

National Assembly for Wales
Legislation Office

A guide to the legislative process
in the National Assembly for Wales

May 2011



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

An electronic copy of this guide can be found on the National Assembly's website:
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Fourth Assembly

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Introduction

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

Background

3. The [Government of Wales Act 2006](#) (“the 2006 Act”) provides for the Assembly to make laws, known as ‘Acts of the Assembly’.
4. The Assembly is able to make laws on a number of different subjects, set out in the 2006 Act. These subjects are—

Agriculture, fisheries, forestry and rural development	Housing
Ancient monuments and historic buildings	Local government
Culture	National Assembly for Wales
Economic development	Public administration
Education and training	Social welfare
Environment	Sport and recreation
Fire and rescue services and promotion of fire safety	Tourism
Food	Town and country planning
Health and health services	Water and flood defence
Highways and transport	Welsh language

5. There are certain matters within the above subject areas that remain outside the Assembly’s legislative competence. These ‘exceptions’ are listed in the 2006 Act.

Bills in the Assembly

What is a Bill?

6. A Bill is a draft law. Once a Bill has been considered and passed by the Assembly, and given Royal Assent by the monarch, it becomes an 'Act of the Assembly'.
7. An Act of the Assembly is a law, enforced in all areas of Wales where it is applicable.

Introducing a Bill

8. In order for a Bill to be considered by the Assembly, it must be formally 'introduced' into the Assembly. In practice, this means the Bill is laid with officials in the Table Office, who will arrange for the Bill to be published on the Assembly's website by the following day.
9. Most Bills are introduced by Welsh Government Ministers ('Government Bills') but can also be introduced by;
 - an Assembly committee;
 - an individual Member, if their name is drawn from a ballot; or
 - the Assembly Commission.
10. Bills must be available in English and Welsh and the Presiding Officer must publish a statement that the Assembly has the power to make the Bill. Each Bill must also be accompanied by an Explanatory Memorandum that will set out its policy objectives, details of any consultation already undertaken on the Bill, estimates of the costs of implementing the Bill and any other relevant information.

The process for considering a Government Bill

11. There is, generally, a 4-stage process for the consideration of a Government Bill in the Assembly, as follows—

Stage 1

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

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

14. Once the Committee has reported, the Assembly will be asked to debate and agree the Bill's general principles - the 'Stage 1 debate'.

Stage 2

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

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

Stage 3

17. This stage follows the completion of stage 2 and involves the detailed consideration, by the Assembly, of the Bill and any amendments proposed by Assembly Members.

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

Stage 4

19. This is the last stage of the process and follows the completion of stage 3. At this stage, there is a vote by the Assembly to pass the final text of the Bill.

Passing a Bill

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

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

Other Bills

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

23. Members can only introduce a Bill if they have been successful in one of the regular ballots conducted under the authority of the Presiding Officer. In order to enter the ballot, Members must first provide the title of the Bill they wish to introduce and an explanation of the policy objectives of that Bill.

Subordinate Legislation in the Assembly

What is subordinate legislation?

24. Acts of the Assembly are primary legislation, as are Acts of the UK Parliament. 'Subordinate legislation' is an umbrella term for laws made under the authority of an Act. Subordinate legislation is also known as secondary or delegated legislation or statutory instruments.

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

How is subordinate legislation made?

26. Although, it can be made by a number of bodies, including local authorities and other statutory bodies, most subordinate legislation of concern to the Assembly will be made by Welsh Ministers.

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

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

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

How is subordinate legislation scrutinised?

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

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