

Amending Standing Orders Consolidation Bills

March 2021

In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Senedd, including any proposals for the re-making or revision of Standing Orders.

This report recommends introducing a new Standing Order 26C to provide a procedure for the Senedd to consider Consolidation Bills.

The Senedd is invited to approve the proposals to amend the Standing Orders as at Annex A and note the Llywydd's guidance at Annex B.



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1. Background

Consideration by the Fourth Assembly

1. The Fourth Assembly Business Committee first agreed to consider proposals for a procedure to allow the passage of consolidation Bills as part of a wider review of Standing Orders in May 2014.¹
2. In 2015, the Fourth Assembly's Constitutional And Legislative Affairs Committee considered the issue of consolidation of Welsh law in detail.² Its report *Making Laws in Wales* described consolidation of law as:

*... taking an area of law that has fallen into disrepair as a result of layers of amendments and modification, and producing a single clean text, in accordance with best contemporary practice.*³

3. The Constitutional and Legislative Affairs Committee's report stated that "there was considerable support for the greater use of consolidation in Welsh law",⁴ and made the following recommendations:

Recommendation 11: We recommend that the Welsh Government, in collaboration with the Law Commission, develops a long-term plan for consolidating law in Wales.

Recommendation 12: We recommend that the Business Committee commits to preparing a Standing Order on consolidation Bills, ideally in time for the Fifth Assembly. The aim of the Standing Order should be to provide expedited passage for Bills which are certified by Legislative Counsel as not involving any substantive change of law.

¹ Business Committee (Fourth Assembly), [6 May 2014](#)

² Constitutional and Legislative Affairs Committee (Fourth Assembly), [Inquiry: Making Laws in Wales](#)

³ Constitutional and Legislative Affairs Committee (Fourth Assembly), [Making Laws in Wales](#), October 2015, para 118

⁴ Ibid, para 121

***Recommendation 13:** We recommend that the Business Committee explores the scope for a simplified procedure for law reform Bills implementing Law Commission reports.⁵*

4. In response to the Constitutional and Legislative Affairs Committee’s recommendations, the Business Committee agreed in principle to introduce a procedure for consolidation Bills.⁶ At the time, the Welsh Government had requested the Law Commission to undertake a project to consider how Welsh law may be made more accessible, including how Senedd procedures may be amended to allow for the passage of consolidation Bills.⁷ The Business Committee therefore agreed to await the project’s findings before introducing any new procedure.⁸

The Form and Accessibility of the Law Applicable to Wales

5. In June 2016, the Law Commission published its report, *The Form and Accessibility of the Law Applicable to Wales*.⁹ The Commission highlighted the need to consolidate and subsequently codify Welsh law, whereby all aspects of Welsh law within a certain subject area would be brought together in a “code”.¹⁰ In the case of codification, however, it acknowledged that the limits of devolved legislative competence in some subject areas would place limits on the comprehensiveness of a possible codification. In those circumstances, it envisaged that consolidation alone may be pursued instead.¹¹

6. The Law Commission explored procedures that allow for the consolidation and codification of law in Westminster and New Zealand, and recommended that that “special procedure procedures are desirable in the National Assembly for Bills that do not effect substantive change to the law, as well as for non-controversial Law Commission law reform Bills.”¹²

7. Cornerstones of the “single but flexible, multi-faceted” procedure it recommended were:

⁵ Ibid, p50

⁶ Business Committee (Fourth Assembly), [30 November 2015](#)

⁷ Law Commission, [The Form and Accessibility of the Law Applicable in Wales](#)

⁸ Business Committee (Fourth Assembly), [Response to the Constitutional and Legislative Affairs Committee’s Report. Making Laws in Wales](#), 15 January 2016, p.5

⁹ Law Commission, [The Form and Accessibility of the Law Applicable in Wales](#), June 2016

¹⁰ Ibid, p28

¹¹ Ibid, p25

¹² Ibid, p35

- A requirement for a Bill to be accompanied by an Explanatory Memorandum to include a certification by the Counsel General as to which sections or parts of a Bill are suitable for scrutiny in committee, and which should be debated by the full Senedd;
- A requirement for a responsible committee to consider the Explanatory Memorandum, and report to the Senedd as to which sections and parts should be scrutinised in committee, and which should be debated by the full Senedd;
- A further safeguard, that it should be possible for Members of the Senedd to call for a debate on the committee's report.¹³

8. Such a procedure, it believed, would enable different sections and parts of a Bill to be subject to different degrees of scrutiny depending on the extent of the changes to the law that they make, and would maintain a high degree of trust in the process among Members.

9. On behalf of the Welsh Government, the Counsel General issued an interim response to the Law Commission's report in December 2016, within which it agreed that "suitable procedures" needed to be in place in the Senedd to support a programme of consolidation and codification. He also stated that the Welsh Government would be undertaking a "pilot programme for consolidation, codification and better publication" of Welsh law.¹⁴

10. On 10 January 2017, the Business Committee considered a letter from the Counsel General regarding his response to the Law Commission,¹⁵ and agreed to work with the Welsh Government to develop suitable proposals for amending Standing Orders.¹⁶ The Llywydd subsequently wrote to the Constitutional and Legislative Affairs (CLA¹⁷) Committee to inform it of this decision.¹⁸

¹³ Ibid, pp40-43

¹⁴ Welsh Government, [Interim response to Form and Accessibility of the Law Applicable in Wales](#), 12 December 2016

¹⁵ Welsh Government, [Letter from the Counsel General to the Llywydd: Codes of Welsh Law](#), 12 December 2016

¹⁶ Business Committee, [10 January 2017](#)

¹⁷ The Constitutional and Legislative Affairs Committee was renamed the [Legislation, Justice and Constitution Committee](#) on [29 January 2020](#). This report refers to the Committee's name as it was at the time.

¹⁸ Llywydd, [Letter to the Chair of the Constitutional and Legislative Affairs Committee: Codes of Welsh Law](#), 26 January 2017

11. In February 2017, the CLA Committee launched an inquiry into the consolidation and codification of Welsh law.¹⁹ During the course of the inquiry it took evidence from the Counsel General, who provided further information in relation to the Welsh Government’s understanding of what a codification exercise would entail, and in relation to its pilot programme for consolidation and codification.²⁰

The Legislation (Wales) Act 2019

12. In December 2018, the Counsel General introduced the Legislation (Wales) Bill, which became an Act the following September. Section 2 of the Legislation (Wales) Act 2019 requires the Welsh Ministers and the Counsel General to prepare a programme each Senedd term to improve the accessibility of Welsh law, which its proposed activities must include those that are intended to “contribute to an ongoing process of consolidating and codifying Welsh law”.²¹

13. During the CLA Committee’s scrutiny of the Bill, the Counsel General described consolidation as “the principal activity” to improve the accessibility of Welsh law and envisaged an improvement programme to contain “several consolidation projects” over the life of a Senedd.²² He also referred to the Law Commission’s report *Planning Law in Wales*, published in November 2018,²³ which outlined how 34 Acts in relation to planning law in Wales may be consolidated into one bilingual piece of legislation.²⁴

14. In October 2019, the Counsel General shared the Welsh Government’s proposals for the classification, consolidation and codification of the law for public consultation.²⁵ The Constitutional and Legislative Affairs Committee took oral evidence from the Counsel General on the proposals on 18 November 2019.²⁶

¹⁹ Constitutional and Legislative Affairs Committee, [Inquiry: Consolidation and codification](#)

²⁰ Constitutional and Legislative Affairs Committee, [8 May 2017](#)

²¹ [Legislation \(Wales\) Act 2019, section 2](#)

²² Constitutional and Legislative Affairs Committee, [10 December 2018](#), para 70

²³ Law Commission, [Planning Law in Wales: Final Report](#), November 2018

²⁴ Constitutional and Legislative Affairs Committee, [10 December 2018](#), para 40

²⁵ Counsel General for Wales, [Written Statement: The future of Welsh law: classification, consolidation codification](#), 17 October 2019

²⁶ Constitutional and Legislative Affairs Committee, [18 November 2019](#)

The Business Committee's consideration of a draft procedure

15. The Business Committee first considered an outline procedure to allow for the passage of consolidation Bills on 17 July 2018,²⁷ and agreed to consult the Law Commission on its contents.

16. The Law Commission's response broadly welcomed the outline procedure, and noted that the detailed wording of the procedure and its accompanying guidance would be of "critical importance" to its operation. It also viewed the development of a responsible committee's expertise as "a crucial long-term objective": expertise not only on the technical aspects of consolidation, but also in making judgements on what legislative changes would be suitable for a more streamlined form of scrutiny. The response was noted by the Business Committee on 26 March 2019,²⁸ and the Committee subsequently agreed the outline draft procedure.

