



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper No. 52/21

June 2021

NIAR 132-2021

Private Members' Bills – Bills that have become law in other legislatures and procedures in other legislatures

Ray McCaffrey

1 Introduction

This briefing paper has been prepared following a request from the Committee on Procedures. The Committee sought information on:

- the number of Private Members' Bills (PMBs) that have become law in the Scottish Parliament, Welsh Parliament, House of Commons and Dáil Eireann; and
- the procedure for PMBs in other legislatures.

This briefing paper provides an update to papers NIAR 479-16 (process for PMBs in other legislatures) and NIAR 3-17 (PMBs that have become law) and essentially combines those two papers.

A review of paper NIAR 479-16 showed that there was little change in the publicly available information provided by legislatures in relation to how PMBs are processed, except in relation to Dáil Eireann. However, updated information was also sought directly from officials in the relevant legislatures, as had been the case for paper NIAR 479-16.

2 Scottish Parliament

The Scottish Parliament refers to legislation introduced by a Member of the Scottish Parliament (MSP) as a 'Member's Bill', rather than a 'Private Member's Bill'.

The website of the Scottish Parliament provides the following information on Members' Bills¹ introduced in sessions (mandate) 1 to 4:

Table 1: Members' bills becoming law in Scottish Parliament sessions 1 to 4

Session	Proposals lodged	Members' bills introduced	Members' bills passed
1	44	16	8
2	67	18	3
3	29	13	7
4	28	13	6

Table 2 sets out the Members' Bills that received Royal Assent in the Scottish Parliament in the latest session (mandate) which ran from May 2016 to May 2021.

There were 35 proposals for Members' Bills, of which 21 were deemed 'completed' – that is, a Bill was introduced, or the proposal fell or was withdrawn. Of those 21, seven became Acts.

Table 2: Members bills becoming law in session 5 in the Scottish Parliament

Legislation	Royal Assent
The Children (Equal Protection from Assault) (Scotland) Bill	7 November 2019
Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill	19 April 2018
Dogs (Protection of Livestock) (Amendment) (Scotland) Bill	5 May 2021
Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill	24 February 2021
Period Products (Free Provision) (Scotland) Bill	12 January 2021
Seat Belts on School Transport (Scotland) Bill	18 December 2017
Tied Pubs (Scotland) Bill	5 May 2021

Two Members' Bills fell after the Scottish Government indicated that it would bring forward legislation that would give effect to the policies contained in those Bills. These Scottish Government indications are introduced under Rule (Standing Order) 9.14.13.

¹ The Scottish Parliament refers to legislation introduced by a Member of the Scottish Parliament (MSP) as a 'Member's Bill', rather than a 'Private Member's Bill'.

Opportunities for members to introduce legislation

There is no limit to the number of **proposals** that each member may lodge. A member cannot, however, have more than two proposals – whether draft proposals or final proposals – in progress simultaneously. A proposal continues to count towards this quota until it falls or is withdrawn, or until a Bill introduced to give effect to it is passed, falls or is withdrawn.²

Administration of the process³

Before introducing a Member's Bill, the MSP must first lodge a draft proposal and then a final proposal. The draft proposal must be accompanied either by a consultation document or by a statement of reasons why the MSP does not consider a consultation process necessary. The committee to which the Bill is referred may decide that it is not satisfied with the reasons given by the member for not consulting. In such circumstances, the proposal falls unless the member, within two months, lodges a consultation document.⁴

The final proposal, which must be broadly similar to the draft proposal, is published in the Business Bulletin for a month. By the time a final proposal is lodged, the member's policy is expected to be reasonably well developed. A Member's Bill should "give effect" to a final proposal. Therefore, a Bill which contained provisions extending substantially beyond the terms of the final proposal or which did not provide a substantial element of what was outlined in the final proposal could not be introduced. This test (of conformity between the final proposal and the eventual Bill) protects the interests of members who have supported the final proposal with a reasonable expectation of what the Bill resulting from it would be like.⁵

If, by the end of that period, it has been supported by at least 18 other MSPs from at least half of the parties or groups represented in the Parliamentary Bureau⁶, and the Scottish Government has not exercised its right to block the proposal (on the grounds that either it or the UK Government will legislate in similar terms), the MSP secures a right to introduce a Bill to give effect to the proposal. This right may be exercised until the beginning of June in the penultimate year of the session⁷. A member can, exceptionally, seek the consent of the Parliamentary Bureau to introduce a Bill up until the last sitting day of September in that year.⁸

² Scottish Parliament: Guidance on Public Bills

³ As above.

⁴ Information in this section is taken from the 'About Members' Bills' section on the Scottish Parliament's website:
<http://www.parliament.scot/parliamentarybusiness/Bills/30584.aspx>

⁵ Scottish Parliament: Guidance on Public Bills

⁶ This is the equivalent of the Assembly's Business Committee.

