

# **Guide to early Plenary business after the May 2021 election**

May 2021

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# Guide to early Plenary business after the May 2021 election

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This guide relates specifically to Plenary meetings following the Senedd election, prior to the first business statement and announcement being made by the Minister with responsibility for government business.

It covers procedures for:

- tabling questions in the period immediately following the Senedd election
- the first Plenary meeting following the Senedd election
- the election of the Presiding Officer and Deputy
- nomination of the First Minister
- business which can be taken at the first - and subsequent - Plenary meetings
- business following the appointment of a Minister responsible for government business.



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## A. Arrangements for tabling questions following the Senedd election

- 1.** The Table Office will open for written questions, motions, statements of opinion and laid documents after the first Plenary meeting. Table Office will notify Members of opening times once the date of the first meeting is known.
- 2.** In accordance with section 46 of the Government of Wales Act 2006 (the Act), the First Minister will hold office until the new First Minister is appointed. All written questions tabled to the Government following the election will be tabled for answer by the First Minister until the Welsh Ministers are appointed. The deadline for answering written questions will be five working days after they have been tabled.
- 3.** For more information please refer to the [Guidance on the proper conduct of Senedd business](#) (paragraphs 12 to 53 and appendices 1 and 2) or contact Table Office: [tableoffice@senedd.wales](mailto:tableoffice@senedd.wales) or Owain Roberts (x6388/[owain.roberts@senedd.wales](mailto:owain.roberts@senedd.wales)).

## B. Notification of early Plenary meetings

- 4.** The first Plenary meeting must take place within 21 days of the election (s4 Welsh Elections (Coronavirus) Act 2021).
- 5.** The date and time of the first Plenary meeting will be determined by the incumbent Presiding Officer (who continues to hold office until a new Presiding Officer is elected) in consultation with the political groups (Standing Order 12.7). If the incumbent Presiding Officer is unwilling or unable to act, the Clerk of the Senedd (the Clerk) will specify the date and time.
- 6.** The date and time of subsequent Plenary meetings will be determined by the newly elected Presiding Officer, in consultation with the political groups, until the Business Committee is established (and the first Business Statement and Announcement is made in Plenary by the Minister responsible for Government business).
- 7.** The Clerk must notify all Members of the time and date at least 24 hours before each meeting (Standing Order 12.9). This will be done directly by e-mail; through the party groups; notices on the intranet and publication of the agenda on the internet.

