



Amending Standing Orders: Standing Order 12 – Topical Questions and Urgent Questions

Purpose

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Orders 12.66 to 12.68, along with a consequential change to Standing Order 11.8. The changes agreed by Business Committee are found in Annex A, and the proposals for new Standing Orders are at Annex B. At Annex C is the relevant section of the Procedures and Practice for the Tabling and Laying of Assembly Business guidance, which sets out the detail of how the changes will operate in practice.

Background

3. The Business Committee considered the Assembly's procedures for Oral Questions in October and November 2016, following on from

recommendations made by the previous Business Committee that they should be reviewed early in this Assembly.

4. At their meeting of 15 November 2016, Business Managers asked for a further paper on Topical and Urgent Questions to be brought to them in the new year. On 31 January 2017, Business Managers agreed in principle to the introduction of a new Topical Questions procedure, subject to being able to agree on the detail.

5. At the meeting of 14 February, the Llywydd presented Business Managers with a proposal for consultation with groups. On 14 March, the Business Committee agreed a revised proposal which forms the basis of the proposals set out in this report.

Urgent Questions

6. It is proposed to amend Standing Orders to re-name Urgent Questions as 'Emergency Questions', and for Standing Order 12.66(ii) to be amended so that the Llywydd must be satisfied that the question relates to a matter of 'urgent national significance' rather than 'urgent public importance'.

7. If the Standing Order changes are agreed, the Procedures and Practice for the Tabling and Laying of Assembly Business (PPTAB) guidance will be updated to state that the Llywydd would expect a request for an Emergency Question to relate to a matter which has arisen suddenly and which necessitates an immediate Ministerial response.

8. As the more restrictive definition will lead to fewer Emergency Questions, on only the most critical of matters, the Llywydd anticipates that in future she will normally schedule them as the first item of business in Plenary. It is proposed to amend Standing Order 12.66 to remove the suggestion that the usual place for Emergency Questions to be taken is after Oral Assembly Questions.

Topical Questions

9. The Business Committee proposes to introduce a new Standing Order 12.68A to enable the Business Committee to make time available for Topical Questions as part of Assembly time in Plenary. The proposed new Standing Order 12.68B stipulates that it is for the Llywydd to select Topical Questions for answer from among those tabled that conform with guidance issued by the Llywydd.

10. If the Standing Order changes are agreed, the PPTAB guidance will be updated to provide that Topical Questions must relate to a matter of national, regional or local significance where an expedited Ministerial response is desirable. The guidance will also state that the issue should have arisen since the deadline for tabling Topical Questions the previous week.

11. The guidance will also state that Members will be able to table topical questions between 9am on Monday and 10am on Wednesday, and that each Member would be able to table only one Topical Question request in any sitting week.

12. As with Urgent Questions, the government will determine which Cabinet Secretary or Minister will answer the question, and the government will be informed of all questions as they are tabled, as well as being informed of the Llywydd's selection as soon as possible after it is made.

Scheduling

13. It is proposed that Topical Questions would be Assembly (i.e. non-government business) and the proposed consequential change to Standing Order 11.18 makes that clear. Their scheduling would therefore be a matter for the Business Committee in accordance with Standing Order 11.7.

14. The Business Committee has agreed to schedule Topical Questions for 20 minutes, as the first item of Assembly business after OAQs on Wednesday each week that the Assembly sits in Plenary.

15. It will be up to the Llywydd to determine how many Topical Questions to select within the 20 minute slot, and how to divide the time available between those questions, e.g. by varying the number of supplementaries called. The Llywydd will not have to select any question if she does not consider it meets the criteria, even if it is the only question tabled that week.

Review

16. The Business Committee has agreed to review the operation of the new procedures during the autumn 2017 term, and that the review will include both when and for how long Topical Questions are scheduled each week, as well as other aspects of Oral Assembly Questions, including Leaders' and Spokespeople's questions.

Action

The Business Committee formally agreed the changes to Standing Orders on 21 March 2017 and the Assembly is invited to approve the proposals at Annex B.

