



11.0 Engagement and Influencing

Making Legislation

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This information sheet will explain how legislation is made in Wales and how the sector can influence this.

Introduction

Senedd Cymru or the **Welsh Parliament**, operates under a reserved powers model.

This means that it can make laws on matters that are not reserved to the **UK Parliament**.

These include health, social services, education, local authorities, transport and economic development.



Image: Child running with Welsh Flag

Areas that are reserved to the **UK Parliament** include home affairs such as gambling, slavery, policing and public order; trade and industry such as postal services, consumer protection, and rules around businesses; social security, foreign affairs, defence and justice. Charities and fundraising are reserved to the **UK Parliament**.

Who Can Introduce Legislation?

The process for making legislation now means that a Bill must first be introduced into the **Senedd**. A Bill is a draft law and once it has been considered and passed by the **Senedd** and given **Royal Assent by the Monarch**, it becomes an **Act of the Senedd**.

A Bill can be introduced by:

- The Welsh Government (**most Bills will be introduced by Government Ministers**)
- Senedd Committees
- A Member of Senedd who wins a private members ballot – SMs can put their name forward for the ballot along with an outline proposal of what they would like to introduce.
- The Senedd Commission - but only relating to its own functions.



A separate Information Sheet on the Senedd Commission is available:
11.7 The Senedd Commission

What Is the Legislative Approval Process?

The following process is for considering a Government Bill in the Senedd:

Stage 1

This involves the consideration of the general principles of a Bill by a Committee, followed by the agreement of the general principles by the Senedd. The Committee will focus on the main purpose of the Bill, rather than looking at the fine detail as this will happen at a later stage of the process. The Committee may invite representations from interested parties and may open a consultation period to invite oral and written evidence to inform its work.

Once the Committee has reported, the Senedd will be asked to debate and agree the general principles, by a vote in Plenary. If the Senedd does not agree the general principles at Stage 1 and the vote is lost, then the Bill will not progress any further.

Stage 2

Once the Senedd has agreed to the general principles, the Committee will then consider the Bill in detail including voting to accept or reject individual amendments put forward by MSs. Any Member of the Senedd may table amendments to the Bill and there is no limit to the number of amendments that can be tabled.

However, only the Committee Members can vote on the amendments. This stage can only be finished when all amendments have been considered and voted on.

Stage 3

This follows the completion of Stage 2 and involves the detailed consideration of the Bill by the Senedd in Plenary and amendments made by MSs.

Any Member may table amendments to the Bill, but this time not all amendments have to be considered. The Presiding Officer decides which amendments are considered at Stage 3 and they are each voted on.

Stage 3a

There is an optional, additional amending stage, called the Report stage, which can take place between stages 3 and 4, if proposed by the Member in Charge and agreed by the Senedd.

Stage 4

This is the final Senedd stage and it entails a final vote in Plenary to pass the final text of the Bill. No amendments are allowed at this stage and if the Senedd does not agree at this stage then the Bill fails.

Stage 5

If passed by the Senedd at Stage 4, a Bill must receive Royal Assent from the monarch before formally becoming a piece of law – an Act of the Senedd.

Other Bills

Bills can also be introduced by Senedd Committees, individual Senedd Members of the Senedd Commission and will generally follow a similar procedure to that set out above.

Opportunities to Influence Legislation

There are opportunities for the sector to influence **Senedd Bills** both pro-actively and reactively.

The **Welsh Government** and **Members of Senedd** 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.

Lobbying the **Welsh Government** and **Senedd Members** could influence the legislative programme that the **Welsh Government** commits to each year, or influence the Bills that could be brought forward by **Senedd Committees** or Members who win the ballot. Likewise, using the public Petitions route might be another way of generating interest in legislation around a specific issue that might then be taken forward by a Committee or MS.

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

In terms of influencing Bills, 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. There is also sometimes a consultation stage even before the Bill is laid before the **Senedd** for general consideration.

The **Welsh Government** or an **Member of the Senedd** may undertake a consultation exercise before starting the official legislation process in order to ensure that any Bill they do propose has already been scrutinised and amended by key stakeholders thus increasing its chances of successful passage through the official process.



Image: Senedd Cymru/Welsh Parliament
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Subordinate Legislation

Acts of the Senedd 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.

In passing an Act, the **Senedd** 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?

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

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 **Senedd** can agree to annul (cancel) the legislation if a Member tables a motion requesting it.
- **Affirmative Resolution** – published in draft and requiring the whole **Senedd** to approve it before it can come into force

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 **Senedd** for approval.

How Is Subordinate Legislation Scrutinised?

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

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



External Link

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

[Progress of Senedd Bills](#)

Further Information

Wales Council for Voluntary Action

Tel: 0800 2888 329

www.wcva.cymru

Welsh Parliament

www.senedd.wales



Cefnogi Trydydd
Sector **Cymru**

Third Sector
Support **Wales**

Third Sector Support Wales is a network of support organisations for the whole of the third sector in Wales.

It consists of the 19 local and regional support bodies across Wales, the County Voluntary Councils (CVCs) and the national support body, Wales Council for Voluntary Action (WCVA).

For further information contact
<https://thirdsectorsupport.wales/contact/>

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.