

BRIEFING NOTE:

COMPARATIVE RESEARCH ON REVIEWING STANDING ORDERS

27 September 2007

Introduction

The Speaker has asked the Procedures Committee to consider Standing Orders 10 (2) and 15. The Speaker's underlying issue is that there is little time available from the deadline for Members to submit amendments to motions to a marshalled list of business is made available. In brief, Members have until 9.30 on the morning on which the motion is to be taken to submit an amendment. This is a particular problem on a Tuesday when the House sits at 10:30am; giving the Speaker one hour in which to assess all proposed amendments and to issue a marshalled list.

The Speaker has asked the Procedures Committee to look at the two Standing Orders SO10 (2) and SO 15 because these two orders specify both the starting times for plenary sessions (SO10 (2)) and for the submission of amendments to the Order Paper (SO15).

This report is in three parts; firstly it details the relevant Standing Orders in Northern Ireland. Secondly it looks at the comparative legislatures of Scotland, Wales and the Republic of Ireland. Thirdly the report considers some of the key issues surrounding the tabling of motions and amendments in the Northern Ireland Assembly, which the committee may wish to consider.

1.0 Northern Ireland Standing Orders

Standing Order 10 (2)

The Committee have been asked by the Speaker to consider making a provision to allow for a more flexible starting time to both Monday and Tuesday sittings. Currently sittings must start at 12 midday on Mondays and 10.30am on Tuesdays. Standing Order 10 (2) detailing the times for the sitting of the House reads as follows¹:

Subject to the authority of the Business Committee to determine the time for commencement of business in plenary session, the sittings of the Assembly shall be arranged as follows -

Monday 12.00 midday – 6.00 pm

Tuesday 10.30 am – 6.00 pm.

¹ Standing Orders of the Northern Ireland Assembly

The allocation of time for business within these sittings shall be determined by the Business Committee, except that -

(a) on each Monday on which there is a sitting there shall be a period for Questions commencing at 2.30 pm and finishing at 4.00 pm;

(b) at the end of each sitting up to one hour may be set aside for an Adjournment Debate;

(c) any private notice questions shall normally be asked immediately before the Adjournment Debate.

Standing Order 15

Given the Speaker's concerns over timing to process amendments, the Procedures Committee has also been asked to consider the current provision for tabling amendments. As described earlier amendments must be submitted by 9:30 am on the day the motion is to be put to the House. This provides a very short time for the Speaker to consider amendments and issue a marshalled list before a sitting starts. This is especially the case on Tuesday when the House sits at 10.30 am. Standing Order 15 governs the procedures for amendments of motions and reads as follows²:

- (1) Amendments to motions shall be given in writing to the Speaker not later than 9.30 am on the day on which the motion is to be taken.*
- (2) When an amendment has been moved, the question to be put shall be, "That the amendment be made". Where an amendment is agreed the Question to be put shall be "That the question, as amended, be agreed". Where amendments are rejected the question on the substantive motion shall be put.*
- (3) In respect of any motion or Bill under consideration in the Assembly, the Speaker shall have power to select the new clauses, schedules or amendments to be proposed and may, if he/she thinks fit, call upon any Member who has given notice of an amendment to give such explanation of the object of the amendment as may enable him/her to form a judgement upon it.*
- (4) By leave of the Assembly amendments may be withdrawn before a division is called.*
- (5) Amendments may be withdrawn prior to debate with the agreement of the Member or Members proposing the amendments.*

The process for Motions and Amendments

Delivering on these two Standing Orders there is a process governed by guidelines and convention which is – given the intricacy of the process – necessarily detailed and complex. A simplified chronology of this process is outlined below:

