreed that the issues should similarly inform the Seventh Senedd Business Committee's consideration of the committee system.

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<sup>32</sup> Business Committee, Issues raised by the Chairs' Forum, June 2025

<sup>33</sup> Future Senedd Committee, Parliamentary Business in the Seventh Senedd, May 2025

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**Recommendation 5.** The Seventh Senedd Business Committee should reflect on the issues raised by consultation respondents regarding committee structures, remits and ways of working when it considers matters relating to the establishment of the Seventh Senedd committee system.

## **4. Amending stage timetabling**

### **Background**

#### **Procedural requirements**

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**81.** Standing Order 26 provides for a committee amending stage (Stage 2), a plenary amending stage (Stage 3), and several optional plenary amending stages or opportunities to consider further amendments (further Stage 3, Report Stage, further Report Stage, Reconsideration Stage<sup>34</sup> and further Reconsideration Stage).

**82.** Decisions about scheduling amending stage proceedings are a matter for:

- At Stage 2: the Stage 2 committee, taking into account the deadline for completing Stage 2 proceedings set by the Business Committee.
- For plenary amending stages for government Bills: the Welsh Government.
- For plenary amending stages for non-government Bills: the Business Committee.

**83.** The same amendment tabling deadline—at least five working days before the meeting at which they are to be considered—applies at all stages. By convention, the Welsh Government, and Members in charge of non-government Bills, table their amendments at least two working days earlier.

**84.** At Stage 3 and Report Stage (and the associated ‘further’ stages), there is provision for amendments to be tabled with less notice in exceptional circumstances and with the Presiding Officer’s agreement. These are known as ‘late amendments’.

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<sup>34</sup> A Bill may only be amended at Reconsideration if it is being reconsidered after having been passed by the Senedd. Bills reconsidered after being rejected may not be amended.

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**85.** Standing Order 26 also provides that at Stage 2, Stage 3, Report Stage and Reconsideration Stage a minimum of 15 working days (including working days in non-sitting weeks) must elapse between the start of the stage and the first meeting at which amendments are considered.

**86.** There is broadly equivalent provision in Standing Orders 26A, 26B and 26C regarding Private, Hybrid and Consolidation Bills respectively.

### **Previous Business Committee consideration**

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**87.** The Business Committee considered amendment tabling deadlines in 2024, but reached no conclusions. Issues considered included:

- Increasing the time between the deadline and proceedings would increase the time available to prepare for proceedings.
- There would be a corresponding reduction in time for developing and tabling amendments, Member and stakeholder discussions, and the provision of bespoke advice by clerks and lawyers. This could lead to poorer quality amendments, an increase in late amendments, or some amendments not being tabled (with implications for the Senedd's ability to debate the relevant issues).
- The Business Committee sets deadlines for Stage 2 proceedings and schedules non-government Bill plenary amending stages, but has no role in scheduling government Bill plenary amending stages. This limits the extent to which it could use Bill timetables to mitigate any reduction in amendment development time.

## **The Business Committee's consideration**

### **Background**

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**88.** On 9 October and 11 December 2025, the Business Committee considered issues raised by consultation respondents, informed where relevant by feedback from political groups and analysis of relevant procedural requirements and practices in other legislatures.

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## **Scheduling of amending stage proceedings**

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**89.** The Welsh Government stated that amending stage proceedings are “not generally scheduled during the first sitting week following a recess”, and suggested that this might not be sustainable within a four-year term.<sup>35</sup>

**90.** The Business Committee noted that proximity to recess is one factor taken into account when scheduling proceedings. Others include, for example, the anticipated volume or complexity of amendments, other committee work programme commitments, other plenary business, and the Member in charge’s preferences and availability.

**91.** There is no procedural barrier to scheduling proceedings in a week following a recess. If amendment tabling deadlines fall in recess, arrangements are made to ensure that tabling is open at appropriate times during the recess. Advice on this is routinely provided to the Business Committee as part of broader consideration of the recess tabling arrangements for all types of Senedd business.

**92.** The Business Committee agreed that amending stage proceedings should continue to be scheduled on a case-by-case basis.

## **Amendment tabling deadline**

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**93.** The Welsh Government called for tabling deadlines to be changed from at least five working days before proceedings to at least seven working days before proceedings, while maintaining the 15 minimum working day period that must elapse between the start of the stage and the first meeting at which amendments are considered.<sup>36</sup> Thomas Glyn Watkin suggested that, in a larger Senedd, the volume of amendments could increase, placing greater pressures on time for preparing for proceedings.<sup>37</sup> The Senedd Commission highlighted the “incredibly resource-intensive” nature of the amending stage support available to Members and the Welsh Government.<sup>38</sup> The Chief Executive and Clerk advised that any changes affecting amending stage timescales should be

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<sup>35</sup> PBMB12.Welsh.Government

<sup>36</sup> PBMB12.Welsh.Government

<sup>37</sup> PBMB10.Thomas.Glyn.Watkin

<sup>38</sup> PBMB04.Senedd.Commission

considered in terms of their overall practical and procedural implications, including the resultant time pressures affecting Members and officials.<sup>39</sup>

**94.** The Business Committee considered the activities that take place during amending stages, and the implications of the amendment tabling deadline for the time available for:

- Members and the Welsh Government to prepare and table amendments.
- Members, the Welsh Government and officials to prepare for proceedings after all amendments have been tabled.

**95.** The Business Committee acknowledged the time pressures associated with preparing for proceedings. It considered the potential implications of proposing a tabling deadline of at least six working days before proceedings (while maintaining the current convention that the Member in charge and the Welsh Government table amendments at least two days before the formal deadline).

**96.** Such a change would provide more time after tabling has closed to enable Members to prepare, and would increase (although not guarantee) the chances of key documents such as the marshalled list and groupings list being available further in advance of proceedings.

**97.** However, it would also reduce the time available before the deadline for Members to access advice from Commission officials, engage with stakeholders or the Welsh Government on potential amendments, and table their amendments. The days of the week on which amendment tabling deadlines are most likely to fall would change. In particular the amendment tabling deadline for Tuesday proceedings (the day on which the plenary amending stages for government Bills most commonly take place) would fall on a Monday, with potential implications for Members' availability on the final days of tabling (as Members are often active in their constituencies on Fridays and Mondays). There would also be implications for the chance of tabling 'reopening' when proceedings span multiple meetings, and for current practice regarding the timing of motions to vary the order of consideration for plenary amending stages.

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<sup>39</sup> PBMB09 Chief Executive and Clerk of the Senedd

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**98.** While there are arguments in favour of a five working day deadline and a six working day deadline, on balance the Business Committee concluded that it would be appropriate in the context of uncertainty about the operation of a larger Senedd elected for a four-year term not to propose a change at this time. It agreed to recommend that the Seventh Senedd Business Committee keeps this matter under review.

**Recommendation 6.** The Seventh Senedd Business Committee should keep the amendment tabling deadline under review.

## **5. Financial resolutions**

### **Background**

**99.** The financial resolution procedures reflect the different roles of the legislature and executive in respect of the financial implications of legislation. The procedures:

- Ensure the Senedd has the opportunity to authorise, or not, the financial implications that would arise from the Bill.
- Reflect the Welsh Government's responsibility for managing public funds (including public spending and revenue raising) by giving the Welsh Ministers control over whether Bills that give rise to certain types or levels of financial implications can proceed.