⁷ Information in this section is taken from the 'About Members' Bills' section on the Scottish Parliament's website:
<http://www.parliament.scot/parliamentarybusiness/Bills/30584.aspx>

⁸ Scottish Parliament: *Guidance on Public Bills*

Role of the NGBU⁹

Members can avail of the support of the Non-Government Bills Unit (NGBU) during the bill process. Working closely with Parliamentary lawyers and external drafters, NGBU can assist with policy development, summarise consultation responses, secure the drafting of a Bill, prepare briefings and give procedural advice.

- NGBU's initial aim is to understand what the member is seeking to achieve with a Bill, and then to work with the member to develop an initial policy (or policy options) as a basis for consultation. This early stage is crucial in ensuring that any legal, practical or political constraints are identified and (where possible) resolved before a draft proposal is lodged.
- The draft proposal is consulted on for a minimum of 12 weeks. (In some cases, a member may be able to lodge a "statement of reasons" as to why a consultation is not necessary).
- NGBU prepares a summary of responses to the consultation for the member to lodge alongside a final proposal.
- (As noted above) the final proposal appears in the Business Bulletin for a month. The member secures the right to introduce a Bill if, during that time, the final proposal gains the support of at least 18 other members from at least half of the political parties or groups represented on the Parliamentary Bureau.
- NGBU works with the member to further refine the policy, taking account of feedback from the consultation and (via the Parliament's solicitors) instructs the drafting of the Bill. NGBU prepares the accompanying documents to the Bill (Policy Memorandum, Explanatory Notes and Financial Memorandum).
- The Bill is introduced and proceeds through the same 3-stage process as other Public Bills introduced by the Scottish Government. At each Stage, NGBU supports the member, for example by providing briefing material, drafting speeches or accompanying the member when giving evidence to a Committee.

⁹ Information in this section is taken from the 'About Members' Bills' section on the Scottish Parliament's website: <http://www.parliament.scot/parliamentarybusiness/Bills/30584.aspx>

Table 3: Information provided by the Scottish Parliament on the administration and support for Members' Bills

<p>The level of support in other jurisdictions/Level of resource (both financial and staff) that is provided/available</p>	<p>The Non-Government Bills Unit (NGBU) currently consists of 6 clerking staff, although the full complement is 8 (roughly 7 full-time equivalent). The main cost to providing this service is staff salary costs. NGBU is supported by a team of 4 Scottish Parliament solicitors (though supporting NGBU is only part of what they do). NGBU maintains a panel of external drafters whom it can instruct to draft Members' (and Committee) Bills – and the Unit has a budget of around £30K a year for this purpose.</p>
<p>Selection and prioritisation criteria</p>	<p>Rule 9.14 allows all MSPs (other than Ministers) to lodge proposals and (if successful) introduce Members' Bills, subject to a maximum of two per MSP in each 5-year session, and a maximum of two proposals in progress at any one time. NGBU aims to support every MSP who seeks its support – although it will not provide resources (e.g. policy development, drafting) to proposals that it considers to be outside the Parliament's legislative competence. NGBU does not operate any further selection or prioritisation criteria – although (as a backstop) it would have the option of going to the SPCB (the Parliament's corporate body) to get authorisation to prioritise some over others should it find itself facing a level of demand that it cannot meet.</p>
<p>How any conflict is resolved if there are two submissions on the same subject</p>	<p>There is nothing to prevent two or more MSPs seeking to lodge proposals (or to introduce Members' Bills) to do the same thing (or to do competing or overlapping things on the same topic) at the same time. (There are however rules against lodging a proposal for a Member's Bill, or introducing a Member's Bill, in the same session, within six months of the same or a similar proposal or Bill falling or being rejected.) NGBU would not withhold support from any member on the basis that another member already had a similar proposal in progress.</p>
<p>Processes around co-sponsor of Bills</p>	<p>Each proposal is lodged by a single MSP, and cannot be "passed on" to any other member. If the proposal is successful, it is only the member who lodged the proposal who can go on to introduce a Bill to give effect to it. However, once a Bill has been introduced, the MSP who introduced it can appoint another MSP as "member in charge". That additional member in charge has the same rights as the member who introduced it, and this provides an "insurance policy" to allow the Bill to be proceeded with in the event of the original MSP dying or resigning, or being ill or unavailable on a particular occasion.</p>
<p>Whether procedures exist to allow other Members to indicate support for a Bill</p>	<p>The second step in the process requires the MSP to gain the support of at least 18 other MSPs (from at least half of the political parties or groups represented on the Parliamentary Bureau)¹⁰ for his/her final proposal – without this support, the MSP does not have the right to introduce a Bill. Separately, when a Bill is introduced, other MSPs can be named on the back of the published Bill as "supporters", but in this context, it is purely symbolic and makes no difference procedurally speaking. In practice, MSPs signal their support for a proposal or a Bill in a range of ways, including by lodging supportive motions, or by speaking or voting in favour of the Bill during its passage through the Parliament.</p>

¹⁰ The Parliamentary Bureau is made up of the Presiding Officer and a member of parties/groups with five or more MSPs

3 Welsh Parliament

The Welsh Parliament also appears to employ the term ‘Members’ Bills’ rather than ‘Private Members’ Bills’.