17. On 9 July 2019, the Business Committee considered a draft Standing Order, and agreed to consult the CLA Committee on its contents.²⁹

Consultation with the Constitutional and Legislative Affairs Committee

18. In July 2019, the Business Committee wrote to the CLA Committee, and on 16 September, the CLA Committee received a private technical briefing from Senedd Commission and Welsh Government officials on the draft Standing Order.³⁰

19. The CLA Committee also took evidence from the Counsel General in relation to the Welsh Government's understanding of the draft procedure on 18 November 2019, as part of its scrutiny of the Government's wider proposals to improve the accessibility of Welsh law. The Counsel General explained which types of changes may be included within a consolidation Bill:

... the sorts of changes I would envisage being made are around clarity, consistency and updating references where they may be superseded or drafting practice may have changed. Now, within each of those areas there will obviously be choices, but the objective is that they shouldn't be policy choices. They

²⁷ Business Committee, [17 July 2018](#)

²⁸ Business Committee, [26 March 2019](#)

²⁹ Business Committee, [9 July 2019](#)

³⁰ Constitutional and Legislative Affairs Committee, [16 September 2019](#)

*should be choices that are within that range of challenges, if you like.*³¹

20. The Counsel General stressed that any procedure needed to operate effectively, and be based on trust and transparency:

*... the judgments made in those choices need to be ones that are capable of swiftly assuring committee that they aren't controversial. Because anything else, bluntly, will involve a process that will quickly become unmanageable, both from the Senedd's point of view and from the Government's point of view. So, the dynamic in the system, if you like, is going to be one which, as the Member in charge, the Counsel General probably will wish to be doing this and building up a relationship of trust and transparency with a committee, because that's really the best way that this will be able to work.*³²

21. He also explained how a consolidation exercise may comprise of the concurrent passage of two Bills: the “principal consolidation Bill” and a separate Bill for consequential amendments.³³

22. The CLA Committee wrote to the Business Committee in October and December 2019 to outline its views on the draft Standing Order. The Committee commented on several aspects of the proposed procedure, in particular the type of provisions permitted in a Consolidation Bill under the draft Standing Order 26C.2. The Committee also recommended that the procedure should be reviewed after it is used for the first time. In response to the Committee’s request for greater clarity on the meaning of such terms as ‘minor’ and ‘satisfactory’, the draft guidance to accompany the new Standing Order was substantially re-written, to provide greater detail and include more examples of the kinds of changes permitted. The Business Committee considered the correspondence on 18 January 2021, and subsequently issued a response.³⁴

³¹ Constitutional and Legislative Affairs Committee, 18 November 2019, para 23

³² Ibid, para 25

³³ Ibid, paras 66–67

³⁴ Business Committee, 18 January 2021. As a result of the coronavirus pandemic, the Committee did not return to the consideration of proposed non-emergency Standing Order changes until January 2021.

2. Outline of the proposed procedure

Form and introduction (SO 26C.1-8)

23. A Consolidation Bill must be introduced by being laid by a member of the Government. On its introduction, a Consolidation Bill must be in its proper form, introduced in both English and Welsh, and be accompanied by an Explanatory Memorandum.

24. A Consolidation Bill may:

- i. restate existing legislation with any changes of structure, language or format appropriate for the purpose of improving the presentation of the law and ensuring consistency with current drafting practice;
- ii. clarify the application or effect of existing law;
- iii. remove or omit provisions which are obsolete, spent or no longer of practical utility or effect;
- iv. make minor changes to existing law for the purposes of achieving a satisfactory consolidation;
- v. make other changes to the law which the Law Commission of England and Wales recommends are appropriate for inclusion within a Consolidation Bill;
- vi. include appropriate transitional and savings provisions, and consequential amendments and repeals of existing legislation (including amendments to ensure the existing legislation continues to operate correctly in relation to England).³⁵

Accompanying documentation (SO 26.C9-11)

25. An Explanatory Memorandum which accompanies a Consolidation Bill must:

- i. state that in his or her view the provisions of the Consolidation Bill would be within the legislative competence of the Senedd;
- ii. set out the reasons for introducing the Consolidation Bill;

³⁵ Further detail and examples of such provisions are at Annex B.

- iii. state that the Consolidation Bill contains no provisions other than those permitted under Standing Order 26C.2;
- iv. include tables showing the origins of provisions in the Consolidation Bill, and the destinations in the Consolidation Bill of the existing provisions it consolidates;
- v. explain how the Consolidation Bill makes any changes of the kind permitted under Standing Order 26C.2 (ii) to (v);
- vi. summarise objectively what each of the provisions of the Consolidation Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Consolidation Bill;
- vii. confirm that the provisions of the Consolidation Bill give rise to no additional significant expenditure payable out of the Welsh Consolidated Fund, and where it gives rise to additional expenditure, set out the best estimates for this;
- viii. set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Consolidation Bill (a “justice impact assessment”), in accordance with section 110A of the Act;
- ix. where the Consolidation Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.

26. A Consolidation Bill must also be accompanied by a statement by the Member in charge, based on the advice of the Counsel General (where the Member in charge is not the Counsel General) endorsing the accuracy of the Explanatory Memorandum and certifying that in the Member in charge’s view the Bill is a Consolidation Bill. If a Consolidation Bill makes changes to the law which the Law Commission recommends, the statement by the Member in charge must also reflect the Law Commission’s advice.

Responsible committee and timetabling (SO 26.C12-13)

27. The Business Committee must ensure that there is a responsible committee for considering Consolidation Bills, which could develop the required technical expertise for their scrutiny. Consolidation Bills will not be referred to the relevant subject committees, as there is no scrutiny of policy involved. This is consistent

with the recommendations of the Law Commission and with practice in other Parliaments.

28. The Business Committee must also establish a timetable for the consideration of the Consolidation Bill. Because of the nature and purpose of Consolidation Bills, there is no provision for emergency Consolidation Bills. This would not however prevent an Act which had been previously passed under an Emergency Bill procedure being included within a Consolidation Bill.

Initial consideration (SO26C.15-21)

29. Once a Consolidation Bill has been introduced, the Business Committee must refer it to the responsible committee for initial consideration.

30. The responsible committee's scrutiny will differ from that undertaken for 'reform' Bills under Standing Order 26, as there will be no consideration of a Bill's general principles. Instead it will examine the Bill and report only on whether it should proceed as a Consolidation Bill. In doing so the responsible committee may consider the following questions and take evidence as appropriate:

- a. whether it is satisfied that the scope of the consolidation is appropriate,
- b. whether it is satisfied that the relevant enactments have been included within the consolidation;
- c. whether the Bill correctly consolidates the enactments or changes their substantive legal effect only to the extent allowed by SO 26C.2;
- d. whether the Bill consolidates the law clearly and consistently;
- e. any other matters it considers relevant.

31. Not earlier than five working days after the responsible committee has reported or after the deadline for reporting has passed, the Member in charge may propose that the Senedd agrees that the Bill should proceed as a Consolidation Bill. Should the motion be passed, the Bill is referred back to the responsible committee for Detailed Committee Consideration. Should the motion not be passed, the Bill falls.

Detailed Committee Consideration (SO 26.C22-38)

32. At the Detailed Committee Consideration stage the responsible committee will consider amendments to the Bill (the nature of amendments is dealt with at paragraphs 45-47 below). As with other Bills, amendments may be tabled by any

Member, but may only be moved, withdrawn, and voted on by members of the responsible committee.

33. When all amendments tabled at Detailed Committee Consideration have been disposed of, any member of the responsible committee may without notice move that the committee consider further amendments at further Detailed Committee Consideration proceedings. Such a motion may not be debated or amended.

34. This differs to the procedure for standard Bills; it is essentially a 'Further Stage 2' equivalent. As there may not be a plenary amending stage for a Consolidation Bill, the responsible committee may be required at Detailed Committee Consideration to deal with technical or 'tidying up' amendments that follow from the 'main' Detailed Committee Consideration stage.

35. After the completion of Detailed Committee Consideration, the committee must report to the Senedd on the outcomes of its detailed consideration, and whether in its view the Senedd should consider amendments at Detailed Senedd Consideration, or whether the Bill should instead proceed directly to Final Stage.

Detailed Senedd Consideration (SO 26.C39–57)

36. The procedure provides for the option of a plenary amending stage should one be required. Given the significant constraints on the nature and extent of a Consolidation Bill, it is anticipated that relatively few amendments will be tabled and these would usually be dealt with at the Detailed Committee Consideration stage. It is however recognised that there may occasionally be a need for a second amending stage, which is provided for in Detailed Senedd Consideration.

37. Therefore, if, at Detailed Committee Consideration, the responsible committee recommends that the Bill be subject to Detailed Senedd Consideration, the recommendation is upheld unless the Senedd passes a motion that the Bill should proceed directly to Final Stage.

38. Similarly, if the responsible committee recommends that the Bill should proceed to Final Stage, the recommendation is upheld unless the Senedd passes a motion that the Bill should be subject to Detailed Senedd Consideration.

39. If Detailed Senedd Consideration takes place, the Senedd will consider amendments to the Bill, tabled by any Member, much as happens at Stage 3 proceedings for public Bills.

40. When all amendments selected at Detailed Senedd Consideration have been disposed of, a member of the government may without notice move that the Senedd considers further amendments at further Detailed Senedd Consideration (equivalent to further Stage 3 for public Bills).