² Ibid

Process of Motions	Process for Amendments
<p>Motions are submitted by a Member – or someone with permission to act on their behalf - to the Business Office.</p> <p>The Business Office ensures that the motion meets a number of stringent criteria regarding language and content.</p> <p>When accepted the motion is included on the No Day Named (NDN) list of Motions.</p> <p>The full NDN list (all Motions on the list as of Thursday afternoon) is published as part of the Weekly Information Bulletin.</p> <p>The Weekly Information Bulletin is available on Monday morning.</p> <p>Each day any new motions tabled before 4:00pm are published the following morning in the Daily list of Motions and Proposed Amendments.</p> <p>New motions tabled after 4:00pm are published in the Daily list of Motions and Proposed Amendments the day after.</p> <p>Motions remain on the NDN unless they are:</p> <ul style="list-style-type: none"> • Selected • Withdrawn • Fall at the end of the Summer recess <p>The Business Committee usually meets at 12:30pm on a Tuesday to agree the following week's plenary business.</p> <p>At this meeting the Committee considers all the motions on the NDN list and that are tabled up to 30 minutes before the meeting – if they miss this then a motion waits to the next week's meeting.</p> <p>The Business Committee agree the Order Paper and it is issued on Thursday afternoon.</p> <p>The members of the Business Committee are free however to let their party members know what is on the Order Paper after the Tuesday meeting.</p>	<p>Amendments can be tabled as soon as a motion is tabled and must meet the same criteria for inclusion as the motion</p> <p>Like a motion they go on to the next available NDN and Daily List with the Motion they relate to.</p> <p>An amendment remains on the list as long as the Motion it relates to remains.</p> <p>When the Order Paper is issued on a Thursday afternoon all the tabled amendments to the Motions in the Order Paper will be issued also.</p> <p>If an amendment is tabled before 4:00pm the day before it is debated, the amendment will be published in the proposed amendments list with its related motion, sometime after 4:00pm.</p> <p>If a proposed amendment is tabled after 4:00pm and before 9:30 am on the morning of the debate then it will not be published but it will be considered by the Speaker.</p> <p>After 9:30 am on the morning of the debate the Speaker will consider the amendments and decide on the order of the motions and amendments for that day in a Marshalled List.</p>

2.0 Sitting Times in Other Parliaments

Additional solutions to the problems highlighted by the Speaker may be found in the Standing Orders and procedures of other legislatures. This section of the report reviews the relevant Standing Orders in the Scottish Parliament, the National Assembly for Wales and the Republic of Ireland's Dail Eireann.

2.1 Scotland

The Scottish Parliament varies from Northern Ireland in that there is less detail in their Standing Orders regarding the timings for meetings of the Parliament and for the tabling of motions and amendments.

Sitting Times

The Scottish Parliament normally sits on Wednesday afternoon and all day Thursday. However these times are not specified in Standing Order³.

Rule 2.2 Meetings of the Parliament

3. The Parliament may, except as mentioned in paragraph 4 or 5 or in an emergency, meet on any sitting day during the normal Parliamentary week. The normal Parliamentary week is between the hours of 14:30 and 17:30 on Monday, 09:15 and 17:30 on Tuesday, Wednesday and Thursday and 09:30 and 12:30 on Friday.

However within these possible sitting times the Parliamentary Bureau specifies the sitting times in advance of the actual sitting. These are detailed in the Business Programme⁴.

Tabling of Motions

The Parliamentary Bureau develops the business programme two weeks in advance of the actual sitting and they incorporate into this, motions and amendments to be proposed in the sitting. The business programme is then put to the parliament as a motion. This is all carried out through procedures which are noted in Scottish Parliament guidelines but not specified in Standing Orders. The Business Bulletin is published containing issues to be debated two weeks in advance but the actual wording of the motions are not detailed until two days in advance and amendments are detailed a day in advance.

This is true also of the rules concerning motions and amendments. The Standing Orders outline the requirements but not the specific procedures. In Scotland the rules governing motions are as follows⁵.

Rule 8.1 Motions

³ Standing Orders of the Scottish Parliament, Chapter 2

⁴ Standing Orders of the Scottish Parliament, Chapter 5

⁵ Standing Orders of the Scottish Parliament, Chapter 8

2. A motion may be moved without notice being given only as permitted by these Rules or, exceptionally, as permitted by the Presiding Officer.

