

Submission
No 8

**INQUIRY INTO PROCEDURES FOR DEALING WITH
DISORDER BY MEMBERS DURING COMMITTEE
PROCEEDINGS**

Organisation: Chief Executive and Clerk, Welsh Parliament – Senedd Cymru
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Evidence from Manon Antoniazzi (Chief Executive and Clerk, Senedd Cymru–Welsh Parliament) to the New South Wales Legislative Council Procedure Committee’s inquiry: procedures for dealing with disorder by members during committee proceedings

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1. The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

A. SPECIFIC PROCEDURES AND PRACTICES

The Government of Wales Act 2006

2. Section 31 of the Government of Wales Act 2006 states that “Senedd proceedings are to be regulated by standing orders” and that they “must include provision for preserving order”.¹

Standing Orders and Guidance

Behaviour in committees

3. Standing Orders 17.25 to 17.27 (which are set out in full in the [annex](#)) set out the rules regarding behaviour in committee meetings and a committee chair’s role in the management of any disorder.²
4. According to Standing Order 17.25, the chair is to “maintain order in committee meetings and must call to order any Member who:
 - (i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;
 - (ii) is obstructing the business of the Senedd;
 - (iii) seeks to raise a matter outside the scope of the issue before the committee;
 - (iv) is guilty of discourteous or unbecoming conduct;
 - (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Senedd;

¹ [Government of Wales Act 2006](#), c.32, section 31 (accessed 30 April 2024).

² Senedd Cymru, [Standing Orders of the Welsh Parliament](#), January 2024 (accessed 30 April 2024).

- (vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or
- (vii) disregards the authority of the chair.”

5. It is a matter for the chair of the committee to interpret what constitutes disorderly behaviour according to their reading of the above rules and the circumstances under which a Member should be called to order. A chair can turn to clerks for advice regarding existing precedents.
6. Under Standing Order 17.26, “a Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.”

Other order-related matters

Declaration of interests

7. Under Standing Order 17.24A, a Member must declare any interest, financial or otherwise, that they, or to their knowledge, a family member, has or is expecting to have that is **relevant** to those proceedings, and might reasonably be thought to influence the Member’s contribution.
8. In addition, under Standing Order 2.6, a Member must make an oral declaration of any **financial** interest which he or she has, or may be expecting to have, or which, to the their knowledge, their partner or any dependent child, or may be expecting to have in any matter arising in those proceedings.
9. It is an offence under Section 36 of the Government of Wales Act 2006³ for a Members to take part in any proceedings without having complied with the requirements set out in Standing Order 2 relating to registering and declaring interests.

Sub judice

10. Under Standing Order 17.28, a Member must not raise or pursue in committee meetings any matter which relates to active proceedings (as

³ [Government of Wales Act 2006](#), c.32, section 36 (accessed 30 April 2024).

defined by Schedule 1 to the Contempt of Court Act 1981), except to the extent permitted by the Chair.

Relations with the judiciary

11. Under Standing Order 17.29, Members must not make criticisms in committee meetings of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office, unless the matter is the subject of a substantive motion.

Virtual and hybrid proceedings

12. In accordance with the Guidance on Virtual and Hybrid Proceedings (issued by the Llywydd under Standing Order 6.17), standing orders relating to order in committee meetings apply equally to meetings held fully in person or in a virtual or hybrid format. The key principles are:

- Members must at all times in their conduct promote respect for the Senedd and extend respect and courtesy to other Members;
- Members must comply with any directions given by the chair of a committee meeting.⁴

13. This Guidance also states:

- no distinction should be made between the conduct of Members participating remotely and those within the a committee room.
- Chairs of meetings should seek to ensure that equal standards of conduct and etiquette are maintained by all participants at all times, regardless of whether they are present physically or virtually.

B. PROCEDURES FOR DEALING WITH DISORDER

14. While a committee cannot vote to exclude a Member, under Standing Order 17.27, a Member “may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal.”

⁴ Senedd Cymru, [Guidance on Virtual and Hybrid Proceedings \(issued by the Llywydd under Standing Order 6.17\)](#), November 2022 (accessed 30 April 2024).