Final Stage (SO 26.C58–65)

41. A motion to agree a Consolidation Bill may not be considered in plenary until two sitting weeks have elapsed since the responsible committee has made a recommendation that the Bill should proceed to Final Stage. This provides a protected window for Detailed Senedd Consideration to be triggered should the Senedd decide that it is necessary. Alternatively, Final Stage can take place five working days after the completion of Detailed Senedd Consideration or after the Senedd agrees that the Bill may proceed directly to Final Stage.

42. Final Stage is taken in plenary and consists of a debate and recorded vote on a motion that the Consolidation Bill be passed.

43. As for other Bills, before a Final Stage motion is moved, the Presiding Officer must state, in accordance with section 111A(3) of the Government of Wales Act 2006, whether or not in her view any provision of the Consolidation Bill relates to a protected subject matter. If in her view it does, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.

Reconsideration of Consolidation Bills passed and rejected (SO 26.C66–72)

44. Consolidation Bills are subject to the same reconsideration procedures as other Bills, in the event any provision of a Bill being referred to the Supreme Court and being ruled outside the Senedd's legislative competence.

Amendments to Consolidation Bills (SO 26.C78–87)

45. The same rules apply as for amendments to other public Bills under Standing Order 26. An amendment would not be admissible if:

- it is not in its proper form;
- it is not relevant to the Consolidation Bill or the provisions of the Consolidation Bill which it would amend; or
- it is inconsistent with a decision already taken at the Stage at which the amendment is proposed.

46. Additionally, amendments to Consolidation Bills are not admissible if they would cause the Bill to cease to be a Consolidation Bill by making changes beyond what a Consolidation Bill may do. In effect, amendments can only make provisions that could have been included within the Consolidation Bill at introduction.

47. These rules apply to all amending stages except for Reconsideration Stage. At Reconsideration Stage, amendments for the purpose of resolving the issue which has been deemed outside the Senedd's legislative competence by the Supreme Court would be admissible even if they went beyond what would normally be allowed for a Consolidation Bill.

Her Majesty's and Duke of Cornwall's consent, notification of Royal Assent to Acts of the Senedd, and the fall, rejection or withdrawal of Consolidation Bills (SO 26.C88-92)

48. Procedures in relation to Her Majesty's and Duke of Cornwall's consent, notification of Royal Assent to Acts of the Senedd, and the fall, rejection or withdrawal of Bills apply in the same way as for other Bills.

Dealing with consequential provisions

49. Any consolidation exercise is likely to generate a significant number of amendments to existing legislation which does not itself form part of the consolidation. Such amendments in the content of reform Bills under Standing Order 26 are usually dealt with in a Schedule to the reform Bill, or otherwise in a consequential provisions order made under the Government of Wales Act 2006 at a later date.

50. As noted in paragraph 21, it is possible that consequential amendments to a Consolidation Bill may be brought forward in a separate Bill. This would involve two or more Bills being introduced as a package – the 'principal' Consolidation Bill (or Bills) containing the consolidated provisions, and a 'consequentials' Bill – containing consequential amendments to existing legislation in light of the principal Bill. Both Bills will fall within the definition of a Consolidation Bill under the Standing Order, but will each address different aspects of consolidation.

51. It is anticipated that the package of Bills would progress through the Senedd together (i.e. introduction, scrutiny, amending and voting) and will stand or fall together (by the grouping of the relevant motions) at Initial Consideration and Final Stage. If they are passed by the Senedd, they would become separate Acts.

52. The procedure enables this to happen, without specifically providing for it. As a result, the amending stages for the two Bills will need to happen consecutively, either at the same plenary or committee meeting, or at separate ones. In either case, the expectation is that the ‘principal’ Bill would be taken first.

3. Review

53. It is usual practice when substantial new procedures of this type are introduced to review their operation once there is some experience of them being used in practice. The Business Committee expects that its successor committee will carry out such a review, and would consult with the Welsh Government, the responsible committee, and others to inform that review and identify any areas of the procedure that require reform.

4. Decision

54. The Business Committee agreed to propose the introduction of Standing Order 26C on 02 March 2021. The Senedd is invited to approve the proposal to change the Standing Orders at Annex A and note the Llywydd's guidance at Annex B.

Annex A – Proposed Standing Order 26C on Consolidation Bills, and explanatory notes

STANDING ORDER 26C – Consolidation Acts of the Senedd		
STANDING ORDER 26C – Consolidation Acts of the Senedd		Introduce new Standing Order Title
	Form and Introduction of Consolidation Bills	Introduce new sub-heading Follows format of sub-heading in SO 26.
26C.1	A Consolidation Bill is a Bill introduced by a member of the government for the purpose of consolidating existing primary legislation, secondary legislation, and common law.	Introduce new Standing Order This SO sets out the definition of a Consolidation Bill, for the purposes of this Standing Order and the procedure set out within it.
26C.2	A Consolidation Bill may: <ul style="list-style-type: none"> (i) restate existing legislation with any changes of structure, language or format appropriate for the purpose of improving the presentation of the law and ensuring consistency with current drafting practice; (ii) clarify the application or effect of existing law; (iii) remove or omit provisions which are obsolete, spent or no longer of practical utility or effect; (iv) make minor changes to existing law for the purposes of achieving a satisfactory consolidation; (v) make other changes to the law which the Law Commission of England and Wales 	Introduce new Standing Order This SO explains how a Consolidation Bill may restate the law by stating that while a Consolidation Bill may not change the effect of the law, (other than in the circumstances set out in (iii) to (vi)) it may change the way in which that effect is expressed. Further guidance on the nature and extent of Consolidation Bills will be set out in the guidance to be issued by the Llywydd under Standing Order 26C.3.

	<p>recommends are appropriate for inclusion within a Consolidation Bill;</p> <p>(vi) include appropriate transitional and savings provisions, and consequential amendments and repeals of existing legislation (including amendments to ensure the existing legislation continues to operate correctly in relation to England).</p>	
26C.3	The Presiding Officer, having consulted the Business Committee, may issue written guidance to Members on the interpretation of Standing Orders 26C.1 and 26C.2, and the operation of Standing Order 26C generally.	<p>Introduce new Standing Order</p> <p>Expands on SO6.17 for the Presiding Officer to issue writing guidance. This is due to the need for transparency of guidance and decision making, and is in keeping with the transparency sought in other parts of the procedure.</p>
26C.4	A Consolidation Bill may be introduced on a working day in a sitting week.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.1 with appropriate amendment, removing reference to Standing Orders relevant only to Member and Committee Bills.</p>
26C.5	A Consolidation Bill must be introduced by being laid.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.2 with appropriate amendment.</p>
26C.6	A Consolidation Bill must not be laid unless it is in proper form in accordance with any determinations made by the Presiding Officer.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.3 with appropriate amendment.</p> <p>The Presiding Officer will need to consider whether the determination for Bills will need to be amended in any way for Consolidation Bills.</p>

26C.7	<p>A Consolidation Bill must on its introduction be accompanied by a statement in English and Welsh by the Presiding Officer which must:</p> <ul style="list-style-type: none"> (i) indicate whether or not the provisions of the Consolidation Bill would be, in his or her opinion, within the legislative competence of the Senedd; and (ii) indicate any provisions which, in his or her opinion, would not be within the legislative competence of the Senedd and the reasons for that opinion. 	<p>Introduce new Standing Order</p> <p>Duplicates SO26.4 with appropriate amendment</p>
26C.8	<p>A Consolidation Bill must be introduced in both English and Welsh.</p>	<p>Introduce new Standing Order</p> <p>The government has indicated that it does not anticipate there will be circumstances when a Bill would be introduced in one language only. Therefore, this duplicates SO26.5, but without the provision for single-language Bills.</p>
	<p>Documentation to Accompany a Consolidation Bill</p>	<p>Introduce new sub-heading</p>
26C.9	<p>At the same time as the Member in charge introduces a Consolidation Bill, he or she must also lay an Explanatory Memorandum which must:</p> <ul style="list-style-type: none"> (iii) state that in his or her view the provisions of the Consolidation Bill would be within the legislative competence of the Senedd; (iv) set out the reasons for introducing the Consolidation Bill; (v) state that the Consolidation Bill contains no provisions other than those permitted under Standing Order 26C.2; 	<p>Introduce new Standing Order</p> <p>For Consolidation Bills, the majority of information that is required in an Explanatory Memorandum under SO 26.6 for ordinary Bills is irrelevant, and other information is required that is not relevant for ordinary Bills. The proposed new SOs stipulates those items of information that are, or may be, relevant.</p> <p>It is proposed that this collective information continues to be referred to as an 'Explanatory</p>