**100.** For each Standing Order 26 Bill the Presiding Officer must determine in accordance with specified criteria whether a financial resolution is required. If so:

- No proceedings at any stage after Stage 1 may be undertaken until a motion for a financial resolution has been agreed.
- Unless a motion for a financial resolution is tabled within six months of the end of Stage 1, and subsequently agreed, the Bill falls.

**101.** A Standing Order 26 Bill requires a financial resolution if it:

- charges expenditure on, or significantly increases expenditure charged on, the Welsh Consolidated Fund ("WCF");

- gives rise to significant expenditure payable from the WCF for a new service or purpose, or to a significant increase in expenditure payable from the WCF for an existing purpose; and/or
- would impose or increase a charge, or otherwise require a payment to be made, for the benefit of the WCF (or would confer a power to do so), provided that such an increase, charge or payment is significant. This criterion does not apply if the charge, increase in charge, or payment relates to the provision of goods (and is reasonable in respect of the goods provided), or is wholly or largely directed to the recovery of costs for services.

**102.** Only a member of the Welsh Government may move a motion for a financial resolution, and such motions may not be amended.

**103.** There is broadly equivalent provision in Standing Orders 26A and 26B regarding Private and Hybrid Bills respectively.

**104.** The financial resolution procedures are separate from the annual budget process and budget motion through which resources<sup>40</sup> are allocated to specific purposes within particular financial years. The Welsh Government publishes the implementation costs of Bills annually as part of the draft budget documents.<sup>41</sup>

**105.** The Senedd's financial resolution procedures are largely based on those that were in place in the Scottish Parliament in 2007; where relevant, the Business Committee considered how and why the Scottish Parliament's procedures have subsequently been amended.

## **The Business Committee's consideration**

### **Background**

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**106.** On 16 October 2025, the Business Committee considered issues raised by consultation respondents, and relevant procedural requirements and practices in other legislatures.

### **Interpretation of 'significant'**

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<sup>40</sup> Other than those charged directly on the WCF.

<sup>41</sup> See, for example, Welsh Government, [Implementation costs of legislation 2025-26](#), December 2024

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**107.** The lack of clarity about how the term ‘significant’ is to be interpreted for the purposes of the financial resolution Standing Orders was raised by the Chief Executive and Clerk,<sup>42</sup> the LJC Committee<sup>43</sup> and Thomas Glyn Watkin.<sup>44</sup> While the absence of a numerical definition can provide flexibility, it can also result in uncertainty, inconsistency, and challenges in the application of Standing Order 26.72 regarding amendments that are not covered by an existing financial resolution.

**108.** The term ‘significant’ is used in a similar way in the Scottish Parliament’s Standing Orders. As a matter of practice, the Presiding Officer in the Scottish Parliament indicates at the start of each parliament how they intend to interpret ‘significant’. This indication is published as part of the general guidance on Public Bills, which currently states

*“Sums of £500,000 or more in any single financial year (regardless of whether the relevant sum is an ongoing expenditure or a one-off) is the threshold for what is currently considered “significant” for the purposes of Standing Orders”.*<sup>45</sup>

**109.** The figure is a guide to how the Presiding Officer will interpret ‘significant’, not a rigid threshold. As is the case in the Senedd, the Scottish Parliament’s Presiding Officer usually takes a decision on whether or not a financial resolution is required shortly after a Bill has been introduced. Their decision is informed by the information provided by the Member in charge in the financial memorandum, as well as advice from clerks and any other relevant information. If there is uncertainty about the potential financial implications of a Bill, but there is potential for the threshold to be met, the Scottish Parliament’s Presiding Officer will generally determine that a financial resolution is required.

**110.** The interpretation of the Senedd’s Standing Orders is a matter for the Llywydd. The Business Committee noted that, following consideration of the evidence and reflection on the experience of the Sixth Senedd, the Llywydd intends to explore establishing a similar practice for the Senedd as that in place in Scotland.

## Financial resolutions relating to amendments

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<sup>42</sup> PBMB09 Chief Executive and Clerk of the Senedd

<sup>43</sup> PBMB16 Legislation, Justice and Constitution Committee

<sup>44</sup> PBMB10 Thomas Glyn Watkin

<sup>45</sup> Scottish Parliament, Guidance on Public Bills: Session 6 edition (version 2), March 2023

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**111.** Standing Order 26.72 provides that, if the effect of agreeing an amendment (or amendments) would be to cause a Bill to need a financial resolution that it would not otherwise require, then no proceedings may be taken on that amendment (or amendments) unless the Senedd has agreed a motion for a financial resolution. In practice, this means that such amendments can be tabled, but cannot be debated or disposed of unless an appropriate financial resolution is agreed.

**112.** This ensures that the same controls over the financial implications of provisions inserted by amendment apply as would have applied had the provisions been included in the Bill on introduction. Any financial resolution resulting from Standing Order 26.72 must be agreed before proceedings can be taken on the relevant amendment(s). This provides consistency with the timings applicable to financial resolutions generally, and avoids a situation in which a Bill is amended, no financial resolution is subsequently moved and/or agreed, and no further proceedings can then be taken on the Bill as a whole.

**113.** To date, only six proposed Measures or Bills considered by the Senedd have been deemed not to require a financial resolution as introduced.<sup>46</sup> Amendments that engaged the provision in Standing Order 26.72 (i.e. were identified as being independently or cumulatively cost-bearing<sup>47</sup>) have been tabled to only one of these Bills: the Legislation (Procedure, Publication and Repeals) (Wales) Bill (“the Legislation Bill”).

**114.** Both the LJC Committee<sup>48</sup> and the Chief Executive and Clerk<sup>49</sup> raised the interpretation and operation of Standing Order 26.72, including the pressures and practical obstacles arising during scrutiny of the Legislation Bill, the risk of Members being deterred from tabling amendments, and the implications for the Senedd’s ability to debate relevant issues.

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<sup>46</sup> Proposed Shipment of Waste for Recovery (Community Involvement in Arrangements) (Wales) Measure; [Local Government Byelaws \(Wales\) Act 2012](#); [Wild Animals and Circuses \(Wales\) Act 2020](#); [Legislation \(Procedure, Publication and Repeals\) \(Wales\) Act 2025](#); [Mental Health Review Tribunal for Wales \(Membership\) Act 2026](#); [Prohibition of Greyhound Racing \(Wales\) Bill](#)

<sup>47</sup> An independent cost-bearing amendment is one which, on its own, would give rise to financial implications greater than the threshold that would trigger a requirement for a financial resolution. A cumulative cost-bearing amendment is one that would give rise to financial implications that, alone, would be lower than the threshold that would trigger a requirement for a financial resolution, but that, in conjunction with one or more other cumulative cost-bearing amendments, could result in the Bill as a whole triggering the financial resolution requirements.

<sup>48</sup> [PBMB16 Legislation, Justice and Constitution Committee](#)

<sup>49</sup> [PBMB09 Chief Executive and Clerk of the Senedd](#)

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**115.** Similar issues were reviewed by the Scottish Parliament in 2011,<sup>50</sup> and the Scottish Parliament's financial resolution procedures were subsequently amended. In Scotland, the requirement for a financial resolution (if one is required) to be in place before proceedings can be taken on amendments remains at Stage 3, but at Stage 2 provision has been made to enable:

- Independently cost-bearing amendments that are not covered by a financial resolution to be debated, but not disposed of.
- Cumulatively cost-bearing amendments to be debated in the usual way, with their disposal then being deferred until all amendments have been debated. The cumulatively cost-bearing amendments are then debated again, and disposed of individually until the agreement of any further such amendments would trigger the need for a financial resolution.