Annex A

STANDING ORDER 12 – Business in Plenary Meetings		
Oral Questions		
12.68 <u>66</u>	Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of plenary proceedings.	<p>Move Standing Order</p> <p>This Standing Order is currently 12.68. It is proposed to move it here and re-number, to allow new headings of Emergency Questions and Topical Questions to be created.</p>
<u>Emergency Questions</u>		Insert new sub-heading
12.66 <u>7</u>	<p>At the end of the period allocated to oral questions or At such a other time as the Presiding Officer may determine, the Presiding Officer may call a Member to ask a question for which notice under Standing Order 12.59 has not been given if:</p> <p>i) the Presiding Officer and the member of the government concerned, or the Commission, as the case may be, have been given prior notice of at</p>	<p>Amend and re-number Standing Order</p> <p>The SO is amended to change the criteria for the acceptance of an urgent question by the Presiding Officer, from ‘urgent public</p>

	<p>least two hours before the question is to be asked; and</p> <p>ii) the Presiding Officer is satisfied that the question is of urgent public <u>importance national significance</u>.</p>	<p>importance' to 'urgent national significance'.</p> <p>It is also changed to remove the reference to 'at the end of the period allocated to oral questions' in terms of calling Urgent Questions. The Standing Order has always given the Llywydd a free hand in deciding where to take Urgent Questions, and this change clarifies that.</p>
12.67 <u>8</u>	<p>Where the Presiding Officer has been given prior notice that a request for an urgent <u>emergency</u> question under Standing Order 12.66<u>7</u> relates to the functions of the Commission, the function assigned to the Presiding Officer in Standing Order 12.66<u>7</u>(ii) shall be assigned to the Deputy Presiding Officer.</p>	<p>Amend and re-number Standing Order</p> <p>The Standing Order is amended to refer to 'emergency questions' rather than 'urgent questions' reflecting the more restrictive criteria applied by the new SO 12.66<u>7</u>.</p>
12.68	<p>Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of</p>	<p>Move Standing Order</p> <p>This Standing Order has been</p>

	plenary proceedings.	moved to become Standing Order 12.66 above, to allow for the new Emergency and Topical Questions sub-headings.
Topical Questions		
<u>12.68A</u>	<u>The Business Committee may make time available for Members to ask questions to the First Minister, Welsh Ministers or Counsel General for which notice under Standing Order 12.59 has not been given.</u>	<p>New Standing Order</p> <p>The new Standing Order would enable the Business Committee to make time available during Assembly time for Topical Questions to be taken to members of the government. No provision is made for topical questions to the Assembly Commission.</p> <p>The length of time and its scheduling would be for Business Committee to decide in line with the usual procedures for scheduling Assembly Business. There is no requirement for the Business Committee to schedule time for Topical Questions in any given week.</p>

<p><u>12.68B</u></p>	<p><u>The Presiding Officer must select any questions that are to be taken during time made available under Standing Order 12.68A, from among those tabled in accordance with any guidance on topical questions issued under Standing Order 6.17.</u></p>	<p>New Standing Order</p> <p>The new Standing Order allows the Presiding Officer to select the questions which are to be asked during time allocated for Topical Questions. It also allows the Presiding Officer to put limitations on which questions will be considered (e.g. those tabled during a specific period, or a limit on applications per Member) by issuing guidance under Standing Order 6.17: currently, the Procedures and Practice for the Tabling of Assembly Business document.</p>
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CONSEQUENTIAL CHANGES

STANDING ORDER 11 – Organisation of Business

Categories of Business

11.18

For the purposes of Standing Orders 11 and 12, government business includes proceedings on:

- (i) oral questions (other than oral questions to the Commission, and topical questions under Standing Order 12.68A);
- (ii) any urgent debate proposed by a member of the government under Standing Order 12.69;
- (iii) statements by a member of the government;
- (iv) legislation where the Member in charge of the legislation is a member of the government;
- (v) any motion tabled by a member of the government.

Amend Standing Order

11.18(i) is amended to make clear that Topical Questions are Assembly business for the purposes of Standing Order 11 and 12.

Annex B

STANDING ORDER 12 – Business in Plenary Meetings

Oral Questions

12.66 Where any oral question is not reached, the Member must receive a written answer on the same day. The written answer must be published in the report of plenary proceedings.