	<ul style="list-style-type: none"> (vi) include tables showing the origins of provisions in the Consolidation Bill, and the destinations in the Consolidation Bill of the existing provisions it consolidates; (vii) explain how the Consolidation Bill makes any changes of the kind permitted under Standing Order 26C.2 (ii) to (v); (viii) summarise objectively what each of the provisions of the Consolidation Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Consolidation Bill; (ix) confirm that the provisions of the Consolidation Bill give rise to no additional significant expenditure payable out of the Welsh Consolidated Fund, and where it gives rise to additional expenditure, set out the best estimates for this; (x) set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Consolidation Bill (a “justice impact assessment”), in accordance with section 110A of the Act; and (xi) where the Consolidation Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate. 	<p>Memorandum’, despite being different to the usual EM under SO26, for ease of reference.</p>
26C.10	The Explanatory Memorandum to the Consolidation Bill must state precisely where each of the requirements of	<p>Introduce new Standing Order Duplicates SO26.6A with appropriate amendment.</p>

	Standing Order 26C.9 can be found within it, by means of an index or otherwise.	
26C.11	The Consolidation Bill must be accompanied by a statement by the Member in Charge, based on the advice of the Counsel General (where the Member in Charge is not the Counsel General) and, where relevant, the Law Commission, endorsing the accuracy of the Explanatory Memorandum and certifying that in the Member in Charge’s view the Bill is a Consolidation Bill within the meaning of Standing Order 26C.1 and 26C.2.	<p>Introduce new Standing Order</p> <p>It is proposed that such a statement is required to promote trust amongst legislators that a Consolidation Bill is suitable for the more streamlined form of scrutiny under Standing Order 26C.</p> <p>This reflects arrangements at Westminster, where trust in the Law Commission’s assurances that the law is not altered further than what is necessary to produce a satisfactory consolidation of existing statutes is key; and is broadly in line with Law Commission recommendations for Wales (in <i>Form and Accessibility of the Law Applicable in Wales</i>).</p> <p>The advice of the Law Commission will only be needed where the Bill contains provisions under SO26C.2(v).</p>
	Responsible Committee	Introduce new sub-heading
26C.12	In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 26C as “the responsible committee”) with responsibility for the functions specified in Standing Order 26C.	<p>Introduce new Standing Order</p> <p>Consolidation Bills should be referred to either the Legislation, Justice and Constitution Committee or a committee established specifically for that purpose, either of which could then develop the required technical expertise.</p>
	Timetable for Consideration of a Consolidation Bill	Introduce new sub-heading

26C.13	The Business Committee must establish and publish a timetable for the consideration of a Consolidation Bill, except for any stage taken in plenary (which must be arranged under the provisions of Standing Order 11.12).	<p>Introduce new Standing Order</p> <p>Duplicates SO26.7 with appropriate amendment, removing the reference to 11.7(ii) as all Consolidation Bills will be Government business. The timetable agreed by Business Committee will include deadlines for the responsible committee to report on its Initial Consideration, and for completing and reporting on Detailed Committee Consideration.</p>
26C.14	The Business Committee may make such subsequent changes to a timetable established under Standing Order 26C.13 as it considers appropriate but must give reasons for such changes.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.8 with appropriate amendment.</p>
	Initial Consideration	<p>Introduce new sub-heading</p> <p>This differs from SO 26, as for Consolidation Bills there will be no consideration of ‘general principles’. The responsible committee examines the Bill and reports only on whether it should proceed as a Consolidation Bill.</p> <p>To avoid confusion with the procedure for ordinary Bills under SO26, this stage will be called ‘Initial Consideration’, rather than ‘Stage 1’.</p>
26C.15	Once a Consolidation Bill has been introduced, the Business Committee must refer the Consolidation Bill to the responsible committee for initial consideration.	<p>Introduce new Standing Order</p> <p>This differs from the provision for ordinary Bills in that the Business Committee must refer the Consolidation Bill to the responsible committee. This is due to the key role the Committee plays in deciding whether the Bill may proceed as a Consolidation Bill or not.</p>

26C.16	<p>Once the Business Committee refers the Consolidation Bill to the responsible committee under Standing Order 26C.15, that responsible committee must consider and report on whether the Bill should proceed as a Consolidation Bill.</p>	<p>Introduce new Standing Order</p> <p>Since the purpose of a Consolidation Bill is to consolidate the law as it already exists, the Committee’s role is to report on whether the Bill should proceed as a Consolidation Bill – i.e. whether the Bill falls within the definition of a Consolidation Bill and whether it approves of the law being consolidated in this manner – rather than consider the general principles of the Bill from a policy viewpoint.</p>
26C.17	<p>In considering whether a Bill should proceed as a Consolidation Bill or not, the responsible committee may consider:</p> <ul style="list-style-type: none"> (i) whether the Committee is satisfied that the scope of the consolidation is appropriate; (ii) whether the Committee is satisfied that the relevant enactments have been included within the consolidation; (iii) whether the Bill correctly consolidates the enactments or changes their substantive legal effect only to the extent allowed by Standing Order 26C.2; (iv) whether the Bill consolidates the law clearly and consistently; (v) any other matters it considers relevant to Standing Order 26C. 	<p>Introduce new Standing Order</p> <p>This Standing Order sets out some questions that the responsible committee may consider in determining whether the Bill should proceed as a Consolidation Bill or not when reporting under Standing Order 26C.16. The list is not designed to be exhaustive, and (v) enables the Committee to consider any matters it considers relevant.</p>
26C.18	<p>Not earlier than five working days after either:</p>	<p>Introduce new Standing Order</p> <p>This draft new SO mirrors the provisions of SO26.11, except that the nature of the committee report and</p>

	<p>(i) the responsible committee has reported on whether the Bill should proceed as a Consolidation Bill; or</p> <p>(ii) the deadline by which the responsible committee is required to report has been reached,</p> <p>the Member in charge of the Bill may propose that the Senedd agree that the Bill should proceed as a Consolidation Bill.</p>	the Senedd motion will be whether the Bill should proceed as a Consolidation Bill rather than on its general principles.
26C.19	If the Senedd agrees that the Bill should proceed as a Consolidation Bill, the Bill proceeds to Detailed Committee Consideration.	Introduce new Standing Order Duplicates SO26.13 with appropriate amendment.
26C.20	If the Senedd does not agree that the Bill should proceed as a Consolidation Bill, the Bill falls.	Introduce new Standing Order Duplicates SO26.14 with appropriate amendment.
26C.21	Initial Consideration is completed when the Senedd agrees that the Bill should proceed as a Consolidation Bill or the Consolidation Bill falls at Initial Consideration.	Introduce new Standing Order Duplicates SO26.15 with appropriate amendment.
	Detailed Committee Consideration	Introduce new sub-heading Re-names 'Stage 2' in SO26C to reflect the newly proposed procedure which differs from the Stages 1-4 in SO26.
26C.22	Detailed Committee Consideration must be undertaken by the responsible committee.	Introduce new Standing Order Given the role of the committee in reporting only on whether the Bill should proceed as a Consolidation Bill, it is proposed to refer all Consolidation Bills to one committee who will develop expertise, as

		opposed to referring Bills to the relevant subject committee.
26C.23	Detailed Committee Consideration starts on the first working day after Initial Consideration is completed.	Introduce new Standing Order Duplicates SO26.16 with appropriate amendment.
26C.24	At least 15 working days must elapse between the start of Detailed Committee Consideration and the date of the first meeting at which the responsible committee considers amendments to the Consolidation Bill.	Introduce new Standing Order Duplicates SO26.18 with appropriate amendment.
26C.25	A Consolidation Bill may be amended in Detailed Committee Consideration proceedings.	Introduce new Standing Order Duplicates SO26.19 with appropriate amendment.
26C.26	Amendments to be considered at Detailed Committee Consideration proceedings may be tabled by any Member, from the first day on which Detailed Committee Consideration starts.	Introduce new Standing Order Duplicates SO26.20 with appropriate amendment.
26C.27	Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Consolidation Bill, unless the committee considering Detailed Committee Consideration proceedings has decided otherwise.	Introduce new Standing Order Duplicates SO26.21 with appropriate amendment.
26C.28	Only a Member who is a member of the committee considering Detailed Committee Consideration proceedings may participate in those proceedings for the purpose of: <ul style="list-style-type: none"> (i) moving or seeking agreement to withdraw an amendment; or (ii) voting. 	Introduce new Standing Order Duplicates SO26.22 with appropriate amendment.