**116.** The Business Committee reflected on the Senedd's experience of the Legislation Bill, and the procedural changes that had been made in Scotland. It acknowledged that any changes would inevitably involve trade-offs between the benefits (including removing a potential barrier to debating certain issues during amending stages), and the risks (including procedural complexity, and implications for amending stage timetables).

**117.** The lack of clarity about the interpretation of 'significant' had been a challenge during scrutiny of the Legislation Bill, making it difficult to identify whether amendments were independently or cumulatively cost-bearing. The Business Committee agreed that the Llywydd's intention to explore establishing a practice of providing a numerical indication of how 'significant' would be interpreted could help in future by making it clearer when an amendment or amendments could trigger the requirement for a financial resolution. It noted, however, that, depending on the level at which the interpretation was set, it could also affect the likelihood of Bills reaching the amending stages without a financial resolution having been required.

**118.** On balance, and taking into account that the issue had arisen in relation to only one Bill to date, the Business Committee agreed not to propose any procedural change at this time.

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<sup>50</sup> Scottish Parliament Standards, Procedures and Public Appointments Committee, *Financial resolutions and scrutiny of revised financial memoranda*, 2011

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## **Taxation powers, and the clarity of financial resolution Standing Orders**

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**119.** The Chief Executive and Clerk suggested consideration be given to the clarity of the financial resolution Standing Orders, and the extent to which the criteria adequately reflect the Senedd’s taxation powers.<sup>51</sup>

**120.** The Business Committee noted that the Scottish Parliament had revised its financial resolution criteria in 2021.<sup>52</sup> In summary, the changes:

- Required financial memorandums to include best estimates of any changes to revenues to which a Bill would give rise.
- Specified that a Bill that made provision for a new tax required a financial resolution, and that a Bill that made provision to increase or reduce an existing tax would require a financial resolution if the estimated impact on revenue was significant.
- Clarified the structure of provision relating to expenditure charged on the Scottish Consolidated Fund (“SCF”) and expenditure payable from the SCF.
- Ended the distinction between significant expenditure payable from the SCF for new purposes, and significant increases in expenditure payable for existing purposes.
- Clarified that the criterion relating to charges or payments payable into the SCF does not apply if the charge, increase in charge, or payment would not result in a significant net gain or loss to the SCF.

**121.** The Business Committee acknowledged that the devolution of taxation differs in extent in Wales and Scotland, but agreed that the same basic principle applies i.e. it is reasonable for the government to have additional controls over Bills that affect taxation revenue, and for the legislature to have a role in authorising the implications for the relevant consolidated fund.

**122.** However, as there are key differences between the devolution settlements in Wales and Scotland, the Business Committee concluded that more detailed

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<sup>51</sup> [PBMB09 Chief Executive and Clerk of the Senedd](#)

<sup>52</sup> Scottish Parliament Standards, Procedures and Public Appointments Committee, [Standing Order rule changes on the financial scrutiny of Bills](#), March 2021

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work is required to assess whether procedural changes are required to reflect the Senedd's powers.

**123.** The Business Committee concluded that the scope of this work—including the need to consult key stakeholders such as the Finance Committee, the Welsh Government and the Auditor General for Wales—meant there was insufficient time to complete it before the end of the Sixth Senedd. It agreed to recommend that this work is undertaken in the Seventh Senedd.

**Recommendation 7.** The Seventh Senedd Business Committee should consider whether any procedural changes are required to Standing Orders 26, 26A and 26B to:

- Ensure that the financial resolution and explanatory memorandum Standing Orders adequately reflect the Senedd's taxation powers.
- Improve the clarity of the financial resolution Standing Orders.

### **Timing of financial resolutions for Bills as introduced**

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**124.** The Welsh Government queried why financial resolutions are taken after Stage 1 rather than later in the process, on the basis that Bills can be amended in ways that affect the potential financial implications but are not routinely subject to further financial scrutiny. It suggested consideration be given to moving financial resolutions to Stage 4.<sup>53</sup>

**125.** The Business Committee noted that the timing of a financial resolution is based on the UK Parliament's procedures. The timing reflects the respective roles of the legislature and the executive (and the Crown) i.e. detailed consideration of provisions giving rise to certain types or levels of financial implications cannot be undertaken until and unless the government has brought forward the relevant resolution(s) and the legislature has agreed it.

**126.** In addition:

- The timing protects Senedd scrutiny capacity and resources—if the government is not minded to move a financial resolution and/or the Senedd is not minded to agree one, no further Senedd time or resource is spent on detailed consideration of the Bill.

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<sup>53</sup> PBMB12.Welsh.Government

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- Taking a financial resolution shortly before the Stage 4 motion would give rise to procedural and practical implications, including delays to allow for updates for information about the financial implications of any amendments agreed.
- Members can take the financial implications of amendments into account when taking decisions during amending stages and/or at Stage 4.
- There is no procedural barrier to a committee scrutinising the financial implications of an as amended Bill.

**127.** The Business Committee concluded that the current timing of financial resolutions should be maintained.

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## **Role of the Finance Committee**

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**128.** Standing Order 19.3 provides that the committee responsible for the functions in Standing Order 19 (usually the Finance Committee) may consider and report on any matter relating to or affecting financing, or expenditure out of the Welsh Consolidated Fund. As a matter of practice, successive Finance Committees have generally considered and reported on the financial implications of Standing Order 26 Bills unless it is clear on introduction that the Bill would give rise to no costs, or minimal costs.

**129.** The Welsh Government queried whether the Finance Committee should consider recommending for each Bill whether the Senedd should agree the financial resolution.<sup>54</sup>

**130.** There is no procedural barrier to the Standing Order 19 committee making such a recommendation if it wished. Creating a procedural requirement for the committee to make such recommendations would give rise to a number of considerations, including:

- The framing of the committee's remit, and how such a change would affect the committee's ways of working and approach to Bill scrutiny.
- Whether the role extended to government emergency Bills, Private Bills and Hybrid Bills.
- How the role would be undertaken for any committee Bills introduced by the Standing Order 19 committee.
- The need to protect time for the committee to report (and the Member in charge to respond) before the Senedd was asked to consider a financial resolution motion for a Bill that had not been referred to a responsible committee for consideration of the general principles.
- Implications for the timing of the Presiding Officer's decision on whether a Bill requires a financial resolution.

**131.** The Business Committee concluded that the Standing Order 19 committee should continue to have flexibility and discretion to decide its approach to

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<sup>54</sup> PBMB12 Welsh Government

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scrutinising and reporting on the financial implications of each Bill, including any recommendations it wishes to make.

## **Financial resolutions for non-government Bills**

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**132.** Only a member of the government can move a motion for a financial resolution. During interviews with Members and officials about their experiences of Member Bills, some suggested that the Members in charge of Member Bills should be able to move financial resolutions, or that there should be a requirement for the government to move a motion after a certain period.<sup>55</sup> In contrast, the Welsh Government advocated for the current restriction to be maintained.<sup>56</sup>

**133.** The Business Committee agreed with the conclusion of its Fifth Senedd predecessor that the current procedures should be retained, on the basis that:

*"[...] the equilibrium of only an executive being able to request the use of resources, and only a parliament being able to authorise such, is a long-standing 'check-and-balance' in parliamentary democracies. This ensures that neither the executive Government, nor the parliamentary body, lose control over public finances."<sup>57</sup>*

## **6. Admissibility of 'identical' amendments**

### **Background**

**134.** Standing Order 26.61 makes general provision for the admissibility of amendments to Standing Order 26 Bills. There is broadly equivalent provision in Standing Orders 26A, 26B and 26C regarding Private, Hybrid and Consolidation Bills.