Rule 8.2 Notice of motions

1. Notice of a motion shall be given by being lodged by a member with the Clerk. Notice of a motion shall contain the text of the motion and the name of the member giving notice of it.

6. Normally, a motion shall not be taken before the sitting day after the day on which notice of it is given under paragraph 1. A motion may be taken on shorter notice if the Parliament so decides on a motion without notice. Such a motion may be taken only with the agreement of the Presiding Officer.

Rule 8.1.2 infers that although there is room for exceptions, motions have a process to go through. Rule 8.2.1 and 8.2.6 then state that a motion will “normally” not be taken unless it has been submitted with the Clerk nor will it be taken less than one sitting day after it has been tabled.

Other than the allowances made for urgent motions, the processes surrounding these Standing Orders have been developed in a way that they avoid the problems faced by the Speaker in the Northern Ireland Assembly. In practice, the agreement of a Business Programme two weeks in advance ensures that members have sufficient time to table motions.

Tabling of Amendments

The tabling of amendments in Scotland is also regulated loosely by Standing Orders. They indicate that an amendment to a motion can be tabled any time after the motion is tabled but it does not give a cut off point for when amendments to a timetabled motion will no longer be accepted. However the Scottish Parliament has developed procedures which do place a deadline on amendments and these are stated in the Scottish Parliament’s “Guidance on Motions”⁶. These point out that if an amendment comes in after 4:30 pm and misses the deadline for being published in the Business Bulletin for a debate the next day then the Presiding Officer (Speaker) makes a decision on whether the amendment is taken.

2.2 Wales

The Welsh system is somewhat different again from Northern Ireland in that they have specified the timetabling of these issues very specifically in their Standing Orders. The Business Committee meets on Tuesday morning and agrees a programme of business for the following three weeks’ plenary. The first week is fixed, the second and third weeks are only provisional. This agreed programme is then put forward in the Business Statement and Announcement made in accordance with Standing Order 6.3⁷. Motions are then tabled according to those items of business included in the Statement and these are

⁶ Guidance on Motions, The Scottish Parliament, 2nd Edition, May 2007

⁷ Standing Orders for the National Assembly of Wales, SO 6

classed as Named Day Motions. These are published by the Table Office and placed on the relevant day's agenda.

Sitting Times

The sitting times for the National Assembly for Wales are specified in the Standing Orders as follows⁸:

7.7 Plenary meetings are normally to be held on Tuesdays and Wednesdays when the allocation of sitting time must be in accordance with Standing Orders 7.8 and 7.9.

7.8 Tuesday plenary meetings must:

- (i) usually start at 2pm;*
- (ii) consider Assembly business under Standing Order 7.10(i) to 7.10(vii) and government business only; and*
- (iii) subject to Standing Order 7.16 or any procedural motion under Standing Order 7.28, finish no later than 5.30pm.*

7.9 Wednesday plenary meetings must:

- (i) usually start at 12.30pm;*
- (ii) consider government business from 12.30pm to 2pm, and Assembly and non-government business from 2pm; and*
- (iii) subject to Standing Order 7.16 or any procedural motion under Standing Order 7.28, finish no later than 5.30pm.*

Tabling of Motions

The Welsh Assembly also specifies the deadlines for motions within Standing Orders. Again, while making provision for last minute motions to be tabled the Welsh Standing Orders state that a motion must be tabled 5 days in advance of a debate.

7.18 Except where Standing Orders provide otherwise, a motion:

- (i) must be tabled at least five working days before it is to be debated;*
- and*
- (ii) may be proposed by any Member.*

Tabling of Amendments

Furthermore the deadline for making amendments is also specified with within Standing Orders.