26C.29	An amendment tabled by a Member who is not a member of the committee considering Detailed Committee Consideration proceedings, may be moved by a member of the committee.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.23 with appropriate amendment.</p>
26C.30	When all amendments at Detailed Committee Consideration proceedings have been disposed of, any member of the committee may without notice move that the committee consider further amendments at further Detailed Committee Consideration proceedings. Such a motion may not be debated or amended.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.39, the procedure for further Stage 3, with appropriate amendment.</p> <p>As there may not be a plenary amending stage for all Consolidation Bills, it is proposed to introduce a 'Further Committee Consideration Stage', to be taken in committee, to deal with technical amendments that follow from the 'main' Detailed Committee Consideration Stage under Standing Orders 26C.22-29.</p>
26C.31	If a motion under Standing Order 26C.30 is agreed to, any member of the government may table amendments to the Consolidation Bill to be moved at the further Detailed Committee Consideration proceedings.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.40, the procedure for further Stage 3, with appropriate amendment.</p>
26C.32	Amendments under Standing Order 26C.31 are only admissible if, in addition to the criteria in Standing Order 26C.85, they are for the purpose of clarifying a provision of a Consolidation Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Detailed Committee Consideration proceedings.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.41, the procedure for further Stage 3, with appropriate amendment.</p>
26C.33	Where any amendment is tabled to a section of or schedule to the Consolidation Bill, once the final	<p>Introduce new Standing Order</p> <p>Duplicates SO26.24 with appropriate amendment.</p>

	amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed to be agreed by the committee for the purpose of Detailed Committee Consideration proceedings.	
26C.34	If no amendment is tabled to a section of or schedule to the Consolidation Bill, then that section or schedule is deemed agreed by the committee for the purpose of Detailed Committee Consideration proceedings.	Introduce new Standing Order Duplicates SO26.25 with appropriate amendment.
26C.35	Detailed Committee Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.	Introduce new Standing Order Duplicates SO26.26 with appropriate amendment.
26C.36	After the completion of Detailed Committee Consideration proceedings, the responsible committee must report on the outcomes of its detailed consideration, and whether in its view the Consolidation Bill should proceed to Detailed Senedd Consideration or to Final Stage.	Introduce new Standing Order It is proposed that the responsible Committee should report on whether it considers that the whole Senedd should be given the opportunity to consider further amendments, or whether the Bill should proceed to Final Stage.
26C.37	If a Consolidation Bill is amended at Detailed Committee Consideration proceedings, the Member in charge must prepare a revised Explanatory Memorandum, unless the committee considering Detailed Committee Consideration proceedings resolves that no revised Explanatory Memorandum is required.	Introduce new Standing Order Duplicates SO26.27 with appropriate amendment.
26C.38	Any revised Explanatory Memorandum prepared under Standing Order 26C.37 must be laid at least five working days before the date of Final Stage proceedings or,	Introduce new Standing Order Duplicates SO26.28 with appropriate amendment.

	where relevant, the first Detailed Senedd Consideration proceedings.	
	Detailed Senedd Consideration	Introduce new sub-heading
26C.39	If the responsible Committee at Detailed Committee Consideration reports that the Senedd should consider amendments at Detailed Senedd Consideration, the Consolidation Bill proceeds to Detailed Senedd Consideration, unless a motion that the Consolidation Bill should proceed directly to Final Stage is agreed by the Senedd.	<p>Introduce new Standing Order</p> <p>In such a situation where the responsible committee considers that some provisions of the Bill are such that that the whole Senedd ought to be given the opportunity to consider amendments, it is proposed that the Bill should proceed directly to Detailed Senedd Consideration Stage unless a motion that the optional amending stage should not be triggered is agreed by the Senedd under SO26C.41.</p>
26C.40	If the responsible committee has reported on the Detailed Committee Consideration of the Consolidation Bill and has recommended that the Consolidation Bill proceed to Final Stage, or if the deadline for the committee to report has passed, the Consolidation Bill proceeds to Final Stage, unless a motion that the Senedd consider amendments at Detailed Senedd Consideration is agreed by the Senedd.	<p>Introduce new Standing Order</p> <p>The proposed new Standing Order sets out the reverse circumstances of 26C.39 in which a motion for Detailed Senedd Consideration may be proposed, should the committee recommend that the Consolidation Bill proceeds directly to Final Stage. It also provides for a situation where the committee hasn't reported by the deadline set by the Business Committee.</p> <p>This replicates similar provisions elsewhere in Standing Orders, and is in line with Consolidation Bill procedures elsewhere.</p> <p>It is proposed that Consideration stage by the whole Senedd to consider amendments is not automatic. In the instance that the responsible committee at Detailed Committee Consideration does not</p>

		<p>recommend it, any Member may propose a motion to trigger this (fuller) procedure by tabling a motion.</p> <p>This proposal is in line with consolidation procedures in the Scottish, Westminster and New Zealand Parliaments whereby shorter, streamlined procedures are the norm for non-contentious Consolidation Bills.</p>
26C.41	The Senedd must consider a motion tabled under Standing Order 26C.39 or 26C.40. Such a motion may be tabled by any Member, and may be debated but not amended.	Introduce new Standing Order
26C.42	<p>Detailed Senedd Consideration starts either:</p> <ul style="list-style-type: none"> (i) two sitting weeks after the responsible Committee at Detailed Committee Consideration reports that the Senedd should consider amendments at Detailed Senedd Consideration (and no motion under Standing Order 26C.39 that the Consolidation Bill should proceed directly to Final Stage is agreed by the Senedd in the meantime); or (ii) the day after a motion under Standing Order 26C.40 that the Senedd consider amendments at Detailed Senedd Consideration is agreed by the Senedd. 	<p>Introduce new Standing Order</p> <p>Duplicates SO26.29 with appropriate amendment. The draft Standing Order is designed to allow enough time (two sitting weeks) for a Member to table a motion proposing that the Consolidation Bill proceed directly to Final Stage, if the committee at Detailed Committee Consideration recommends the Consolidation Bill proceed to Detailed Senedd Consideration.</p>
26C.43	At least 15 working days must elapse between the start of Detailed Senedd Consideration and the date of the first meeting of the Senedd that considers Detailed Senedd Consideration proceedings.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.30 with appropriate amendment.</p>

26C.44	Detailed Senedd Consideration proceedings of a Consolidation Bill must be considered by the Senedd in plenary.	Introduce new Standing Order Duplicates SO26.31 with appropriate amendment.
26C.45	A Consolidation Bill may be amended in Detailed Senedd Consideration proceedings.	Introduce new Standing Order Duplicates SO26.32 with appropriate amendment.
26C.46	Amendments to be considered at Detailed Senedd Consideration proceedings may be tabled by any Member from the first day on which Detailed Senedd Consideration starts.	Introduce new Standing Order Duplicates SO26.33 with appropriate amendment.
26C.47	The Presiding Officer may select those amendments which are to be taken at Detailed Senedd Consideration proceedings.	Introduce new Standing Order Duplicates SO26.34 with appropriate amendment.
26C.48	The Presiding Officer may in exceptional circumstances accept an amendment at Detailed Senedd Consideration proceedings of which less notice has been given than is required under Standing Order 26C.83. Such an amendment is referred to as a "late amendment".	Introduce new Standing Order Duplicates SO26.35 with appropriate amendment.
26C.49	Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Consolidation Bill, unless the Senedd has decided otherwise on a motion of the Minister with responsibility for government business.	Introduce new Standing Order Duplicates SO26.36 with appropriate amendment.
26C.50	The Senedd may, on a motion without notice of the Minister with responsibility for government business, agree to one or more time-limits that are to apply to	Introduce new Standing Order Duplicates SO26.37 with appropriate amendment.

	debates on amendments (as they have been grouped by the Presiding Officer).	
26C.51	<p>If a motion under Standing Order 26C.50 is agreed to, debates on those groups of amendments must be concluded by the time-limits specified in the motion, except to the extent considered necessary by the Presiding Officer:</p> <ul style="list-style-type: none"> (i) as a consequence of the non-moving of an amendment leading to a change in the order in which groups are debated; or (ii) to prevent any debate on a group of amendments that has already begun when a time-limit is reached from being unreasonably curtailed. 	<p>Introduce new Standing Order Duplicates SO26.38.</p>
26C.52	<p>When all amendments selected at Detailed Senedd Consideration proceedings have been disposed of, any member of the government may without notice move that the Senedd consider further amendments at further Detailed Senedd Consideration proceedings. Such a motion may not be debated or amended.</p>	<p>Introduce new Standing Order Duplicates SO26.39 with appropriate amendment. It is proposed to introduce a 'Further Senedd Consideration Stage', to be taken in plenary, to deal with any technical amendments that follow from the 'main' Detailed Senedd Consideration Stage under Standing Orders 26C.42-57.</p>
26C.53	<p>If a motion under Standing Order 26C.52 is agreed to, any member of the government may table amendments to the Consolidation Bill to be moved at the further Detailed Senedd Consideration proceedings.</p>	<p>Introduce new Standing Order Duplicates SO26.40 with appropriate amendment.</p>
26C.54	<p>Amendments under Standing Order 26C.53 are only admissible if, in addition to the criteria in Standing Order 26C.85, they are for the purpose of clarifying a provision</p>	<p>Introduce new Standing Order Duplicates SO26.41 with appropriate amendment.</p>

	of a Consolidation Bill (including ensuring consistency between the English and Welsh texts) or giving effect to commitments given at the earlier Detailed Senedd Consideration proceedings.	
26C.55	Where any amendment is tabled to a section of or schedule to the Consolidation Bill, once the final amendment to that section or schedule has been disposed of, that section or schedule as amended, or otherwise, is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration proceedings.	Introduce new Standing Order Duplicates SO26.42 with appropriate amendment.
26C.56	If no amendment is tabled to a section of or schedule to the Consolidation Bill, then that section or schedule is deemed agreed by the Senedd for the purpose of Detailed Senedd Consideration proceedings.	Introduce new Standing Order Duplicates SO26.43 with appropriate amendment.
26C.57	Detailed Senedd Consideration is completed when the last amendment has been disposed of or the last section or schedule has been deemed agreed, whichever is the later.	Introduce new Standing Order Duplicates SO26.44 with appropriate amendment.
	Final Stage	Introduce new sub-heading
26C.58	A motion that the Consolidation Bill be passed may be tabled by any Member, but may not be considered until either: <ul style="list-style-type: none"> (i) at least 2 sitting weeks after either: <ul style="list-style-type: none"> (a) the responsible committee has reported on Detailed Committee Consideration of the Consolidation Bill and has recommended that the Consolidation Bill should proceed to Final Stage; or 	Introduce new Standing Order Duplicates SO26.47 with appropriate amendment. The draft Standing Order is designed to allow enough time (two sitting weeks) for a Member to table a motion proposing Detailed Senedd Consideration before a motion to agree the Bill can be considered as a result of the committee at Detailed Committee Consideration recommending