**135.** While not explicitly stated in Standing Orders or the Presiding Officer's Determination on the Proper Form of Amendments to Public Bills, established

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<sup>55</sup> Business Committee, Issues raised by Members and officials with experience of Member Bills, June 2025

<sup>56</sup> PBMB12 Welsh Government

<sup>57</sup> Business Committee, Amending Standing Orders 26.86-26.94: Member Bills, November 2016

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practice in the Senedd (across all types of Bills) is that an amendment will be deemed inadmissible if it:

- is identical to an amendment that has already been tabled, or
- differs from an amendment that has already been tabled only in trivial respects that would have no legal effect.

**136.** The practice is outlined in the published [guide to tabling amendments to Public Bills](#), and is in line with parliamentary practice in other legislatures. It facilitates the proper conduct of business by avoiding unnecessary duplication.

**137.** Members whose amendments are deemed inadmissible by reason of being 'identical' can:

- Add their name in support of the tabled amendment. This publicly indicates their support, and prevents the amendment from being withdrawn without their agreement.
- If tabling is still open: change their amendment to make it substantively different from the already-tabled amendment, or table an amendment to the already-tabled amendment.

### **The Business Committee's consideration**

**138.** The Welsh Government and the Chief Executive and Clerk suggested that consideration be given to the status of this practice.<sup>58</sup>

**139.** There was consensus within the Business Committee that amendments identical to those that had already been tabled should be inadmissible, but no consensus regarding the admissibility of amendments that differed only in trivial respects that would have no legal effect.

**140.** In the absence of consensus on proposals for formal procedural change, the Business Committee agreed that steps should be taken to improve the transparency and operation of the current practice. It asked officials to:

- Review internal and external guidance to facilitate greater consistency and transparency.

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<sup>58</sup> [PBMB09 Chief Executive and Clerk of the Senedd](#); [PBMB12 Welsh Government](#)

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- Ensure that, in every case in which an amendment is deemed inadmissible in accordance with the practice, the tabling Member is given the opportunity to outline their views on why any differences would have a different legal effect and/or are more than trivial, and advised of the full range of procedural options available to them.

## 7. The debate and disposal of amendments

### Background

#### Procedural requirements

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**141.** In line with established parliamentary practice, the Senedd's amending stage procedures incorporate:

- Separate textual amendments, providing the Senedd with the opportunity to determine the exact text of the Bill.
- The rule of progress, ensuring that each provision and each amendment are dealt with only once, and in a fair and predictable order.

**142.** The Senedd's procedures also include:

- Powers enabling chairs and the Presiding Officer to group amendments for the purposes of debate. For some amending stages, there are powers enabling the selection of amendments.
- Provision that tabled amendments can become inadmissible to be called (i.e. be pre-empted) if calling them would be inconsistent with a decision already taken at the same amending stage.
- Flexibility for chairs and the Presiding Officer to propose that certain amendments are disposed of en bloc, with protections to ensure that if any Member objects the amendments must be disposed of individually.
- Flexibility for any Member (of the relevant committee or the Senedd as appropriate) to move any amendment, but no obligation on any Member to do so.

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- For plenary amending stages, guidance on speaking times, and provision enabling formal time limits for debates on each group.<sup>59</sup>

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<sup>59</sup> The procedures enabling formal time limits to be set have not been used to date.

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## **Practice and procedure in other legislatures**

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**143.** The Business Committee concluded that, overall, the Senedd’s approach to debating and disposing of amendments is broadly in line with other legislatures. In particular, it is common for amendments to be:

- Grouped thematically for debate to enable related amendments or those that propose alternative approaches to the same matter to be debated together before being disposed of separately in accordance with a predetermined order.
- Disposed of (i.e. voted on, withdrawn, or not moved) in accordance with a predetermined order, broadly based on the order in which the sections and schedules to which they relate appear in the Bill.

**144.** In many legislatures, committee amending stages include questions of clause stand part i.e. there must be a debate and decision on whether each component of the Bill should remain part of the Bill. There is no equivalent procedure in the Senedd, where the only way a provision can be debated is if an amendment is tabled to it.

**145.** The procedures in the Scottish Parliament are broadly similar to those in the Senedd.<sup>60</sup> In 2015 the Scottish Parliament procedures committee considered the debate and disposal of amendments.<sup>61</sup> It acknowledged that the procedures can appear difficult to follow, but concluded that disposing of amendments in a group immediately following the debate on that group would “create more problems than it solves”.

## **The Business Committee’s consideration**

### **Background**

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**146.** On 16 October 2025, the Business Committee considered the debate and disposal of amendments, and associated issues relating to the documents

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<sup>60</sup> The main differences being that, in Scotland: at Stage 2 each section, schedule and the long title must be specifically agreed (rather than being deemed agreed if no amendments are tabled to them, as is the case in the Senedd); and the use of time limits for debates on groups at Stage 3 is common.

<sup>61</sup> Scottish Parliament Standards, Procedures and Public Appointments Committee, [Legislation and the Scottish Parliament](#), 2015

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provided to support amending stages and the option for Members who table amendments to table brief text to explain the purpose of those amendments.

### **Debate and disposal of amendments**

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**147.** The Welsh Government supported grouping amendments for the purposes of debate, but asked the Business Committee to consider alternative approaches to disposing of amendments. In particular it was concerned that the current procedures could be confusing.<sup>62</sup>

**148.** The Business Committee agreed not to propose any procedural changes on the basis that the current procedures:

- Provide predictability and fairness for all Members, while minimising duplication.
- Enable all amendments to each component of a Bill to be disposed of at the same point in proceedings, thereby ensuring that Members can consider the full legal effect of each amendment when taking a decision.
- Provide clarity at all points during proceedings about which components of a Bill have been deemed agreed.
- Ensure that the order in which amendments will be disposed of is not affected by any changes in how amendments are grouped for debate, or the order in which groups are debated.

**149.** The Business Committee agreed that there is scope—without changing the procedural framework—to address the Welsh Government’s underlying concern that Members and others can find it difficult to follow proceedings. It asked officials to:

- Review guidance to improve the information available to Members and the public, and increase the transparency and consistency of decision-making on matters of procedure and practice.

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<sup>62</sup> PBMB12 Welsh Government

- Ensure that advice on matters such as the order of consideration, selection, grouping and en bloc voting takes into account the accessibility of proceedings.

## **Other issues**

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**150.** The Business Committee also concluded that:

- The practice of tabling brief, objective text to explain the purpose of amendments should remain optional.
- Commission officials should take account, including in the context of the ongoing specialist legislation drafting and amendment software project, of any feedback from Members regarding the format and content of documents produced to inform amending stages.