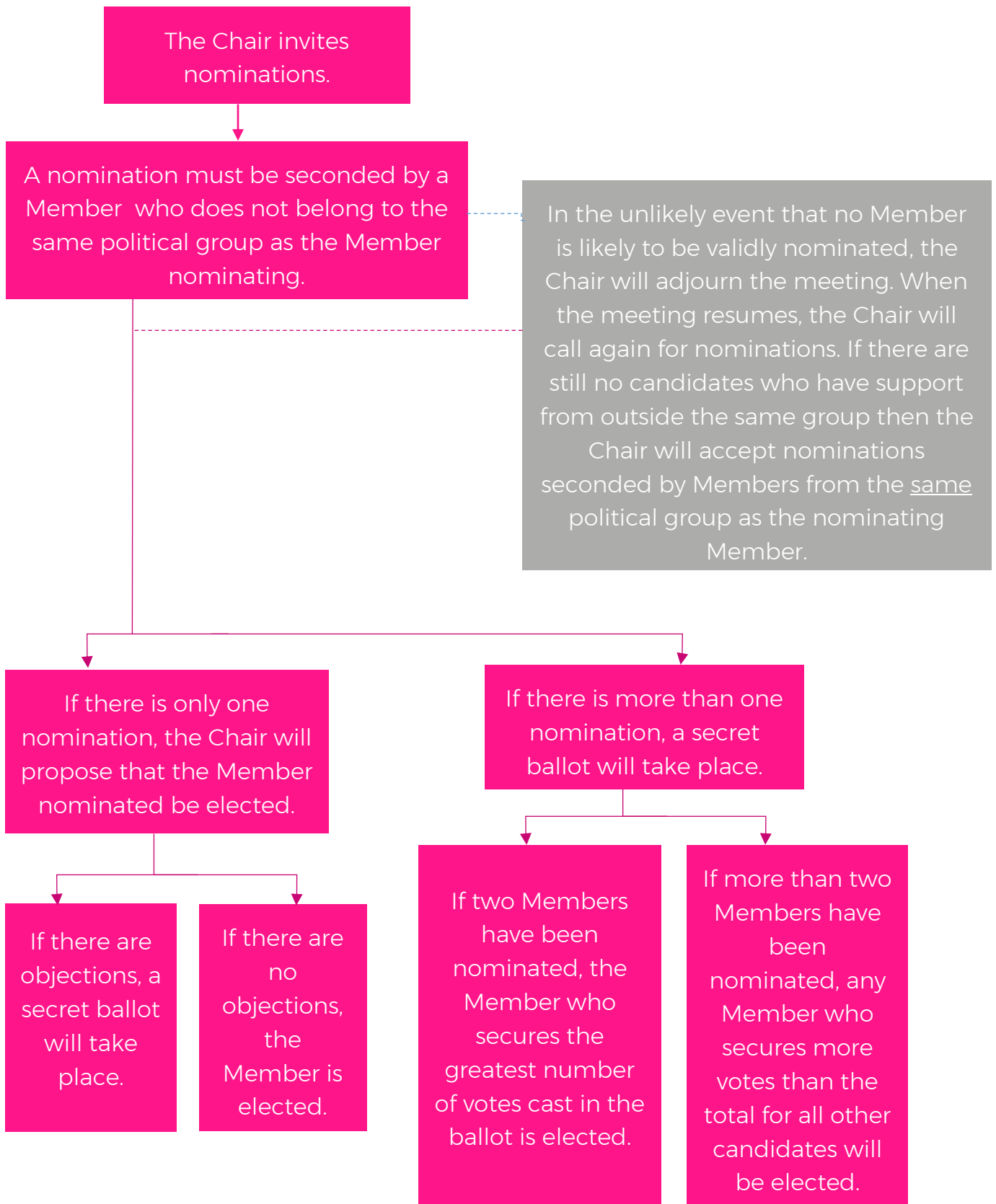
## C. First Plenary meeting following a Senedd election

**8.** At its first meeting the Senedd must elect a Presiding Officer and Deputy Presiding Officer (Standing Order 6.1).

### **Election of the Presiding Officer**

**9.** The procedures for the election of the Presiding Officer and Deputy Presiding Officer are set out in Standing Order 6. A Member who has not yet taken the oath of allegiance (or made the corresponding affirmation) may take part in proceedings for the election of the Presiding Officer or Deputy but not in any other Senedd proceedings (s23 of the Act).

**10.** The Presiding Officer will be elected first, followed by the election of the Deputy Presiding Officer. The procedures for electing both offices are identical and are outlined over the page:





**11.** The Chair will announce the result of the election to the Senedd. The Member elected as Presiding Officer will take the chair for any remaining items of business on the Plenary agenda, including the election of the Deputy Presiding Officer. If the Member elected as Presiding Officer has not yet taken the oath, or made the corresponding affirmation, they must do so prior to taking the chair.

### **Election of the Deputy Presiding Officer**

**12.** The election of the Deputy Presiding Officer will follow immediately after the elected Presiding Officer takes the chair. In accordance with Standing Order 6.12, the Senedd must not elect a Presiding Officer and a Deputy Presiding Officer from:

- the same political group;
- different political groups both of which have an executive role; or
- different political groups neither of which has an executive role.

**13.** Any Member may propose a motion to disapply this rule, prior to the election of the Deputy (Standing Order 6.13). The motion may be proposed without notice, but must be supported by at least two-thirds of Members voting.

