

Wales Council for Voluntary Action

Supporting charities, volunteers and communities

11. Campaigning and influencing

11.6 Introduction to Assembly Measures



Overview

This information sheet will explain what Assembly Measures are, how they are made and how the sector can influence them.

What are Assembly Measures?

Assembly Measures are laws made by the National Assembly for Wales.

Law-making in Wales has only been possible since the introduction of the Government of Wales Act 2006 and the law-making powers are limited.

The 2006 Act allows the National Assembly for Wales to make laws (i.e. Measures) in certain policy areas (known as 'Fields') that have been devolved from the UK Parliament. More specifically laws can only be made in areas where the Assembly has the legal authority (known as 'legislative competence') to do so. The existence of specific sub-topics (called 'Matters') contained within the devolved policy Fields signal that the Assembly has the legislative competence to make Measures on that particular issue.

More information about the 2006 Act and legislative competence can be found in separate Information Sheets.

Who can propose an Assembly Measure?

Assuming that the Assembly has legislative competence in a given area, Measures can be proposed by:

- The Welsh Assembly Government.
- Assembly Committees.
- An Assembly Member who wins a private members ballot - AMs can put their names forward for the ballot along with an outline proposal of what they would like to introduce. AMs who have previously brought forward a Legislative Competence Order (LCO) after a ballot win then have the right to bring forward a Measure proposal within 6 months of the LCO approval.
- Members of the general public via the Public Petitions process. Please note that a petition will not automatically result in a Measure proposal - a separate Information Sheet is available on this topic.
- The Assembly Commission - but only relating to its own functions. A separate Information Sheet on the Assembly Commission is available.

What is the Assembly Measure approval process?

All Assembly Measures go through the following process:

Stage 1 - introducing the proposed Measure

- The proposed Measure is laid with an explanatory memorandum setting out the policy objectives, what the provisions in the Measure are intended to achieve, any cost implications, whether alternative methods of achieving the objectives have been considered and the outcome of any pre-legislative consultation that has been undertaken.
- A statement by the Presiding Officer accompanies the above proposal stating whether it falls within the legislative competencies of the Assembly.
- The Business Committee decides whether or not the general principles of the proposal need to be considered by one of the legislation Committees. If not, then the Member in charge of the proposal can propose that the Assembly agree to the general principles by a vote in Plenary (i.e. full Assembly meeting).
- If the proposed Measure does go to a legislation Committee, it must consider and report on the general principles before the proposal can go forward for a vote in Plenary.
- Amendments are not permitted at this stage and if the Assembly does not agree at the Plenary vote stage then the Measure fails.

Stage 2 - detailed consideration by a legislation Committee

Once the Assembly has agreed to the general principles, the Business Committee must decide on the route for detailed committee consideration. It can either refer the proposal to:

- One of the legislation Committees (most common option) or a Committee of the Whole Assembly.
- There is line-by-line examination of the text of the proposed Measure. Amendments can be tabled by any Assembly Member (although only Committee members can move, withdraw or vote on amendments in Committee proceedings) and the Committee must consider all of the tabled amendments.
- Where no amendment is tabled to a section of the measure that section is deemed to have been agreed by the Committee.

Stage 3 - detailed consideration by the Assembly

- The amended proposed Measure is considered by the whole Assembly in Plenary.
- Amendments may be tabled by any Assembly Member but unlike Stage 2 where all tabled amendments must be considered, in this stage the Presiding Officer decides which amendments will be considered.
- The proposing Member or any Government member may then propose further amendments but only for the purpose of clarification.

- Where no amendment is tabled to a section of the Measure that section is deemed to have been agreed by the Assembly.

Stage 4 - final vote in Plenary

- Final vote in Plenary for the whole Assembly to pass the Measure.
- No amendments are allowed at this stage and if the Assembly does not agree at this stage then the Measure fails.

Stage 5 - royal approval

- The Queen gives Royal Assent in Privy Council – Measure becomes ‘enacted.’

Westminster or other intervention

The process for approving Assembly Measures is different from that of Legislative Competence Orders (LCOs) where Westminster has a role in the process via debates and votes in both the House of Commons and the House of Lords.

Westminster has no such role in the Measure approval process. However the Secretary of State for Wales can intervene at any stage up to royal approval to stop the Measure approval if s/he believes that approval could either:

- affect a non-devolved matter, or
- harm the operation of the law in England, or
- harm the UK’s international obligations, or
- affect national security or defence, or

- affect water supply or resources in England

Likewise, up to the royal approval stage a proposed Measure could be referred to either the European Court of Justice or the Supreme Court if there are any legal problems that necessitate such a referral e.g. it is believed to contravene EU law. In order to comply with the outcome of court opinion in any such cases a proposed Measure may need to be altered and would need to be reconsidered by the whole Assembly in Plenary.

How can the third sector influence Assembly Measures?

As with LCOs, there are opportunities for the sector to influence Assembly Measures both pro-actively and reactively.

Welsh Assembly Government (WAG) and Assembly Members need to hear from the sector, with its wealth of front-line experience and expertise, on what legislation is needed. The evidence base that the sector can bring forward can be extremely powerful in lobbying for change. It is also worth keeping abreast of what LCOs are being brought forward as this gives a good indication of what kinds of Measures can then be introduced.

Lobbying WAG and Assembly Members could influence the legislative programme that WAG commits to each year, or influence the proposed Measures that could be brought forward by Assembly Committees or Members who win the ballot.

Likewise, using the Public Petitions route might be another way of generating proposed Measures (or at least raising awareness of a specific issue).

The Members' Research Service (MRS), which is a service available to all Assembly Members is also a useful body to be in contact with. They provide background and research reports as requested by AMs and Committees and by providing reports and information to the MRS, the sector can potentially get its messages across.

In terms of influencing proposed Measures, there are opportunities to contribute to pre-legislative consultation and to continue to lobby for amendments in stages 2 and 3 of the process, although stage 3 is more limited because not all tabled amendments are selected for consideration.

Further information

Voices for Change Cymru is a WCVA project supported by the Big Lottery Fund. There are now more opportunities than ever to make your voice heard and this project provides services to help third sector organisations influence policy and legislation at local and national levels.

Tel: 0800 2888 329

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www.voicesforchangecymru.org.uk

National Assembly for Wales

www.assemblywales.org

For further information on the Measures currently being considered by the Assembly see:

www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures.htm

Disclaimer

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.

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