## **8. ‘further’ and ‘Further’ amending stages**

### **Background**

**151.** Standing Order 26 provides for two mandatory amending stages through which a Bill must pass if its general principles are agreed at Stage 1 (and a financial resolution has been agreed, if required). It also provides for various optional amending stages (and/or opportunities to consider further amendments during a mandatory or optional amending stage) at which the Senedd can, by motion, agree to consider a Bill. Some of these opportunities and stages are described as either ‘further’ or ‘Further’.

**152.** Standing Orders 26A, 26B and 26C similarly provide for mandatory and optional amending stages (and/or opportunities to consider further amendments) for Private, Hybrid and Consolidation Bills.

**153.** Across the four Standing Orders, these stages provide important flexibility, especially in the context of the Senedd’s unicameral nature. The use of these stages is generally subject to restrictions on which Member(s) may propose that a Bill is considered at the relevant stage, the circumstances within which such motions may be proposed, who may table amendments, and/or the admissibility of amendments.

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## The Business Committee's consideration

**154.** In June 2025, the Business Committee noted that the Chief Executive and Clerk and the Welsh Government had raised further amending stages:

- The Welsh Government indicated that it would “welcome a discussion about broadening the application of the [f]urther Stage 3 procedure”.<sup>63</sup>
- The Chief Executive and Clerk said that the procedures had not been tested and that there was “ambiguity about the interpretation and operation of these Standing Orders”. She suggested the procedures should be reviewed to ensure they still meet the Senedd’s needs.<sup>64</sup>

**155.** In November 2025, following initial scoping work, the Business Committee identified three areas of work:

- A full review of the interpretation and operation of the optional amending stages described in Standing Orders 26, 26A, 26B and 26C as either ‘further’ or ‘Further’, taking into account the intended purpose of the stages and the extent to which they meet the Senedd’s needs.
- Consideration of a number of technical issues that had been identified in respect of these stages during the scoping process.
- Consideration of the Welsh Government’s request that consideration be given to broadening the application of these stages.

**156.** On the basis that there was insufficient time to complete this work before the end of the Senedd, the Business Committee agreed to recommend that the Seventh Senedd reviews the further and Further amending stage procedures.

**Recommendation 8.** The Seventh Senedd Business Committee should:

- review the procedures in Standing Orders 26, 26A, 26B and 26C regarding further and Further amending stages, including their purpose, interpretation and application, and the technical issues that have been identified in respect of these procedures to date; and

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<sup>63</sup> PBMB12 Welsh Government

<sup>64</sup> PBMB09 Chief Executive and Clerk of the Senedd

- consider the Welsh Government's request that consideration be given to broadening the application of these stages.

**157.** In the interim, the Business Committee asked Commission officials to ensure that contingency arrangements were in place should the Senedd agree to consider a Bill at a further or Further amending stage during the Sixth Senedd.

## 9. Miscellaneous issues

### Background

**158.** On 9 July 2025, the Business Committee considered miscellaneous issues raised by consultation respondents.

### The Business Committee's consideration

#### Bill webpages

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**159.** Suggestions were made for improvements to the layout and content of Bill webpages.<sup>65</sup> The Business Committee agreed that Commission officials should review the Bill webpage templates.

#### Committee Bills

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**160.** The relative rarity of committee Bills was raised. Some respondents queried whether the procedures needed review, and whether greater consideration should be given to issues that might be suited to such Bills.<sup>66</sup>

**161.** The committee Bill procedures were reviewed and amended in 2017. They have subsequently been used once, for the Public Services Ombudsman (Wales) Bill. Neither of the Committees that scrutinised the Bill identified a need for procedural change. The Business Committee noted that it is a matter for individual committees to decide whether developing a committee Bill is something they wish to consider. It agreed to wait until further committee Bills

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<sup>65</sup> PBMB10 Thomas Glyn Watkin; PBMB12 Welsh Government

<sup>66</sup> PBMB05 Children, Young People and Education Committee; PBMB16 Legislation, Justice and Constitution Committee

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had been introduced before considering whether any procedural change was required.

## Data

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**162.** The potential to routinely collate data about Bill timetables and amendments to inform decision-making and provide insights into the Senedd's scrutiny was raised.<sup>67</sup> The Business Committee agreed that Commission officials should consider this in the context of ongoing procedural and precedent logging work.

## Hybrid Bills

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**163.** Standing Order 26B provides for the scrutiny of Hybrid Bills, although no Hybrid Bills have been introduced to date. Standing Order 26B.1 defines a Hybrid Bill as a Public Bill introduced by the government that:

*"[...] affects a particular private interest of an individual or body in a manner different to the private interests of other individuals or bodies of the same category or class".*

**164.** The Welsh Government called for clarity about how decisions are taken about whether a Bill is Hybrid.<sup>68</sup>

**165.** In accordance with Standing Orders 6.15 and 6.16, the interpretation of Standing Orders is a matter for the Presiding Officer. In practice:

- The Member in charge of a potential Bill can seek confidential advice from clerks when developing their Bill and/or during the pre-introduction period.
- Clerks may provide advice to the Presiding Officer during the pre-introduction period if there is a question about whether a Bill intended by the Member in charge to be introduced under Standing Order 26 could fall within the definition of a Hybrid Bill.

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<sup>67</sup> PBMB09 Chief Executive and Clerk of the Senedd

<sup>68</sup> PBMB12 Welsh Government

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**166.** The Business Committee agreed that Commission officials should ensure that published guidance is clear that Members in charge may seek advice on whether a Bill could fall within the definition of a Hybrid Bill.

### **Induction, training and guidance**

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**167.** The importance of effective induction, training and guidance for Members and their support staff was emphasised.<sup>69</sup>

**168.** The Business Committee noted that planning was underway to prepare for an induction programme for Members and their staff following the 2026 election. It agreed that Commission officials should review training materials and guidance to take account of the outcomes of this review.

### **Mechanisms for considering technical issues**

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**169.** Suggestions were made for developing mechanisms for reviewing Bills from a technical perspective (for example to ensure that Bills comply with good legislative drafting standards prior to introduction, or are technically coherent and intelligible after the final amending stage).<sup>70</sup>

**170.** The Business Committee discussed the Welsh Government's proposal that consideration be given to a model equivalent to the New Zealand Legislation Design and Advisory Committee.<sup>71</sup> Following discussions between Welsh Government and Commission officials, the Business Committee decided on 18 September 2025 to take no further action, on the basis that any establishment of such a committee would be a matter for the Welsh Government.

### **Member decisions on amendments to give effect to committee recommendations**

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**171.** It was suggested that consideration be given to what expectations the Senedd might have of how Members who were members of committees that

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<sup>69</sup> [PBMB10 Thomas Glyn Watkin; PBMB13 Plaid Cymru Senedd Group](#); Business Committee, [Issues raised during Member drop-in session](#), June 2025

<sup>70</sup> [PBMB12 Welsh Government](#); Business Committee, [Issues raised during Member drop-in session](#), June 2025

<sup>71</sup> The [Legislation Design and Advisory Committee](#) is a government committee with a remit to: maintain guidelines to promote good legislative standards; review Bills (before or after introduction) and make submissions to parliamentary committees on issues of inconsistency with the guidelines; and advise government departments on legislative design. Its [membership](#) includes senior government officials from a range of government departments including the Office of Parliamentary Counsel and external legal experts and practitioners.

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had recommended amendments should vote if amendments to give effect to those recommendations were tabled. The Business Committee agreed that how Members vote is not a matter for the Business Committee.