**14.** If the elected Presiding Officer and Deputy subsequently fall within one of the categories listed in paragraph 12 during the course of the Senedd (and neither resigns from office) any Member can propose a motion at the next Plenary meeting that the Presiding Officer and Deputy should remain in office. Again, this motion must be agreed by at least two-thirds of Members voting (Standing Order 6.14). If no such motion is proposed, or such a motion is not agreed, then both the Presiding Officer and Deputy must resign from office.

### **Secret ballot arrangements**

**15.** If a secret ballot is required, the Chair will suspend the meeting (for a time to be determined by the Chair). Secret ballots are usually conducted in person in the Senedd building. However, Business Committee has agreed that electronic voting (Standing Order 34.14A) could be used for the election of Presiding Officer and Deputy, if required. The voting method to be used will be decided by the Presiding Officer in advance of proceedings, and Members will be informed accordingly. The arrangements for a secret ballot, in each of the scenarios, will be as follows:

a. Secret ballot with all Members in attendance:

- The secret ballot will be held in a room in the Senedd or Tŷ Hywel. Ushers will be on hand to direct Members.
- Ballot forms will be printed once the candidates are known. A different colour will be used for each round of voting (if necessary).
- Members will be issued with their ballot papers on entering the room. Their names will be checked on a list by Chamber Secretariat officials.
- Voting will take place in a voting booth. Ballot papers will be placed within a ballot box.
- Voting will last until all Members have voted or for 30 minutes (whichever is shorter).
- The Clerk of the Senedd will be responsible for supervising the voting and counting of votes.

b. Secret ballot conducted electronically:

- Electronic ballot forms will be finalised once the candidates are known.
- Members will be invited to register for the secret ballot via an email sent to their Senedd Commission-issued email address. A link included within the email will direct Members to an electronic registration form; access to which will be restricted to Members only. ICT staff will be on hand to assist any Members who experience difficulties in registering.
- Upon completing the registration form, Members will receive a link to the electronic ballot paper.
- Members will complete the ballot paper. Only their choice of candidate will be recorded; the electronic voting system will not record the name or email address of the Member who completed the ballot paper.

- Voting will last until all Members have voted or for 30 minutes (whichever is shorter).
- The Clerk of the Senedd will be responsible for supervising the distribution of registration forms and ballot papers. The electronic voting system will show the Clerk the total number of votes cast for each candidate.

**16.** If there is only one nomination and there is no objection, the nominated Member will be elected. If there is an objection, Members will be asked to vote for or against the Member nominated. In the case of multiple nominations, Members will be asked to select their preferred candidate (or abstain).

**17.** If two Members have been nominated and the secret ballot results in a tie, further secret ballots will take place until one candidate has received more than half of the votes cast.