Emergency Questions

12.67 At such a time as the Presiding Officer may determine, the Presiding Officer may call a Member to ask a question for which notice under Standing Order 12.59 has not been given if:

- i) the Presiding Officer and the member of the government concerned, or the Commission, as the case may be, have been given prior notice of at least two hours before the question is to be asked; and
- ii) the Presiding Officer is satisfied that the question is of urgent national significance.

12.68 Where the Presiding Officer has been given prior notice that a request for an emergency question under Standing Order 12.67 relates to the functions of the Commission, the function assigned to the Presiding Officer in Standing Order 12.67(ii) shall be assigned to the Deputy Presiding Officer.

Topical Questions

- 12.68A The Business Committee may make time available for Members to ask questions to the First Minister, Welsh Ministers or Counsel General for which notice under Standing Order 12.59 has not been given.
- 12.68B The Presiding Officer must select any questions that are to be taken during time made available under Standing Order 12.68A, from among those tabled in accordance with any guidance on topical questions issued under Standing Order 6.17.

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 - (ii) any urgent debate proposed by a member of the government under Standing Order 12.69;
 - (iii) statements by a member of the government;
 - (iv) legislation where the Member in charge of the legislation is a member of the government;
 - (v) any motion tabled by a member of the government.

Annex C

SECTION 2 OF THE PRINCIPLES AND PRACTICE FOR THE TABLING AND LAYING OF ASSEMBLY BUSINESS

SECTION 2: ORAL AND WRITTEN ASSEMBLY QUESTIONS

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Introduction

2.1 Standing Orders 12 and 14 provide for Assembly Members to ask Oral and Written Assembly Questions to the First Minister, a Cabinet Secretary, the Counsel General or the Assembly Commission on any matter relating to their responsibilities. This Chapter sets out the purpose, related procedures and the form and content of Assembly Questions.

Purpose

2.2 The purpose of tabling Assembly Questions is to obtain information or press for action. Assembly Questions and answers are published in the Assembly's official Record of Proceedings and are therefore important ways in which Members can hold the Welsh Government and the Assembly Commission to account.

2.3 Assembly Questions are not the only means by which Members can obtain information from the Government. Depending on the nature of the information sought, the Research Service, requests under the Freedom of Information Act or writing directly to Ministers are all options open to Members. Clerks may consider reminding Members of these alternatives, particularly where questions are out of order.

Categories of Questions

2.4 Standing Orders provide three avenues for obtaining answers to Assembly Questions:

- I. **Questions for oral answer** which are tabled with the intention that they should be given an oral answer in the Assembly during designated Question Time in Plenary meetings;
- II. **Questions for written answer** to which the answers are not given orally in the Assembly but are instead sent in written form directly to the Assembly Member and subsequently published in the Assembly's official Record; and

- III. **Topical questions** are tabled at short notice for oral answer in Plenary but can only be asked if the Presiding Officer is satisfied that it relates to a matter of national, regional or local significance where an expedited Ministerial response is desirable and where the subject matter has arisen since the deadline for tabling topical questions the previous week; and
- IV. **Emergency questions** are tabled without notice for answer in Plenary and can only be asked if the matter is judged by the Presiding Officer to be a matter of urgent national significance which necessitates an immediate response from the government..

Procedures - The Role of the Presiding Officer and Table Office

2.5 The Presiding Officer is responsible for facilitating the tabling of questions and has discretion as to the admissibility, content and length of questions (see Appendix 1). In practice the Presiding Officer has delegated these functions to the Table Office, though he or she remains the final authority on such matters.

2.6 Assembly Members are responsible for the form and content of their questions although Table Office Clerks are available to offer confidential and impartial advice to Members on such matters. Appendix 1 sets out the criteria used by Table Office when considering the admissibility of Assembly Questions. Where a question has been ruled unacceptable, Table Office will explain the reasons why it was ruled out of order, and where possible, provide assistance with amendments to bring the question in order. Minor points of grammar and drafting will be corrected by the Table Office if necessary.