### **Mirror Bills**

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**172.** It was suggested that consideration be given to the potential for procedures to facilitate the parallel introduction and scrutiny of Bills in the Senedd and the UK Parliament.<sup>72</sup>

**173.** The Business Committee concluded that, with limited time remaining in the Sixth Senedd, and on the basis of the extent of the work that would be required to achieve the interparliamentary and intergovernmental agreement that would be required to develop specific procedures (should there be political appetite to do so), it would be advisable to leave consideration of this matter to a subsequent Senedd.

### **Welsh Government's legislative programme**

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**174.** Some respondents queried the flexibility and capacity within the Welsh Government's legislative programme, and indicated it could be unclear whether and when some Bills would be introduced or progressed.<sup>73</sup> This can affect committees' ability to plan.<sup>74</sup> The introduction of multiple Bills in quick succession, or alongside other peaks such as budget scrutiny, can cause pressure for Members and committees.<sup>75</sup> The implications of the nature of government Bills for meaningful scrutiny was also raised, including the extent to which Bills are fully complete on introduction and the use of framework Bills.<sup>76</sup>

**175.** The management and communication of the Welsh Government's legislative programme is a matter for the Welsh Government. The Business Committee concluded that the Welsh Government in the Seventh Senedd may wish to reflect on the issues raised by consultation respondents.

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<sup>72</sup> PBMB16 Legislation, Justice and Constitution Committee

<sup>73</sup> Business Committee, *Issues raised during Member drop-in session*, June 2025

<sup>74</sup> PBMB15 Climate Change, Environment and Infrastructure Committee

<sup>75</sup> PBMB13 Plaid Cymru Senedd Group; PBMB15 Climate Change, Environment and Infrastructure Committee

<sup>76</sup> PBMB07 Finance Committee; PBMB16 Legislation, Justice and Constitution Committee; Business Committee, *Issues raised by the Chairs' Forum*, June 2025

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## 10. Decisions for the Sixth Senedd

**176.** As set out in the relevant sections of this report, the Business Committee has agreed to propose changes to:

- Standing Orders 26.6, 26A.13, 26B.9 and 26C.9 to require EMs to include information about why the Member in charge is satisfied that the Bill is compatible with the Convention rights, and a consequential addition to the interpretation section.
- Standing Order 26.97 to ensure that a government emergency Bill that the Senedd has agreed may be introduced without an EM is nevertheless accompanied by a JIA.

**177.** The Senedd is invited to approve the proposals to change the Standing Orders as at Annex 1.

## Amending Standing Orders:

Standing Order 26 Acts of the Senedd, and consequential changes to Standing Orders 26A Private Acts of the Senedd, 26B Hybrid Acts of the Senedd and 26C Consolidation Acts of the Senedd

# Annex 1 Proposed Standing Orders 26, 26A, 26B and 26C and explanatory notes

	Standing Order	Notes
<b>Interpretation</b>		
	<u>“the Convention rights” is to be construed in accordance with section 158(1) of the Act;</u>	<b>New Standing Order</b> The new Standing Order would complement the proposed new Standing Orders 26.6(xiii), 26A.13(viii), 26B.9(xiv) and 26C.9(x) by inserting a reference to the definition of the term ‘Convention rights’ in the Government of Wales Act 2006.
<b>Standing Order 26 – Acts of the Senedd</b>		
<b>Documentation to Accompany a Bill</b>		Retain sub-heading
<b>26.6</b>	At the same time as the Member in charge introduces a Bill, he or she must also lay an Explanatory Memorandum which must:	Retain Standing Order
	(i) state that in his or her view the provisions of the Bill would be within the legislative competence of the Senedd;	Retain Standing Order
	(ii) set out the policy objectives of the Bill;	Retain Standing Order
	(iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted;	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	(iv) set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> <li>a. the policy objectives of the Bill and the ways of meeting them;</li> <li>b. the detail of the Bill, and</li> <li>c. a draft Bill, either in full or in part (and if in part, which parts);</li> </ul>	Retain Standing Order
	(v) set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended;	Retain Standing Order
	(vi) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;	Retain Standing Order
	(vii) summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;	Retain Standing Order
	(viii) set out the best estimates of: <ul style="list-style-type: none"> <li>a. the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</li> <li>b. the administrative savings arising from the Bill;</li> <li>c. net administrative costs of the Bill's provisions;</li> </ul>	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	<ul style="list-style-type: none"> <li>d. the timescales over which all such costs and savings would be expected to arise; and</li> <li>e. on whom the costs would fall;</li> </ul>	
	(ix) set out any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially;	<b>Retain Standing Order</b>
	(x) where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision: <ul style="list-style-type: none"> <li>a. the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</li> <li>b. why it is considered appropriate to delegate the power; and</li> <li>c. the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</li> </ul>	<b>Retain Standing Order</b>
	(xi) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate; <del>and</del>	<b>Amend Standing Order</b> The proposed change complements the addition of Standing Order 26.6(xiii).

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	<b>Standing Order</b>	<b>Notes</b>
	(xii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act; <u>and</u>	<b>Amend Standing Order</b> The proposed change complements the addition of Standing Order 26.6(xiii).
	(xiii) <u>set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.</u>	<b>New Standing Order</b> New Standing Order 26.6(xiii) would require the Member in charge of a Bill to set out in the explanatory memorandum the reasons why they are satisfied that the Bill is compatible with the Convention rights. The new Standing Order would be complemented by the proposed insertion into the interpretation section of a definition of Convention rights, by reference to the definition of that term used in the Government of Wales Act 2006.
<b>Government Emergency Bills</b>		Retain sub-heading
<b>26.95</b>	If it appears to a member of the government that an Emergency Bill is required, he or she may by motion propose that a government Bill, to be introduced in the Senedd, be treated as a government Emergency Bill.	Retain Standing Order
<b>26.95A</b>	A motion under Standing Order 26.95 must be accompanied by a statement by the Member in charge which must explain: (i) why the Bill should be treated as an Emergency Bill; and	Retain Standing Order

### Amending Standing Orders:

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	Standing Order	Notes
	(ii) the estimated costs and other consequences of not doing so.	
<b>26.96</b>	A motion under Standing Order 26.95 may also propose that a government Emergency Bill may be introduced without the Explanatory Memorandum required by Standing Order 26.6.	Retain Standing Order
<b>26.97</b>	<p><u>Notwithstanding Standing Order 26.96, a</u> government Emergency Bill must, on its introduction, be accompanied by:</p> <p>(i) a statement from the Member in charge that, in his or her view, the provisions of the Bill would be within the legislative competence of the Senedd, <u>and</u></p> <p>(ii) <u>a statement from the Member in charge that sets out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (“a justice impact assessment”), in accordance with section 110A of the Act.</u></p>	<p><b>Amend Standing Order</b></p> <p>The proposed change would ensure compliance with section 110A of the Government of Wales Act 2006 by requiring that a government Emergency Bill that the Senedd has agreed by motion may be introduced without the explanatory memorandum that would otherwise be required in accordance with Standing Order 26.6 nevertheless must be accompanied by a justice impact assessment (as well as a statement from the Member in charge that the Bill is, in his or her view, within the Senedd’s legislative competence).</p>
<b>Standing Order 26A – Private Acts of the Senedd</b>		
<b>Documentation to Accompany a Private Bill</b>		Retain sub-heading
<b>26A.13</b>	At the same time as the promoter introduces a Private Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	(i) state that, in the view of the promoter, the provisions of the Private Bill would be within the legislative competence of the Senedd;	Retain Standing Order
	(ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Private Bill, having particular regard to the criteria in Standing Order 26A.45;	Retain Standing Order
	(iii) set out the objectives of the Private Bill;	Retain Standing Order
	(iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Private Bill was adopted;	Retain Standing Order
	(v) set out the consultation that was undertaken on: <ul style="list-style-type: none"> <li>a. the objectives of the Private Bill and the ways of achieving them; and</li> <li>b. the detail of the Private Bill,</li> </ul> together with a summary of the outcome of that consultation;	Retain Standing Order
	(vi) summarise objectively what each provision of the Private Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill; <del>and</del>	<p><b>Amend Standing Order</b></p> <p>The proposed change complements the addition of Standing Order 26A.14(viii).</p>
	(vii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of	Amend Standing Order