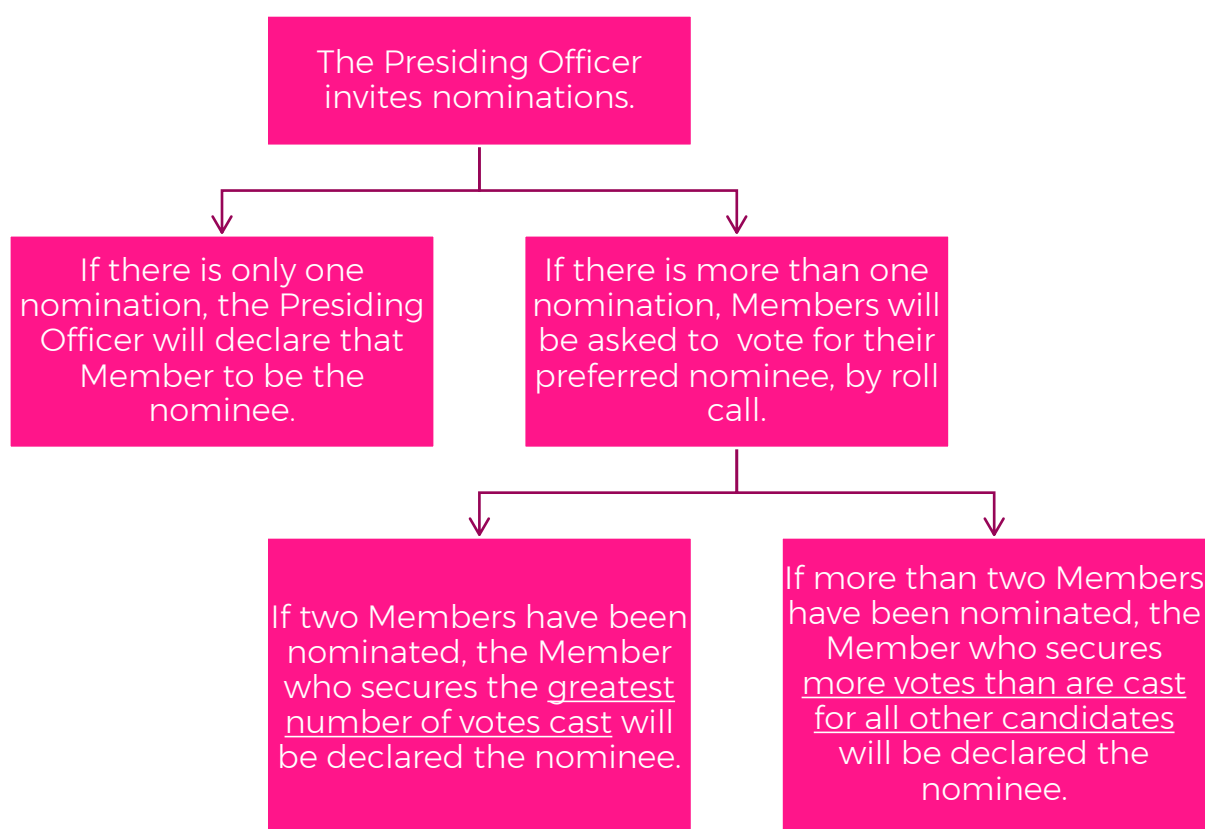
**18.** If more than two Members have been nominated and no Member receives more votes than the total number of votes cast for all the other candidates, the candidate (or candidates) who has received the smallest number of votes will be eliminated. Further secret ballots will take place until one candidate has received more votes than the total number of votes cast for all the other candidates.

## D. Nomination of the First Minister

**19.** The Senedd must nominate a Member for appointment as First Minister within 28 days of a Senedd election (i.e. on or before 3 June 2021) (s47 of the Act). The procedure for nominating the First Minister is set out in Standing Order 8.

**20.** Nominations for First Minister can take place during the first Plenary meeting after an election or at any subsequent Plenary meeting prior to the establishment of the Business Committee, subject to the agreement of the Senedd (Standing Order 12.11). The Senedd will be invited by the Presiding Officer to agree that nominations take place. If any Member objects, an electronic vote will be called. Nomination proceedings will only take place if a majority of Members voting agree.

**21.** The process for nominating the First Minister is outlined below:



### Roll call

**22.** If a roll call is required, the Presiding Officer will ask each Member in attendance, in alphabetical order, to state the name of their preferred candidate.

Members may abstain. The Presiding Officer and Deputy Presiding Officer are not permitted to vote.

**23.** If two Members have been nominated (or if there are two remaining candidates after others are eliminated) and the roll call results in a tie, further votes by roll call will take place (unless a candidate withdraws). The Presiding Officer may adjourn the meeting at any time if he or she thinks it appropriate to do so.

**24.** If more than two Members have been nominated and no Member receives more than half of the votes cast, the candidate with the lowest number of votes will be eliminated. Further votes by roll call will take place until one candidate has received more than half of the votes cast.

### **Nomination result**

**25.** The Presiding Officer will announce the result to the Senedd. The Presiding Officer will recommend to Her Majesty that the Member nominated by the Senedd be appointed as First Minister.