Timetable for Oral Questions

2.7 The statement and announcement of forthcoming Business made in accordance with Standing Order 11.11 will include the dates and times of forthcoming questions to each Cabinet Secretary, the Counsel General or the Assembly Commission.

2.8 Standing Order 12.56 provides for the First Minister to answer questions once in each week that the Assembly meets in Plenary and for Cabinet Secretaries, the Counsel General and the Assembly Commission to answer at least once in every 4 weeks that the Assembly meets in Plenary. In practice, questions are taken in a set rotation which, apart from questions to the Commission, is determined by the Welsh Government. The Clerk to the Business Committee schedules the rotation for Commission questions.

2.9 Table Office will publish a weekly Tabling Schedule informing Members of the days when they are able to table questions. The

[Tabling schedule](#) is published on the Intranet. A copy of the current Weekly Tabling Schedule is included at Appendix 3.

2.10 Specific tabling days are scheduled towards the end of each main recess period so that oral questions can be answered in the first week following a recess. The Table Office will produce a list of dates and times that has been agreed with the Business Committee. The list will be emailed to Members.

Number and Order of Questions

2.11 There is no limit on the number of Written Questions Members are able to table when the Assembly is sitting.

2.12 Standing Order 12.63 provides for Members to enter their names into the ballot under Standing Order 12.61 no more than twice for oral questions to a particular Welsh Minister or the Counsel General and no more than once to the First Minister and Assembly Commission. Members can choose to enter their names only once to particular Welsh Ministers or the Counsel General if they consider this appropriate.

2.13 Standing Order 12.64 specifies how the order in which Oral Questions are answered is determined. In practice, Table Office will ask Members to submit their names in advance of each of the ballots to be held under SO 12.61. The day before questions are due to be tabled, Table Office will conduct the ballot(s) for the appropriate Ministers. Table Office will then contact, by e-mail, those Members who have been drawn as the top 20 names in each ballot asking them to submit either one or two questions, as appropriate, by the agreed deadline. Table Office will then conduct a further shuffle to determine the final order of the questions.

2.14 Only the first 15 questions will go forward for answer and the result of this process will be published the following morning and included in the Business Notice and the Questions page of the Assembly website. The remaining five questions will fall and will not receive an answer. If 15 questions are not tabled to a particular Minister, then any questions received after the published deadline, up until five working days before they are due to be answered, will be added to the list of questions and taken in the order in which they are received.

Procedure for Oral Questions in Plenary

2.15 The Presiding Officer starts Question Time by calling the name of the Assembly Member whose question is first on the list. The Assembly Member reads the question, which should not differ from the version that was tabled. The Presiding Officer then invites the First

Minister, Welsh Minister, Counsel General or member of the Commission, as appropriate, to provide an answer.

2.16 The Presiding Officer has ruled that answers must be succinct. They should not be expanded into statements. Exceptionally, the answer to a question requiring a lengthy answer may be published in the Record of Proceedings instead of being given orally, but those answering should endeavour to provide a helpful short oral answer which refers to the substantive reply being sent to the Member, as well as being made available in the Record.

2.17 A Member who is not present to ask his or her oral question receives a written answer unless they have formally withdrawn the question by notifying Table Office before the start of Plenary. In such circumstances, the Presiding Officer calls the next question on the agenda. If a Member knows in advance that they will be unable to attend a plenary meeting to ask a question they have tabled, they should withdraw the question by informing the Table Office.

2.18 Following an answer, the Presiding Officer invites the Member who asked the original question to ask a follow up question (a supplementary question) that relates to the original question. When the first supplementary question has been answered the Presiding Officer may call other Members to ask related supplementary questions. Decisions on who is called to ask supplementary questions are entirely at the discretion of the Presiding Officer and cannot be challenged.

2.19 Any oral questions that are not answered during the period allocated for oral questions will receive a written answer on the same day. If all questions are answered before the allocated time is complete, the Presiding Officer will call for the next item on the agenda.

Grouping of Questions

2.20 There may be occasions where a Welsh Minister or a member of the Commission wishes to give a single reply to more than one question where they are on the same or a closely related topic. This is known as 'grouping'. For oral questions, grouping is a matter for the person answering the questions to propose, but ultimately for the Presiding Officer to agree. For written questions, only questions from the same Member can be grouped. Table Office is not responsible for the grouping of questions and will not offer any advice on grouping. Any queries regarding grouping will be referred to Chamber Secretariat in the first instance.

