

BRIEFING PAPER:

COMPARATIVE ANALYSIS OF PROCEDURES GOVERNING AMENDMENTS TO AMENDMENTS ON LEGISLATION

8 May 2008

INTRODUCTION

This briefing paper has been prepared for the Committee on Procedures to provide information on the procedures in place in other Legislatures regarding amendments to amendments on legislation. A brief outline of the current procedures governing the tabling of amendments in the Northern Ireland (NI) Assembly is outlined, followed by similar procedures from other Legislatures.

Northern Ireland

Members of the NI Assembly have up until 4.30pm on the Thursday prior to the Consideration Stage or Further Consideration Stage of a bill, to table amendments to legislation. The bill must however have passed through the 2nd Stage before tabling can begin. Currently there is no additional time period after 4.30pm on the Thursday to allow for amendments to amendments to be tabled.¹

Republic of Ireland

For both Houses of the Oireachtas, the Dail Éireann and the Seanad Éireann, the Standing Orders set down the time for receipt of amendments in advance of a debate. In the Dail Éireann, Standing Order 123 provides that amendments must be tabled by 11am on the fourth day preceding the debate. In practise this is four working days so for example, if a bill is scheduled for debate on a Tuesday the amendments must be tabled by the previous Wednesday.²

Standing Order 123 also provides for a two day deadline for amendments to amendments of a bill. The standing Order states,

Proposed amendments to amendments shall be in writing signed by the member and shall reach the Clerk not later than 11 a.m. on the second day preceding that on which the Bill or, if appropriate, the proposed amendment to the Bill to which they are addressed, is to be considered and shall be arranged in the proper order: Provided, nevertheless, that on an exceptional basis, or in circumstances where shorter scheduling of business of a Bill makes practical application of the deadline impossible, amendments, or amendments to amendments, may be moved on shorter notice at the sole discretion of the Ceann Comhairle, or with the prior permission of the Chair without notice.

In practise therefore, if a bill is scheduled for debate on a Tuesday the amendments to amendments must be tabled by 11am on the previous Friday. In any case, the Ceann Comhairle (speaker) has authority to waive the deadline for receipt of

¹ Information gained through correspondence with the Northern Ireland Assembly Bill Office

² Standing Order 123 of the Dail Éireann

http://www.oireachtas.ie/documents/proceduraldocuments/StandingOrders2007_English_and_Irish.pdf

amendments, or amendments to amendments for either the Dail plenary session or for the Select Committees.³

In the Seanad Éireann, Standing Orders 26 and 116 provide that amendments must be tabled by 11am on the second day preceding the debate. In practice this is two working days so for example if a bill is scheduled to be debated on a Tuesday, the amendments must be tabled by 11am on the previous Friday. There is no provision for amendments to amendments in the Seanad Standing Orders, however in practise the Bill Office would expect to receive amendments to amendments on the day before the debate. Amendments to amendments do not occur that often in either House of the Oireachtas.⁴

UK

In the House of Commons' consideration of legislation, amendments to amendments are very rare and hence there is no additional notice period for amendments to amendments to legislation.⁵ However, amendments to new clauses of a bill are more common and have been used to allow the House to choose between options. The usual notice requirements for amendments to bills being considered by a Public Bill Committee is they are tabled at least three days before the sitting of the Committee. At Consideration Stage this period of notice for tabling amendments is two sitting days.⁶

It remains open to a chairman to select for debate amendments tabled after this deadline and in very exceptional circumstances, to select manuscript amendments (i.e. amendments lodged after the normal time limit). For example, if a new clause was tabled at the last minute, a late tabled amendment may be considered for selection at the chairperson's discretion.⁷

Scotland

Within the Scottish Parliament the rules governing deadlines for amendments to legislation apply to amendments to amendments also. Rule 9.10.2 and 2A outline the timeframe for lodging an amendment to legislation, these are outlined below.

Rule 9.10.2. Where a member intends to move an amendment to a Bill at Stage 2 or Reconsideration Stage, he or she shall give notice of the amendment by lodging it with the Clerk no later than the day (referred to as the final lodging-day) that is the third sitting day before the Stage is due to start. Where there is to be more than one meeting, held in different weeks, at which amendments are to be moved or disposed of, there shall be a separate final lodging-day for each of those weeks, that day being the third sitting day before the first such meeting in that week is due to take place. Amendments may be lodged until 16:30 on any day when the Office of the Clerk is open, except on a final lodging-day, when amendments may be lodged only until 12:00.

Rule 9.10.2A. Where a member intends to move an amendment to a Bill at Stage 3, he or she shall give notice of the amendment by lodging it with the Clerk no later than the day (referred to as the final lodging-day) that is the

³ Information gained through written correspondence with the Clerk of the Public Bills Office of the Oireachtas

⁴ Ibid

⁵ Information gained through written correspondence with the Clerk of the Procedures Committee in the House of Commons

⁶ Dod's Handbook of House of Commons Procedure, 2007 Pg 135

⁷ Ibid

*fourth sitting day before the Stage is due to start. Where there is to be more than one meeting of the Parliament, held in different weeks, at which amendments are to be moved or disposed of, there shall be a separate final lodging-day for each of those weeks, that day being the fourth sitting day before the first such meeting in that week is due to take place. Amendments may be lodged until 16:30 on any day when the Office of the Clerk is open.*⁸

In the Scottish Parliament, if a Member lodges an amendment on the last day of lodging, it will appear in the Business Bulletin the next day. If another Member sees this amendment and decides they wish to amend it, they would have to lodge a *manuscript amendment*⁹ to the original amendment. A manuscript amendment may only be moved with the agreement of the relevant Committee Convener (at Stage 2) or Presiding Officer (at Stage 3).

Wales

The National Assembly for Wales follows similar procedures to that of the House of Commons and the Scottish Parliament regarding amendments to amendments of legislation. For example, there is no additional notice period for amendments to amendments and any amendments tabled after the stated notice period will only be allowed at the discretion of the Presiding Officer and in very exceptional circumstances.¹⁰

⁸ Standing orders of the Scottish Parliament, Rule 9.10 Amendments to Bills
<http://www.scottish.parliament.uk/business/so/sto-4.htm#9>

⁹ A manuscript amendment is an amendment to a bill lodged after the normal time limit set down in the Standing Orders.

¹⁰ Information gained through written correspondence with the Head of the Table Office in the National Assembly for Wales