**26.** The nominee for the appointment of First Minister may wish to make a speech immediately after his or her nomination.

## E. Business which can be taken at Plenary meetings prior to the establishment of the Business Committee

**27.** In accordance with Standing Order 12.10 the type of business that can be taken at these early Plenary meetings is business which may be taken without notice under Standing Order 12.16 or any business agreed by the Senedd.

**28.** The usual periods of notice for tabling motions (at least 5 working days before it is debated) and amendments (at least 3 working days before the motion is debated) do not apply to any motions taken at these plenary meetings (Standing Order 12.20 and 12.22).

## F. Subsequent early business

### **Appointment of Members to the Business Committee**

**29.** Once the First Minister appoints a Minister responsible for government business, that Minister must, as soon as possible, table a motion to appoint Members to the Business Committee in accordance with Standing Order 11.3. For more information please refer to the [Guide to Business Committee](#).

**30.** Membership must include the Presiding Officer and one Member nominated by each political group represented in the Senedd. Three or more Members, who are not members of a political group, can form a grouping for the purpose of nominating one of its Members to be appointed to the Business Committee. The motion must be supported by at least two-thirds of Members voting.

**31.** Routine organisation of weekly business will commence with the first Business Statement and Announcement made by the Minister responsible for government business. For more information please refer to the [Guide to Plenary](#).

### **Appointment of Senedd Commissioners**

**32.** Senedd Commissioners must be appointed as soon as reasonably practicable after the election (Standing Order 7.1). The Commission comprises the Presiding Officer (ex officio) and four other Members (s27 of the Act).

**33.** The motion, tabled by the Business Committee, must propose the names of the four Members. As far as is reasonably practicable, each Member (other than the Presiding Officer) should belong to a different political group.

**34.** If there are four or more political groups, the four largest groups must inform the Business Committee of the Member of its group to be appointed as a member of the Commission. If there are fewer than four political groups, the Business Committee will determine the name of any additional Member/s. If there are two or more political groups with the same number of members, the Presiding Officer, having regard to the level of electoral support of each of the political groups in question, must determine which of those groups is to be regarded as the larger (or largest).

### **Appointment of a Counsel General**

**35.** The Senedd must agree the First Minister's recommendation to Her Majesty of a person for appointment as Counsel General (Standing Order 9.1). The person

recommended for appointment as Counsel General need not be a Member of the Senedd. The First Minister must table and move the motion in Plenary; amendments are not permitted.

**36.** The Senedd will be invited by the Presiding Officer or Deputy to agree the motion. If any Member objects, an electronic vote will be called. A majority of those Members voting is required.

## **Senedd committees**

**37.** As soon as possible after the Senedd election, the Business Committee must table a motion or motions proposing the titles and remits of committees (Standing Order 16.2). In doing so, the Business Committee must ensure that:

- every area of responsibility of the government and associated public bodies is subject to the scrutiny of a committee or committees;
- all matters relating to the legislative competence of the Senedd and functions of the Welsh Ministers and of the Counsel General are subject to the scrutiny of a committee or committees; and
- where reasonably practicable, there is a broad balance between the delivery of responsibilities to:
  - i. examine the expenditure, administration and policy of the government and associated public bodies; and
  - ii. examine legislation.

**38.** Once the committees are established, the Senedd must consider a motion (or motions) tabled by the Business Committee to agree the allocation of chairs to groups (Standing Order 17).

**39.** Once the allocation of chairs has been agreed, the Senedd will proceed to elect the chairs. The Presiding Officer will invite nominations; for each chair, only a Member from the political group that has been allocated that chair may be nominated.

**40.** If there is only one nomination, the Presiding Officer must propose that the Member nominated be elected as chair of the committee. If that is opposed, or if there are two or more nominations, the Presiding Officer must make arrangements for the election to take place by secret ballot. Further details on the



election of committee chairs will be circulated in advance of the relevant Plenary meeting.

**41.** After chairs have been elected, the Business Committee will table motions proposing the remaining membership of committees.