

Review of the legislative scrutiny process: Procedures for 'reconsideration' of Bills passed or rejected by a previous 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.

The Welsh Government, in its response to the Business Committee's consultation as part of the review of the Senedd's processes relating to Bills, requested that consideration be given to the interaction of Standing Order 26.77 (which provides that a Bill falls if it has not been passed or approved by the end of the Senedd in which it is introduced) with the requirements in the Government of Wales Act 2006 that the Standing Orders must make provision for the reconsideration in certain circumstances of a Bill passed or rejected by the Senedd.

This report summarises the Business Committee's initial consideration, and recommends that the matter is kept under review in the Seventh Senedd.



1. Introduction

Review of the legislative procedures

1. As part of its review of how the Senedd considers Bills introduced in accordance with Standing Order 26, in June 2025 the Business Committee agreed to consider matters relating to the 'reconsideration' of Bills if the Senedd in which they had been passed or rejected had subsequently dissolved.
2. To maximise the time available for consideration of this issue, the Business Committee agreed on 29 January 2026 to report on it separately.

Legal and procedural context

3. Section 111 of the Government of Wales Act 2006 ("the 2006 Act") requires and/or enables Standing Orders to make certain provision regarding proceedings on Bills. In particular, it states that Standing Orders must provide for:
 - opportunities for general debate on a Bill and for Members to vote on its general principles, for consideration and voting on the details of a Bill (i.e. an amending stage), and for a final vote on whether the Bill should be passed;
 - an opportunity for a Bill to be reconsidered after its passing or rejection in (and only in) certain circumstances (i.e. following a decision by the Supreme Court that a Bill is outside legislative competence or relates/does not relate to a protected subject matter, or following the making of a section 114 order by the Secretary of State);
 - if a Bill is reconsidered, or amended on reconsideration, a final stage at which the Bill may be approved or rejected.
4. Standing Orders 26, 26A, 26B and 26C set out the scrutiny procedures for Bills, Private Bills, Hybrid Bills and Consolidation Bills respectively. Each Standing Order includes:
 - procedures for the reconsideration of a Bill passed or rejected in the circumstances required by the 2006 Act;

- provision specifying that a Bill falls unless it has been passed or approved (if required) before the end of the Senedd in which it was introduced;
- provision specifying that if a Bill has fallen or been rejected, then no Bill which is, in the Presiding Officer's opinion, in the same or similar terms may be introduced within a six-month period within the same Senedd;
- provision specifying that the six-month period does not apply in a subsequent Senedd.

5. A new Bill introduced in the new Senedd would be subject to the usual scrutiny procedures.¹

Consultation response

6. In its response² to the Business Committee's consultation, the Welsh Government asked for consideration to be given to the interaction of Standing Order 26.77 (which provides that a Standing Order 26 Bill falls if it has not been passed or approved by the end of the Senedd in which it is introduced) with the requirements in the 2006 Act that Standing Orders must make provision for the reconsideration in certain circumstances of a Bill passed or rejected by the Senedd (for example, if the Supreme Court had judged that a provision in a Bill was outside the Senedd's legislative competence).

7. In particular, the response argued that compliance with sections 111(6) and (7) of the 2006 Act required that:

"[...] Standing Orders must provide an opportunity for reconsideration of a Bill after it has been passed, even in the event that reconsideration be undertaken by a future Senedd. This would mean amending Standing Orders so that they allow for a Bill to be carried over between Seneddau for the purposes

¹ In accordance with section 111(3) of the 2006 Act (which enables the procedures for particular types of Bills to differ from the requirements applicable to most Bills), and reflecting the specific nature of Private and Hybrid Bills and the scrutiny procedures appropriate to them, Standing Orders 26A and 26B also include mechanisms enabling Bills identical to those that have fallen by reason of the dissolution of the Senedd to be introduced at the start of the next Senedd, and for the Senedd's consideration of the Bill to begin at the start of the stage at which the equivalent Bill was being considered when it fell.

² [PBMB12 Welsh Government](#)

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of reconsideration, and so that they have the opportunity to approve such a Bill following reconsideration."

2. The Business Committee's consideration

8. The Business Committee noted that the longstanding differences in the legal perspectives on whether the Senedd's procedures comply with sections 111(6), (6A) and (7) of the 2006 Act could only be definitively settled if the relevant circumstances were to arise in practice, and a legal challenge were to be brought and subsequently determined by the courts.

9. The Business Committee noted that:

- notwithstanding the ongoing difference in legal perspectives, preliminary scoping had been undertaken to assess the feasibility of a standalone procedure to enable the 'reconsideration' of relevant Bills by the Senedd elected after the dissolution of the Senedd in which the Bill was passed or rejected;
- this work had indicated that any procedure that was sufficiently flexible to respond to the wide range of scenarios that could arise, while also complying with all of the legal requirements in the 2006 Act, and protecting and reflecting the rights and responsibilities of Members of both the outgoing and incoming Senedd, would be complex and could risk unintended consequences.

10. The Business Committee concluded that the complexity of the work required meant that there was insufficient time remaining in the Sixth Senedd to give the matter full consideration. It agreed to recommend that the matter be kept under review in the Seventh Senedd.