15. If a Member refuses to withdraw, the chair may adjourn the meeting or may suspend the meeting for a specified time and report the matter to the Presiding Officer (commonly known as the Llywydd).⁵
16. Having obtained the permission of the Llywydd in advance, any Member may move a motion without notice in Plenary to propose that a Member be excluded from Senedd proceedings for a period in accordance with Standing Order 13.13.⁶
17. Standing Order 13.13 stipulates that such an exclusion has immediate effect and must be:
- (i) on the first occasion during any 12 month period, until the end of the working day immediately following the day of exclusion;
 - (ii) on a second occasion during the same 12 month period, for five working days immediately following the day of exclusion; and
 - (iii) on a third or any subsequent occasion during the same 12 month period, for 20 working days immediately following the day of exclusion.”
18. During such a period, the excluded Member is not entitled to receive any salary from the Senedd and is not permitted to attend any Senedd proceedings.⁷

Code of Conduct

19. The Senedd’s Code of Conduct indicates that Members’ conduct during committees is normally dealt with by the chairs of committees through application of the Senedd’s Standing Orders relating to maintaining order during proceedings.⁸
20. If a committee chair considers that the conduct requires further or fuller investigation, they may refer the matter to the Senedd Commissioner

⁵ Senedd Cymru, [Standing Orders of the Welsh Parliament](#), January 2024, Standing Order 17.27 (accessed 30 April 2024).

⁶ Ibid.

⁷ Senedd Cymru, [Standing Orders of the Welsh Parliament](#), January 2024, Standing Order 13.14 (accessed 30 April 2024).

⁸ Senedd Cymru, [Code of Conduct on the Standards of Conduct of Members of the Senedd](#), agreed 24 March 2021 and in effect since the start of the Sixth Senedd (May 2021) (accessed 30 April 2024).

for Standards.⁹ The procedure for dealing with complaints against Members of the Senedd is available publicly.¹⁰

21. The Code does not apply to a committee chair (or the Llywydd) in respect of their exercise of functions conferred by an enactment, the Senedd or by Standing Orders.¹¹ Mechanisms do exist in the Standing Orders however for the removal from office by the Senedd of a committee chair (or Llywydd).¹²

⁹ The Senedd Commissioner for Standard has investigatory powers under sections 11-18 of the [National Assembly for Wales Commissioner for Standards Measure 2009](#).

¹⁰ The procedure was adopted by the Senedd Standards of Conduct Committee and was laid before the Senedd in accordance with Standing Order 22.2(iv) on 6 July 2022. It applies to complaints received by the Commissioner on or after 18 July 2022, and can be accessed [here](#).

¹¹ Senedd Cymru, [Code of Conduct on the Standards of Conduct of Members of the Senedd](#), agreed 24 March 2021 and in effect since the start of the Sixth Senedd (May 2021).

¹² See Standing Orders 17.2M-O for procedures to remove elected chairs and 17.11(ii) for procedures to remove appointed chairs (and Standing Orders 6.26-27 for the removal of the Llywydd).

ANNEX – Relevant Standing Orders

Excerpt from Standing Order 17 – Operation of committees

Declaration of Relevant Interests

- 17.24A Before taking part in any committee proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.
- 17.24B Standing Order 17.24A does not affect the requirements for oral declaration of registrable interests under Standing Order **Error! Reference source not found.**

Behaviour in Committees

- 17.25 The chair is to maintain order in committee meetings and must call to order any Member who:
- (i) is engaging in conduct which would, in the opinion of the chair, constitute a criminal offence or contempt of court;
 - (ii) is obstructing the business of the Senedd;
 - (iii) seeks to raise a matter outside the scope of the issue before the committee;
 - (iv) is guilty of discourteous or unbecoming conduct;
 - (v) is using disorderly, discriminatory or offensive language or language which detracts from the dignity of the Senedd;
 - (vi) refuses to conform to any Standing Order or any other requirement for the conduct of Members; or
 - (vii) disregards the authority of the chair.
- 17.26 A Member must comply with any directions given by the chair about any conduct for which he or she has been called to order.

17.27 A Member may be required by the chair to withdraw from the remainder of the meeting if the chair considers their conduct such as to warrant withdrawal. If a Member refuses to withdraw when required to do so, the chair may adjourn the meeting or may suspend the meeting for a specified time and report the matter to the Presiding Officer. With the permission of the Presiding Officer obtained in advance, any Member may move a motion without notice in plenary to propose that the Member be excluded from Senedd proceedings for a period in accordance with Standing Order 13.13.

Sub Judice

17.28 Subject to the right of the Senedd to legislate on any matter or to discuss subordinate legislation, a Member must not raise or pursue in committee meetings any matter which relates to active proceedings (as defined by Schedule 1 to the Contempt of Court Act 1981), except to the extent permitted by the Chair.

Relations with the Judiciary

17.29 Unless the matter is the subject of a substantive motion, Members must not, in committee meetings, make criticisms of the conduct of judges of the courts of the United Kingdom in the discharge of their judicial office; (in Standing Order 17.29 “judge” includes persons holding the position of judge, whether full-time or part-time).

17.30 Committees must not discuss individual judicial appointments.