### Amending Standing Orders:

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	Standing Order	Notes
	the Bill (a “justice impact assessment”), in accordance with section 110A of the Act; <u>and</u>	The proposed change complements the addition of Standing Order 26A.13(viii).
	(viii) <u>set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.</u>	<b>New Standing Order</b> New Standing Order 26A.13(viii) would require the promoter of a Private Bill to set out in the explanatory memorandum the reasons why they are satisfied that the Bill is compatible with the Convention rights. The new Standing Order would be complemented by the proposed insertion into the interpretation section of a definition of Convention rights, by reference to the definition of that term used in the Government of Wales Act 2006.
<b>Standing Order 26B – Hybrid Acts of the Senedd</b>		
<b>Documentation to Accompany a Hybrid Bill</b>		Retain sub-heading
<b>26B.9</b>	At the same time as the Member in charge introduces a Hybrid Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:	Retain Standing Order
	(i) state that, in his or her view, the provisions of the Hybrid Bill would be within the legislative competence of the Senedd;	Retain Standing Order
	(ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Hybrid Bill, having particular regard to the criteria in Standing Order 26B.43;	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	(iii) set out the objectives of the Hybrid Bill;	Retain Standing Order
	(iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Hybrid Bill was adopted;	Retain Standing Order
	(v) set out the consultation that was undertaken on: <ul style="list-style-type: none"> <li>a. the objectives of the Hybrid Bill and the ways of achieving them; and</li> <li>b. the detail of the Hybrid Bill, and</li> <li>c. a draft Bill, either in full or in part (and if in part, which parts);</li> </ul>	Retain Standing Order
	(vi) set out a summary of the outcome of that consultation, including how and why the Bill has been amended;	Retain Standing Order
	(vii) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;	Retain Standing Order
	(viii) summarise objectively what each provision of the Hybrid Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;	Retain Standing Order
	(ix) in the case of a Bill to which Standing Order 26B.2 does not apply, set out the best estimates of:	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	<ul style="list-style-type: none"><li>a. the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</li><li>b. the administrative savings arising from the Bill;</li><li>c. net administrative costs of the Bill's provisions;</li><li>d. the timescales over which all such costs and savings would be expected to arise; and</li><li>e. on whom the costs would fall;</li></ul>	
	(x) set out any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially;	Retain Standing Order
	(xi) where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision: <ul style="list-style-type: none"><li>a. the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</li><li>b. why it is considered appropriate to delegate the power; and</li><li>c. the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</li></ul>	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	(xii) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate; <del>and</del>	<b>Amend Standing Order</b> The proposed change complements the addition of Standing Order 26B.9(xiv).
	(xiii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act; <del>and</del>	<b>Amend Standing Order</b> The proposed change complements the addition of Standing Order 26B.9(xiv).
	(xiv) <u>set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.</u>	<b>New Standing Order</b> New Standing Order 26B.9(xiv) would require the Member in charge of a Hybrid Bill to set out in the explanatory memorandum the reasons why they are satisfied that the Bill is compatible with the Convention rights. The new Standing Order would be complemented by the proposed insertion into the interpretation section of a definition of Convention rights, by reference to the definition of that term used in the Government of Wales Act 2006.
<b>Standing Order 26C – Consolidation Acts of the Senedd</b>		
<b>Documentation to Accompany a Consolidation Bill</b>		Retain sub-heading
<b>26C.9</b>	At the same time as the Member in charge introduces a Consolidation Bill, he or she must also lay an Explanatory Memorandum which must:	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	(i) state that in his or her view the provisions of the Consolidation Bill would be within the legislative competence of the Senedd;	Retain Standing Order
	(ii) set out the reasons for introducing the Consolidation Bill;	Retain Standing Order
	(iii) state that the Consolidation Bill contains no provisions other than those permitted under Standing Order 26C.2;	Retain Standing Order
	(iv) include tables showing the origins of provisions in the Consolidation Bill, and the destinations in the Consolidation Bill of the existing provisions it consolidates;	Retain Standing Order
	(v) explain how the Consolidation Bill makes any changes of the kind permitted under Standing Order 26C.2(ii) to (v);	Retain Standing Order
	(vi) summarise objectively what each of the provisions of the Consolidation Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Consolidation Bill;	Retain Standing Order
	(vii) confirm that the provisions of the Consolidation Bill give rise to no additional significant expenditure payable out of the Welsh Consolidated Fund, and where it gives rise to	Retain Standing Order

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	<b>Standing Order</b>	<b>Notes</b>
	additional expenditure, set out the best estimates for this;	
	(viii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Consolidation Bill (a “justice impact assessment”), in accordance with section 110A of the Act; <del>and</del>	<b>Amend Standing Order</b> The proposed change complements the addition of Standing Order 26C.9(x).
	(ix) where the Consolidation Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate; <del>and</del>	<b>Amend Standing Order</b> The proposed change complements the addition of Standing Order 26C.9(x).
	(x) <u>set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.</u>	<b>New Standing Order</b> New Standing Order 26C.9(x) would require the Member in charge of a Consolidation Bill to set out in the explanatory memorandum the reasons why they are satisfied that the Bill is compatible with the Convention rights. The new Standing Order would be complemented by the proposed insertion into the interpretation section of a definition of Convention rights, by reference to the definition of that term used in the Government of Wales Act 2006.

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# **Annex 2 Standing Orders as amended**

## **Interpretation**

“the Convention rights” is to be construed in accordance with section 158(1) of the Act;

## **STANDING ORDER 26 – Acts of the Senedd**

### **Documentation to Accompany a Bill**

- 26.6 At the same time as the Member in charge introduces a Bill, he or she must also lay an Explanatory Memorandum which must:
- (i) state that in his or her view the provisions of the Bill would be within the legislative competence of the Senedd;
  - (ii) set out the policy objectives of the Bill;
  - (iii) set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted;
  - (iv) set out the consultation, if any, which was undertaken on:
    - (a) the policy objectives of the Bill and the ways of meeting them;
    - (b) the detail of the Bill, and
    - (c) a draft Bill, either in full or in part (and if in part, which parts);
  - (v) set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended;
  - (vi) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;
  - (vii) summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;
  - (viii) set out the best estimates of:
    - (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;
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- (b) the administrative savings arising from the Bill;
- (c) net administrative costs of the Bill's provisions;
- (d) the timescales over which all such costs and savings would be expected to arise; and
- (e) on whom the costs would fall;
- (ix) set out any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially;
- (x) where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:
  - (a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;
  - (b) why it is considered appropriate to delegate the power; and
  - (c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);
- (xi) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate;
- (xii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a "justice impact assessment"), in accordance with section 110A of the Act; and
- (xiii) set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.