	<p>(b) the deadline for the responsible committee to report has passed;</p> <p>(and no motion under Standing Order 26C.40 that the Senedd should consider amendments at Detailed Senedd Consideration is agreed by the Senedd in the meantime); or</p> <p>(ii) at least 5 working days after either;</p> <p>(a) a motion that the Consolidation Bill should proceed directly to Final Stage is agreed by the Senedd under Standing Order 26C.39; or</p> <p>(b) the completion of Detailed Senedd Consideration proceedings, where undertaken.</p>	<p>the Consolidation Bill proceed to Final Stage, or failing to report at all.</p> <p>This should make a situation where a Detailed Senedd Consideration and Final Stage motion have both been tabled very unlikely; should that happen it would be a matter for the Business Committee to resolve.</p>
26C.59	A motion under Standing Order 26C.58 must be tabled at least one working day before it is debated.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.47A with appropriate amendment.</p>
26C.60	A motion that a Consolidation Bill be passed may not be amended.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.49 with appropriate amendment.</p>
26C.61	No motion that a Consolidation Bill be passed may be moved unless the text of the Consolidation Bill is available in both English and Welsh.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.50 with appropriate amendment.</p>
26C.62	No motion that a Consolidation Bill be passed may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer's view any provision of the Consolidation Bill relates to a protected subject matter.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.50A with appropriate amendment.</p>

26C.63	Where the Presiding Officer has made a statement that in the Presiding Officer's view any provision of the Consolidation Bill relates to a protected subject matter, the Bill is only passed if the number voting in favour of it is at least two-thirds of the total number of Senedd seats.	Introduce new Standing Order Duplicates SO26.50B with appropriate amendment.
26C.64	A recorded vote must be taken on a motion that a Consolidation Bill be passed.	Introduce new Standing Order Duplicates SO26.50C with appropriate amendment.
26C.65	No motion under Standing Order 12.31(ii) may be moved in any Final Stage proceedings.	Introduce new Standing Order Duplicates SO26.51 with appropriate amendment.
	Reconsideration of Consolidation Bills Passed	Introduce new sub-heading
26C.66	Any Member may by motion propose that the Senedd reconsider the Consolidation Bill if: <ul style="list-style-type: none"> (i) the Supreme Court decides on a reference made in relation to the Consolidation Bill under section 112 of the Act that the Consolidation Bill or any provision of it would not be within the legislative competence of the Senedd; or (ii) an order is made in relation to the Consolidation Bill under section 114 of the Act. 	Introduce new Standing Order Duplicates SO26.53 with appropriate amendment.
26C.67	If the Senedd agrees to a motion under Standing Order 26C.66, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.	Introduce new Standing Order Duplicates SO26.53A with appropriate amendment.
26C.68	Standing Orders 26C.43 to 26C.47 and 26C.49 to 26.57 apply to Reconsideration Stage proceedings. References to "Detailed Senedd Consideration" and "further Detailed	Introduce new Standing Order Duplicates SO26.54 with appropriate amendment.

	Senedd Consideration” should be construed as references to “Reconsideration Stage” and “further Reconsideration Stage” accordingly.	
26C.69	<p>A Consolidation Bill may not be amended at Reconsideration Stage unless in addition to the criteria in Standing Order 26C.82(i), (ii) and (iv), and in the opinion of the Presiding Officer, the amendments are solely for the purpose of resolving the issue which is the subject of:</p> <ul style="list-style-type: none"> (i) the decision of the Supreme Court; or (ii) the Order under section 114 of the Act. 	<p>Introduce new Standing Order</p> <p>Duplicates SO26.55 with appropriate amendment. The criterion in SO26C.85(iii) will not apply at reconsideration stage, as resolving the issue identified may require amendments that wouldn’t normally be in order for a Consolidation Bill.</p>
26C.70	After all amendments have been disposed of at Reconsideration Stage proceedings, and subject to Standing Order 26C.71, any Member may without notice move that the Senedd approves a Consolidation Bill amended on reconsideration. Such a motion may not be amended and a recorded vote must be taken on the motion.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.56 with appropriate amendment.</p>
26C.71	No motion that a reconsidered Consolidation Bill be approved may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in the Presiding Officer’s view any provision of the Consolidation Bill relates to a protected subject matter.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.56A with appropriate amendment.</p>
26C.72	Where the Presiding Officer has made a statement that in the Presiding Officer’s view any provision of the Consolidation Bill relates to a protected subject matter, the Consolidation Bill is only passed if the number voting	<p>Introduce new Standing Order</p> <p>Duplicates SO26.56B with appropriate amendment.</p>

	in favour of it is at least two-thirds of the total number of Senedd seats.	
	Reconsideration of Bills Rejected	Introduce new sub-heading
26C.73	Any Member may by motion propose that the Senedd reconsider the Consolidation Bill if the Supreme Court decides on a reference made under section 111B(2)a of the Act in relation to a Consolidation Bill rejected by the Senedd, that no provision of the Consolidation Bill that is subject to the reference relates to a protected subject-matter.	Introduce new Standing Order Duplicates SO26.56C with appropriate amendment.
26C.74	If the Senedd agrees to a motion under Standing Order 26C.73, Reconsideration Stage starts on the first working day after that motion is agreed to by the Senedd.	Introduce new Standing Order Duplicates SO26.56D with appropriate amendment.
26C.75	A Consolidation Bill reconsidered in accordance with Standing Order 26C.73 may not be amended.	Introduce new Standing Order Duplicates SO26.56E with appropriate amendment.
26C.76	At Reconsideration Stage in accordance with Standing Order 26C.73, any Member may table a motion that the Consolidation Bill be approved. Such a motion may not be amended and a recorded vote must be taken on the motion.	Introduce new Standing Order Duplicates SO26.56F with appropriate amendment.
26C.77	No motion under Standing Order 26C.76 may be moved until the Presiding Officer has stated, in accordance with section 111A(3) of the Act, whether or not in his or her view any provision of the Consolidation Bill relates to a protected subject-matter.	Introduce new Standing Order Duplicates SO26.56G with appropriate amendment.
	General Provisions in Relation to Amendments to Consolidation Bills	Introduce new sub-heading

26C.78	Standing Orders 26C.79 to 26C.87 apply to amendments in Detailed Committee Consideration, Detailed Senedd Consideration proceedings or on Reconsideration, except that Standing Order 26C.82(iii) does not apply to amendments on Reconsideration.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.57 with appropriate amendment, including exempting 26C.82(iii) from reconsideration so that any amendment required to resolve the issue that was the subject of the reference, Order, or decision is admissible.</p>
26C.79	The Presiding Officer must determine the proper form of amendments to a Consolidation Bill.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.58 with appropriate amendment.</p>
26C.80	No amendment, other than a late amendment, may be considered unless it has been tabled at least five working days before it is considered.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.59 without amendment.</p>
26C.81	Any Member may add his or her name to an amendment (other than a late amendment) by notifying the Clerk at any time until the end of the working day before the amendment is due to be considered.	<p>Introduce new Standing Order</p> <p>Duplicates SO26.60 without amendment.</p>
26C.82	<p>An amendment is not admissible if:</p> <ul style="list-style-type: none"> (i) it is not in its proper form in accordance with Standing Order 26C; (ii) it is not relevant to the Consolidation Bill or the provisions of the Consolidation Bill which it would amend; (iii) it would cause the Bill to cease to be a Consolidation Bill as defined by Standing Orders 26C.1 and 26C.2; or (iv) it is inconsistent with a decision already taken at the Stage at which the amendment is proposed. 	<p>Introduce new Standing Order</p> <p>Duplicates SO26.61 with appropriate amendment.</p>

26C.83	An amendment may be tabled to an amendment and, if selected, must be disposed of before the amendment which it would amend and Standing Orders 26C.78 to 26C.87 must apply accordingly.	Introduce new Standing Order Duplicates SO26.62 with appropriate amendment.
26C.84	Subject to Standing Order 26C.28, an amendment (other than a late amendment) may be withdrawn by the Member who tabled it at any time before the day on which it is considered but only with the unanimous agreement of any Members who have added their names to the amendment. If such agreement is not obtained, the amendment becomes an amendment in the name of the Member who first added his or her name to the amendment and who does not agree to the amendment being withdrawn.	Introduce new Standing Order Duplicates SO26.63 with appropriate amendment.
26C.85	The chair of a committee considering Detailed Committee Consideration proceedings or the Presiding Officer, as the case may be, may group amendments for the purposes of debate as he or she sees fit. An amendment debated as part of a group may not be debated again when it comes to be disposed of.	Introduce new Standing Order Duplicates SO26.64 with appropriate amendment.
26C.86	If a Member who tabled an amendment does not move the amendment when that amendment comes to be debated, the amendment may be moved: <ul style="list-style-type: none"> (i) in Detailed Committee Consideration proceedings, by a member of that committee; or (ii) in Detailed Senedd Consideration proceedings or on Reconsideration, by any other Member. 	Introduce new Standing Order Duplicates SO26.65 with appropriate amendment.