Transfer of Questions

2.21 If officials supporting the Government consider that a question has been addressed to the wrong Minister they will notify the Member if it is to be transferred and explain why. The decision is not taken in the Table Office. If an Oral Question is transferred the Member will receive a written reply, and loses the chance of receiving an oral answer in Plenary. By convention, questions are not transferred after Table Office's agreed office hours, 2 working days before they are due for answer.

2.22 When a question is transferred, a formal notice is sent by officials supporting the Government to the Member and also to the Table Office who will use the information as a precedent to avoid future transfers.

Publication of Oral and Written Questions and Answers

2.23 Questions are given a unique reference number by the Table Office. The 15 Oral Questions that are chosen in the shuffle are published in the order that they are to be answered. Answers to Oral Questions are published in the Record of Proceedings. Written Questions are published the day after they are tabled and are listed by Ministerial portfolio. Answers to Written Questions are published under the original question on the page where the as where the Written Questions are first published.

Amendments to tabled questions

2.24 Members may make minor typographical amendments to questions tabled for written or oral answer up to one day before the question is due to be answered. Significant amendments that would alter the subject matter or nature of the question will not be accepted.

Topical Questions

2.25 Standing Order 12.68A provides for Members to ask topical questions to a member of the government for which the usual notice has not been given.

2.26 A topical question may only be asked if the Presiding Officer is satisfied that the question relates to a matter of national, regional or local significance where an expedited Ministerial response is desirable. The Presiding Officer will also expect that the subject matter of the topical question has arisen since the deadline for tabling topical questions the previous week.

2.27 Business Committee has allocated time for topical questions to be taken immediately after oral questions in Plenary on Wednesday.

Members may submit requests for topical questions between 9am on Monday and 10am on Wednesday. Members can only table one topical question request per week and they are subject to the same rules as to form, content and order as all Assembly questions.

2.28 Once an application for a topical question has been made, the Table Office will circulate each request to government officials for information and will notify the Presiding Officer that an application has been made. Decisions on whether or not to accept such requests are entirely at the discretion of the Presiding Officer.

2.29 If the Presiding Officer is satisfied that the application meets the criteria set out above, and decides to allow the Member to ask the question during the time allocated for topical questions on Wednesday, the Table Office will immediately inform the Member and the government. The government will determine which Cabinet Secretary or Minister will answer the question. Table Office will also notify all Assembly Members of the topical questions accepted ahead of the relevant Plenary meeting taking place, and the questions will be published to the Plenary agenda.

2.30 It is up to the Presiding Officer to determine how many topical questions to select within the time allocated. The Presiding Officer does not have to select any question if it did not meet the criteria set out above, even if it were the only question tabled that week.

Emergency Questions

2.31 Standing Order 12.67 provides for Members to ask an emergency question without notice in Plenary if the Presiding Officer is satisfied that it is of urgent national significance, and relates to a matter which has arisen suddenly and which necessitates an immediate response from the government. The Presiding Officer will decide whether, and at what time, the emergency question may be asked although they would normally be scheduled as the first item of business in Plenary. It is normal expectation that a Member who wishes to make an application for an emergency question will table the question at least two hours before the start of the relevant Plenary meeting. Emergency questions are subject to the same rules as to form, content and order as all Assembly questions.

2.32 Once an application is made, the Table Office will circulate the request to Assembly and Government Officials for advice and will notify the Presiding Officer that an application has been made. Decisions on whether or not to accept such requests are entirely at the discretion of the Presiding Officer. The Presiding Officer may consult the appropriate member of the government or member of the Commission on the issue of urgent national significance but is not required to do so.

2.33 If the Presiding Officer is satisfied that the application meets the dual criteria of urgency and national significance, and decides to allow the Member to put the question at the next available Plenary meeting, the Table Office will immediately inform the Member and the appropriate member of the government or member of the Commission. Table Office will also notify all Assembly Members that an emergency question has been accepted.