7.19 Except where Standing Orders provide otherwise, amendments may be proposed to any motion and must be tabled at least three working days before the motion is to be debated; but the Presiding Officer may:

- (i) group related amendments and require them to be proposed as a group;*
- (ii) determine the order in which amendments which arise in the same place in the motion are taken; and*
- (iii) decline to select an amendment where he or she considers that the proper conduct of business makes it appropriate to do so.*

⁸ Standing Orders for the National Assembly of Wales, SO 7

2.3 Republic of Ireland

As in the Welsh Assembly the Standing Orders for the Dail detail the times available for sittings of the House and for motions and Amendments. The Dail Eireann sits on Tuesday (2:30pm-8:30pm), Wednesday (10:30am-8:30pm) and Thursday 10:30am-4:30pm). This is detailed in Standing Orders as follows⁹:

21. (1) Unless it shall otherwise resolve, the Da' il shall meet every Tuesday Times and days of at 2.30 p.m. and every Wednesday and Thursday at 10.30 a.m. and shall sitting: interruption of business, etc. adjourn not later than forty minutes after the interruption of business provided for in paragraph (2) of this Standing Order.

(2) At 8.30 p.m. on Tuesdays and Wednesdays, and at 4.45 p.m. on Thursdays, subject to the provisions of paragraphs (5) and (6) of this Standing Order, the proceedings on any business then under consideration shall be interrupted (or if the Da' il be in Committee, progress shall be reported and leave asked to sit again): Provided that if an Order shall have been made under Standing Order 22, that the hour at which business is to be interrupted be other than that specified in this paragraph, the provisions of this Standing Order with such substitution shall otherwise apply.

Tabling of Motions and Amendments

The standing orders regulating the deadlines for both motions and amendments are succinctly placed in one short standing order. That a Motion should be in four days in advance of a debate and an amendment two days in advance¹⁰ (with the exception that amendments to Bills need to be made four days in advance¹¹).

30. All motions to be put on the Order Paper for any day, shall be in writing, signed by a member, and shall reach the Clerk not later than 11 a.m. on the fourth preceding day. Any amendments to such motions shall be in writing, signed by a member, and shall reach the Clerk not later than 11 a.m. on the second preceding day: Provided that, by permission of the Ceann Comhairle, motions and amendments may be made on shorter notice.

3.0 Potential Key Issues for Consideration

As mentioned earlier one of the main issues for the Speaker is that there are a number of occasions during the processes when time is an issue. These are outlined as follows:

Receiving the Order Paper late

Firstly that Members may not receive the Order Paper until early on Friday and sometimes Monday and possibly after they have their Party meeting which are usually scheduled for Monday mornings. This means that Parties may not get a chance to discuss motions before tabling an amendment.

⁹ Standing Orders of the Dail Eireann, Para 21

¹⁰ Ibid Para 30

¹¹ Ibid Para 123

Late deadline for amendments

Secondly if after members receive their Order Paper they do wish to table an amendment they have up until 9:30 am on the morning of the debate leaving the speaker 30 minutes on a Tuesday to consider amendments before the marshalled list is issued for the start of the debate.

3.1 Possible Options

Whether to issue Order Paper earlier?

The issuing of the Order Paper on the Thursday afternoon is governed by convention. As can be seen in Scotland, the business paper is issued after the meeting. The only noticeable impediment to this happening in the Northern Ireland Assembly is that Thursday afternoon is when Committee Business motions become available. If the Order Paper was issued on Tuesday afternoon Members would have more time to table amendments and to discuss the issues with their Party.

In addition it is part of the convention of the Scottish Parliament that the Parliamentary Bureau set and the business programme two weeks in advance. Whereas, in the Welsh Assembly it is detailed in Standing Orders that the timetable for the week's plenary sessions are fixed the week before¹². In addition the following two weeks timetables are set provisionally.

Whether to alter late deadlines for Amendments?

Getting the Order Paper to Members earlier would however not impact on the Speaker having little time to consider amendments which arrive in the Business Office at the deadline of 9:30 on the morning of the debate. Given that this deadline is specified in Standing Orders, a change in Standing Orders would be needed to remedy it such as those of the Dail and the Welsh Assembly.

¹² Standing Orders for the National Assembly of Wales, SO 6