26C.87	An amendment which has been moved may be withdrawn by the Member who moved it, but only: <ul style="list-style-type: none"> (i) in a committee considering Detailed Committee Consideration proceedings, if no member of that committee objects; or (ii) in Detailed Senedd Consideration proceedings or on Reconsideration, if no Member objects. 	Introduce new Standing Order Duplicates SO26.66 with appropriate amendment.
	Her Majesty's and Duke of Cornwall's Consent	Introduce new sub-heading
26C.88	If a Consolidation Bill contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament, require the consent of Her Majesty, or the Duke of Cornwall, the Senedd must not debate the question whether the Consolidation Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Senedd.	
	Notification of Royal Assent to Acts of the Senedd	Introduce new sub-heading
26C.89	The Clerk must notify the Senedd of the date of Royal Assent to an Act of the Senedd.	Introduce new Standing Order Duplicates SO26.75 without amendment.
	Fall, Rejection or Withdrawal of Bills	Introduce new sub-heading
26C.90	Subject to Standing Order 26C.73, if a Consolidation Bill falls or is rejected by the Senedd, no further proceedings may be taken on that Consolidation Bill, and another Consolidation Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced under this Standing Order in the same	Introduce new Standing Order Duplicates SO26.76 with appropriate amendment.

	Senedd within the period of 6 months from the date on which the Consolidation Bill fell or was rejected.	
26C.91	A Consolidation Bill falls if it has not been passed or approved by the Senedd before the end of the Senedd in which it was introduced.	Introduce new Standing Order Duplicates SO26.77 with appropriate amendment.
26C.92	A Consolidation Bill may be withdrawn at any time by the Member in charge but must not be withdrawn after Initial Consideration except with the agreement of the Senedd.	Introduce new Standing Order Duplicates SO26.79 with appropriate amendment.

Annex B – Draft guidance to support the operation of Standing Order 26C on Consolidation Bills

Guidance issued by the Llywydd under Standing Order 26C.3 following consultation with the Business Committee

- 1.** A Consolidation Bill may be introduced by a member of the Government for the purpose of consolidating existing primary legislation, secondary legislation, and common law (Standing Order 26C.2).
- 2.** This guidance is issued by the Llywydd under Standing Order 26C.3 and is intended to be read alongside Standing Order 26C generally, and Standing Order 26C.2 especially. It provides further detail on the nature of consolidation bills and the extent to which they may revise, update and change existing law.

The purpose of a Consolidation Bill

- 3.** The purpose of a Consolidation Bill is to improve access to the law by:
 - bringing together all, or most, of the (generally primary) legislation on a specific subject or topic to improve accessibility, and
 - modernising its form and drafting, to make it easier to understand and apply.
- 4.** The purpose of a Consolidation Bill is not to bring about policy reform of any significance. Developing and scrutinising a Consolidation Bill should therefore be a legal, technical process that focusses on the consolidation of the existing law rather than the merits of the policies enshrined in it.

The extent of what a Consolidation Bill may do

- 5.** A Consolidation Bill may result in proposed legislation which looks very different to the original text. In order to present the existing law that applies in Wales in a modern and accessible form, it may be appropriate to make significant presentational changes that do not change the effect of that law.
- 6.** A Consolidation Bill may propose changes to the law only of the types stipulated in Standing Order 26C.2. Further detail on the provisions of Standing Order 26C.2, together with relevant examples of what those provisions mean in practice, are included in the Annex to this guidance.

7. The process of consolidation is complex and likely to reveal inconsistencies and anomalies in existing legislation. A modern and accessible restatement of existing law may also necessitate, or benefit from, minor amendments. Such amendments may, however, only be minor and should not be contentious. Any other change falling outside of this definition must be pursued through a reform Bill and considered by the Senedd following the usual legislative procedure under Standing Order 26.

Documentation to accompany a Consolidation Bill

8. At the same time as the Member in charge introduces a Consolidation Bill, he or she must also lay an Explanatory Memorandum (EM) which includes those things specified in Standing Order 26C.9. One of those provisions (SO 26C.9(iv)) requires the EM to include tables of origin and destination in order to help explain how the law has been re-presented. The EM must also include drafters' notes explaining the approach that has been taken in drafting the Bill. In addition a set of Explanatory Notes to each Consolidation Bill must be prepared.

Annex to the guidance

Details of the provisions contained in Standing Order 26C.2 – with examples of use:

Standing Order 26C.2(i) – A Consolidation Bill may restate existing legislation with any changes of structure, language or format that are considered appropriate for the purpose of improving the presentation of the law and ensuring consistency with current drafting practice

- 1.** Changes permitted under Standing Order 26C.2(i) may include:
 - a. renumbering and rearranging provisions (for example, dividing or combining existing sections or Parts, or moving material between sections and Schedules);
 - b. expressing provisions in a way that reflects their actual legal effect (for example adopting terminology that reflects devolution and other transfers of functions that have taken place since the existing legislation was passed);

Examples:

- in addition to devolution and transfer of functions, the Consolidation Bill should be expected to reflect all other legal changes that have altered the meaning of the existing legislation. For example, wherever the maximum fine that a magistrates' court could impose for an offence would have been £5,000 before 12 March 2015, it was converted into an unlimited fine by the Legal Aid, Sentencing and Punishment of Offenders Act 2012. So earlier provisions creating liability to a maximum fine of £5,000 would now be restated as creating liability to "a fine";
 - there may have been changes in the law since the existing legislation was enacted, which mean that the words that are required to achieve a particular legal effect are different from those that were required when the existing legislation was drafted. For example, the Legislation (Wales) Act 2019 reversed the presumption that Acts of the Senedd do not bind the Crown, so the provision that needs to be made to ensure that a Consolidation Bill binds the Crown to the same extent as the original legislation is likely to be different.
- c. changing the language of legislation that exists only in English to facilitate the production of a coherent bilingual Bill;
- d. adopting gender neutral language and modernising language in any other way (including by omitting redundant wording);
- e. adding, removing or changing labels and headings;

Examples:

- a Consolidation Bill may replace labels used in existing legislation with ones that give a better sense of what is being referred to. For example, the Law Commission has noted that planning legislation uses a number of labels that might be regarded as misleading or uninformative, such as "planning contravention notice" and "appointed person";
- existing legislation may use labels and headings that are not needed in a restatement of the law for Wales because their only purpose is to distinguish between "English" and "Welsh" cases.

Labels of this kind may be removed or replaced with more suitable terms;

- legislation may contain labels that are no longer useful because of changes in circumstances. For example, the Law Commission have observed that the distinction between a “local planning authority” and a “mineral planning authority” in planning legislation is not needed in Wales because they are always the same authority (whereas they may be different under the two-tier system of local government that still applies to most of England).
- f. adding new tables, formulae or other ways of presenting information;
- g. adding navigational aids such as overviews and signposting provisions (including signposts to legislation not included in the consolidation but relevant to it);
- h. setting out in full provisions of other legislation that are incorporated into the consolidated legislation;

Example:

- if Act A provides that certain provisions of Act B apply to it, it will often be more accessible to repeat those provisions in full in the restatement of Act A (particularly if any modifications are needed to make them work properly in the context of Act A).
- i. adding, removing or changing punctuation or conjunctions; and
- j. correcting typographical errors, incorrect cross-references and similar obvious mistakes.

2. ‘Current drafting practice’, as referred to in Standing Order 26C.2, means the legislative drafting practice for the time being used by the Office of the Legislative Counsel.

Standing Order 26C.2(ii) – A Consolidation Bill may clarify the application or effect of existing law

3. If the application or effect of existing provisions is unclear (because their drafting creates doubt or ambiguity, such as uncertainty about when a period of time ends or about which bodies are subject to a duty), a Consolidation Bill may clarify the intended meaning, for example by spelling out more clearly when a

particular provision or definition applies. Where the existing legislation is bilingual, clarification may include reconciling any ambiguities in either language or both.

4. Clarification may involve filling in gaps in the legislation, for example by including definitions of terms that the existing legislation does not define, or by spelling out that the application of a provision is limited to the particular cases in which it is relevant.