## **Government Emergency Bills**

26.95 If it appears to a member of the government that an Emergency Bill is required, he or she may by motion propose that a government Bill, to be introduced in the Senedd, be treated as a government Emergency Bill.

26.95A A motion under Standing Order 26.95 must be accompanied by a statement by the Member in charge which must explain:

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- (i) why the Bill should be treated as an Emergency Bill; and
- (ii) the estimated costs and other consequences of not doing so.

26.96 A motion under Standing Order 26.95 may also propose that a government Emergency Bill may be introduced without the Explanatory Memorandum required by Standing Order 26.6.

26.97 Notwithstanding Standing Order 26.96, a government Emergency Bill must, on its introduction, be accompanied by:

- (i) a statement from the Member in charge that, in his or her view, the provisions of the Bill would be within the legislative competence of the Senedd, and
- (ii) a statement from the Member in charge that sets out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (“a justice impact assessment”), in accordance with section 110A of the Act.

## **STANDING ORDER 26A – Private Acts of the Senedd**

### **Documentation to Accompany a Private Bill**

26A.13 At the same time as the promoter introduces a Private Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:

- (i) state that, in the view of the promoter, the provisions of the Private Bill would be within the legislative competence of the Senedd;
- (ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Private Bill, having particular regard to the criteria in Standing Order 26A.45;
- (iii) set out the objectives of the Private Bill;
- (iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Private Bill was adopted;
- (v) set out the consultation that was undertaken on:
  - (a) the objectives of the Private Bill and the ways of achieving them; and
  - (b) the detail of the Private Bill,together with a summary of the outcome of that consultation;

- (vi) summarise objectively what each provision of the Private Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;
- (vii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act; and
- (viii) set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.

## **STANDING ORDER 26B – Hybrid Acts of the Senedd**

### **Documentation to Accompany a Hybrid Bill**

26B.9 At the same time as the Member in charge introduces a Hybrid Bill, he or she must also lay an Explanatory Memorandum, in English and Welsh, which must:

- (i) state that, in his or her view, the provisions of the Hybrid Bill would be within the legislative competence of the Senedd;
- (ii) set out the reasons why the provisions of the Bill make it appropriate for it to proceed as a Hybrid Bill, having particular regard to the criteria in Standing Order 26B.43;
- (iii) set out the objectives of the Hybrid Bill;
- (iv) set out whether alternative ways of achieving the objectives were considered and, if so, why the approach taken in the Hybrid Bill was adopted;
- (v) set out the consultation that was undertaken on:
  - (a) the objectives of the Hybrid Bill and the ways of achieving them; and
  - (b) the detail of the Hybrid Bill, and
  - (c) a draft Bill, either in full or in part (and if in part, which parts);
- (vi) set out a summary of the outcome of that consultation, including how and why the Bill has been amended;
- (vii) if the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision;

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- (viii) summarise objectively what each provision of the Hybrid Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill;
  - (ix) in the case of a Bill to which Standing Order 26B.2 does not apply, set out the best estimates of:
    - (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;
    - (b) the administrative savings arising from the Bill;
    - (c) net administrative costs of the Bill's provisions;
    - (d) the timescales over which all such costs and savings would be expected to arise; and
    - (e) on whom the costs would fall;
  - (x) set out any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially;
  - (xi) where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:
    - (a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;
    - (b) why it is considered appropriate to delegate the power; and
    - (c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);
  - (xii) where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate;
  - (xiii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a "justice impact assessment"), in accordance with section 110A of the Act; and
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- (xiv) set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.

## **STANDING ORDER 26C – Consolidation Acts of the Senedd**

### **Documentation to Accompany a Consolidation Bill**

- 26A.13 At the same time as the Member in charge introduces a Consolidation Bill, he or she must also lay an Explanatory Memorandum which must:
- (i) state that in his or her view the provisions of the Consolidation Bill would be within the legislative competence of the Senedd;
  - (ii) set out the reasons for introducing the Consolidation Bill;
  - (iii) state that the Consolidation Bill contains no provisions other than those permitted under Standing Order 26C.2;
  - (iv) include tables showing the origins of provisions in the Consolidation Bill, and the destinations in the Consolidation Bill of the existing provisions it consolidates;
  - (v) explain how the Consolidation Bill makes any changes of the kind permitted under Standing Order 26C.2(ii) to (v);
  - (vi) summarise objectively what each of the provisions of the Consolidation Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Consolidation Bill;
  - (vii) confirm that the provisions of the Consolidation Bill give rise to no additional significant expenditure payable out of the Welsh Consolidated Fund, and where it gives rise to additional expenditure, set out the best estimates for this;
  - (viii) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Consolidation Bill (a “justice impact assessment”), in accordance with section 110A of the Act;
  - (ix) where the Consolidation Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate; and

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- (x) set out the reasons why he or she is satisfied that the Bill is compatible with the Convention rights.

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## Annex 3: Recommendations for the Seventh Senedd

This Annex provides an overview of the recommendations made by the Business Committee to the Seventh Senedd.

**Recommendation 1.** The Seventh Senedd Business Committee should keep under review whether any changes should be proposed to Standing Orders 26, 26A, 26B and 26C to require explanatory memorandums to include an assessment of the potential impact (if any) of the United Kingdom Internal Market Act 2020 on the effectiveness of the relevant Bill's provisions, should it be enacted..... (page 12)

**Recommendation 2.** The Welsh Government in the Seventh Senedd should continue the good practice established in the Sixth Senedd of including in the explanatory memorandums and regulatory impact assessments for its Bills an assessment of the affordability of the financial implications..... (page 12)

**Recommendation 3.** After laying a revised explanatory memorandum in accordance with Standing Orders 26.28 or 26.46B (or equivalent provision in Standing Orders 26A, 26B or 26C), the Welsh Government (or the Member in charge of a non-government Bill) should write to the Finance Committee and the Stage 1 responsible committee to provide a summary of any changes made. .... (page 14)

**Recommendation 4.** The Seventh Senedd Business Committee should, when reporting on the timetable for consideration of a Bill, specify how many sitting weeks are included within the reporting deadline set for the responsible committee, calculated on the basis that the week the Bill is introduced is week 0..... (page 21)

**Recommendation 5.** The Seventh Senedd Business Committee should reflect on the issues raised by consultation respondents regarding committee structures, remits and ways of working when it considers matters relating to the establishment of the Seventh Senedd committee system..... (page 24)

**Recommendation 6.** The Seventh Senedd Business Committee should keep the amendment tabling deadline under review..... (page 28)

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**Recommendation 7.** The Seventh Senedd Business Committee should consider whether any procedural changes are required to Standing Orders 26, 26A and 26B to:.....

- Ensure that the financial resolution and explanatory memorandum Standing Orders adequately reflect the Senedd’s taxation powers. ....
- Improve the clarity of the financial resolution Standing Orders. .... (page 34)

**Recommendation 8.** The Seventh Senedd Business Committee should: .....

- review the procedures in Standing Orders 26, 26A, 26B and 26C regarding further and Further amending stages, including their purpose, interpretation and application, and the technical issues that have been identified in respect of these procedures to date; and.....
- consider the Welsh Government’s request that consideration be given to broadening the application of these stages..... (page 45)