Example:

- this may include clarifying the effect of transfers of functions “in relation to Wales” by providing a clearer territorial limit in a Consolidation Bill (and a corresponding territorial limit in any enactment which forms part of the consolidation but which will continue to apply to England after the Consolidation Bill is passed).

5. Clarification of intent may also involve rectifying the position where the wording of existing provisions does not reflect the meaning they are understood to have in practice, or where different enactments make provision about the same matter which is or may be contradictory.

Example:

- the Co-operative and Community Benefit Societies Act 2014 (a consolidation Act of the UK Parliament) removed a requirement for there to be “special reasons” for registering a society, to reflect how the provisions were applied in practice and were originally intended to be applied. This was not about inconsistency in the legislation itself.

6. Where a Consolidation Bill seeks to clarify the meaning of existing provisions in any of the ways outlined above, it should do so in the way that best reflects the meaning that the provisions are understood to have, or that the legislature is believed to have intended.

7. A Consolidation Bill may also incorporate the effect of case law about the meaning of the existing legislation, or rules of common law that are closely related to the statutory provisions, in order to provide a more complete restatement of the existing law. A Consolidation Bill is not intended to codify free-standing rules of common law, but it may be appropriate to incorporate case law that affects the operation of existing legislation, for example by clarifying its

meaning or by expanding or limiting its effect in a way that is not set out on its face.

Example:

- in restating an offence of possessing salmon caught at a time when fishing was not permitted, the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003 included a defence which had not been set out in the previous legislation but which had been recognised by the courts.

Standing Order 26C.2(iii) – A Consolidation Bill may remove or omit provisions which are obsolete, spent or no longer of practical utility or effect;

8. Omitting a provision means it may be repealed for Wales and/or not included in the Consolidation Bill;

9. There is some overlap between obsolete provisions, spent provisions, and provisions which are no longer of practical utility or no longer of practical effect. In general:

- a. an obsolete provision would include a provision which is out-of-date, for example because it is about bodies, persons or things which are no longer in existence or use;
- b. a spent provision is one which applies to a situation which can no longer exist, such as a provision conferring a function which cannot be used again (for example, because the original legislation provided for one action to be taken and this has been done, or the conditions for use can no longer be met) and
- c. a provision no longer has practical effect if, in practice, circumstances have rendered the provision irrelevant or unnecessary. This includes:
 - i. provisions which are no longer necessary as legal provision is available elsewhere (either within the Consolidation Bill or in other legislation applicable in Wales) which has an equivalent legal effect.
 - ii. provisions that were never commenced and there is no likelihood that they ever will be commenced in Wales; or if the provision was commenced but never used and there is no prospect of the provision being used in Wales; or it was commenced and used, but has not been for a significant period and there is no

expectation of future use; or the provision may have been superseded by other Acts, provisions or circumstances (Note: although powers are given to Ministers, 'likelihood' here is not just whether current Ministers might intend to use a power, but whether there is a realistic likelihood of the power being used by any government.)

Examples:

- the Town and Country Planning Act 1990 contains various provisions about pre-1948 breaches of planning control that were relevant when the first Town and Country Planning Act came into force. The Law Commission have observed that most of these no longer have any practical effect and could be omitted from a consolidation;
- the Housing Act 1985 (a consolidation Act of the UK Parliament) repealed a previous power to amend local Acts, as 15 years had passed without the power being exercised;
- the Co-operative and Community Benefit Society Act 2014 (a consolidation Act of the UK Parliament) did not replicate provisions of the Industrial and Provident Societies Act 1965 which referred to people who had made a nomination under the Act before 1 January 1914, on the basis that nobody who had made such a nomination would still be alive in 2014;
- the uncommenced repeal of "or (2)" in section 60(3) of the Industrial and Provident Societies Act 1965 Act was not reproduced in the Co-operative and Community Benefit Society Act 2014 as there was no intention of commencing the repeal (the repeal was contained in a 1992 Act);
- the Co-operative and Community Benefit Societies Act 2014 removed a specific offence of making a false statutory declaration on the basis that there was already a general offence of making false statutory declarations that covered the same conduct.

Standing Order 26C.2(iv) – A Consolidation Bill may make minor changes to existing law for the purposes of achieving a satisfactory consolidation;

10. This could include:

- a. resolving inconsistencies in the application of the law in different cases, where the reasons for a difference are no longer applicable or cannot be identified;

Examples:

- removing or reconciling inconsistencies in regulation making powers across different provisions;
 - ensuring that where a matter is dealt with on the face of one Act, but by subordinate legislation in another Act, both can be dealt with in primary or secondary legislation (as may be appropriate);
 - ensuring like cases are treated in the same way in the Consolidation Bill, for example by reconciling any inconsistencies between provisions which have come from different enactments or by extending general provisions or definitions in one of the existing Acts to cover all of the enactments being consolidated;
 - in cases where notice must be given in writing, and some existing legislation states the requirement for writing expressly but some does not, the requirement to give notice in writing can be set out in all of the provisions (or none of them if it is so obvious as to not need stating).
- b. correcting mistakes or anomalies in the legislation;
 - c. ensuring the consolidated legislation would be compatible with the Convention rights. This may include incorporating the effect of case law which has rendered the existing provision(s) compatible with Convention rights; or amending or omitting an existing provision or making new provision where it is clear such a change is necessary to ensure that the law is compatible with the Convention;
 - d. providing that the consolidated legislation will operate correctly in relation to Wales taking account of any cross-border issues between England and Wales;

Example:

- the consolidation of legislation relating to the National Health Service in England and Wales reproduced the law separately for England and Wales in the National Health Service Act 2006 and the National Health Service (Wales) Act 2006. Both Acts provided a territorial limit for the exercise of functions and made provision about certain cross-border issues.
- e. ensuring consistency in and between the English language and Welsh language texts of the Bill;
- f. moving provisions from subordinate legislation to primary legislation (and occasionally from primary to subordinate legislation) or changing the form of subordinate legislation or the procedure that applies to it, to improve the consistency or coherence of the relevant body of legislation;

Examples:

- where provisions about a particular issue are contained partly in primary legislation and partly in subordinate legislation, it may be appropriate to move provisions from one level to the other, so that everything about that issue is in the same place. For example, if regulations or orders deal with an important issue affecting how the legislation works, material in the regulations or orders might be more appropriately restated in the Bill;
- where there is a power to use subordinate legislation to modify the operation of primary legislation, and all the necessary modifications have already been made, it may be appropriate to incorporate the modifications into the restatement of the primary legislation, and the power to make modifications may not be needed;
- where forms or other points of detail are set out in primary legislation, it may be appropriate to provide for them to be specified in regulations instead, particularly if they are likely to need regular updating. Or it may be appropriate simply to require people to use forms published by Ministers or other public bodies, rather than including the forms in legislation;

- it may be appropriate to replace powers to make directions of general application (as opposed to directions addressed to specific individuals) with powers to make regulations;
- where an existing power to make subordinate legislation is not subject to any Senedd procedure, but such a power would nowadays be expected to attract Senedd procedure, a Consolidation Bill may restate the power with an appropriate procedure. A Consolidation Bill may also remove other inconsistencies and anomalies in procedural provisions.

Standing Order 26C.2(v) – A Consolidation Bill may make other changes to the law which the Law Commission of England and Wales recommend are appropriate for inclusion within a Consolidation Bill

11. Under Standing Order 26C.2(v) changes to the law which do not fall within the other paragraphs of that Standing Order may be included in a Consolidation Bill on the recommendation of the Law Commission. For a change to be made under paragraph (v), the Law Commission must not only recommend that the change is made, but must also identify the change as one that it would be appropriate to make in a Consolidation Bill.

12. Paragraph (v) does not mean that Consolidation Bills can be used to give effect to all law reform proposals made by the Law Commission. It is only intended to cover changes to the law which it would be convenient to make at the same time as consolidating the existing law. Such changes should not involve significant new policy nor be controversial. Examples of this type of change could include amending a set of procedural requirements to ensure that they work better in practice, or simplifying them to remove redundant steps from the procedure.

Standing Order 26C.2(vi) – A Consolidation Bill may include appropriate transitional and savings provisions, and consequential amendments and repeals of existing legislation (including amendments to ensure the existing legislation continues to operate correctly in relation to England);

13. Standing Order 26C.2(vi) includes:

- a. making consequential amendments to legislation that is not incorporated, or is incorporated only in part, in the Consolidation Bill. This includes making sure that the legislation left behind continues to operate satisfactorily with no change in legal effect (or no more change than is required by the consolidation). It may involve making extensive

amendments to the legislation to remove provisions that apply to Wales and to make clear that some or all of its provisions will in future apply only to England;

- b. providing a power to make further consequential amendments to legislation that are needed as a result of the consolidation;
- c. repeals necessary to deal with consolidation, including repeals of obsolete and spent provisions, and missed amendments and repeals (i.e. ones which should have been included in earlier Acts);
- d. savings and transitional provisions.