Previous research identified five Members’ Bills that became law in the period 2007-11.

Three members had been successful in the ballots which were conducted to select a member to take forward a bill, but no Members’ Bills became law during the course of the 2016-21 mandate.¹¹

Administration of the process

Standing Orders state that from time to time, the Presiding Officer must “hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to introduce a Member Bill”.¹² Any Member of the Senedd who is not a member of the Welsh Government may submit a proposal for a Bill. However, a Member who has previously been successful in the ballot may not apply.

Members wishing to enter the ballot must supply the following pre-ballot information:

- the proposed title of the Bill; and
- the policy objective of the Bill.

There is no requirement for Members to consult but this is encouraged as the Member can refer to consultation findings in any subsequent ‘leave to proceed’ debate, should their Bill be selected from the Ballot.

Members will be notified by the Presiding Officer of his/her intention to run a ballot. The Member must table their pre-ballot information by 4pm on the Friday before the date of the ballot. The ballot is undertaken by the Table Office and the winner is informed of the result. The result is also published on the Senedd’s website and announced by the Presiding Officer in Plenary.¹³

A Member who is successful in a ballot may table a motion (within 25 working days of the date of the ballot) seeking the Assembly’s agreement to introduce a Bill that will give effect to their pre-ballot information. Such a motion must be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).

Members have in practice 12 months to introduce a Bill – Standing Orders state 13 months but the Presiding Officer usually sees the draft Bill at least four weeks in advance to assess its legislative competence.

¹¹Development of the Autism (Wales) Bill: <https://senedd.wales/archive/fifth-senedd-2016-2021/proposed-members-bills-fifth-senedd-2016-2021/development-of-the-autism-wales-bill/>

¹² Senedd Business, *Guide to the Members Bill Process*, Edition 4: May 2020: https://senedd.wales/NAFW%20Documents/Assembly%20Business%20section%20documents/Member-Bill-Guidance/Guide-Member-Bill-process_eng.pdf

¹³ As above

Once final versions of the Bill and Explanatory Memorandum have been drafted, Standing Orders set out additional criteria that must be met before the Bill can be formally introduced. In particular, a Bill and Explanatory Memorandum must be:

- Introduced in both English and Welsh; and
- Accompanied by a statement by the Presiding Officer setting out whether in their opinion, the Assembly has the power to make the Bill.¹⁴

A specific Bill Team of Senedd Commission officials is only available to a Member after their proposal has received 'leave to proceed' although they can at any time avail of advice from the Policy and Legislation Committee Service or Chamber and Committee Service. Support is also available from Legal Services and the Research Service. The *Guide to Members' Bill Process* offers detailed guidance on the preparation and submission of a Bill. The following are some of the key points from the guide:

- If a Member receives the Agreement to introduce a Bill, they will have the option of being supported by a Bill Team, which may include:
 - The Clerk responsible for Scrutiny Support and Co-ordination;
 - Members of the Research Service, specialising in both the policy area of the proposed Bill and financial scrutiny; and
 - Member(s) of the Legal Service.
- In order for the Bill to accurately reflect the intentions of the Member, specific objectives will need to be given by the Member to the Bill Team's lawyer(s). The lawyer(s) will then be responsible for the drafting of the Bill, in accordance with the Member's instructions. For clarity: the Member is at all times responsible for the content of the Bill and will be asked to formally sign it off at each of the key milestones in the process.
- The Bill Team can work with the Member in Charge and their Support Staff to develop briefing to assist them in responding to questions. The style of the briefing can be adapted to the Member's preferences. The Bill Team can also help the Member to prepare for Committee (for example by holding a 'practice run').
- A Committee will allow the Member in Charge to bring a number of advisers with them to a committee meeting, to assist them in responding to questions. A Member in Charge may invite members of the Bill Team to accompany them for this purpose. In such instances, members of the Bill Team will only be able to provide answers to factual questions raised by the Committee.
- The Member in Charge may be required to provide further information to the Committee at any time during their evidence taking. The Bill Team can work

¹⁴ Senedd Business, *Guide to the Members Bill Process*, Edition 4: May 2020:

with the Member in Charge and their Support Staff to develop written papers and correspondence.

- The Bill Team can work with the Member in Charge to develop a speech for debate and assist the Member during Committee consideration of amendments at Stage 2.

Table 4: Information provided by the Welsh Parliament on the administration and support for Member's Bills

The level of support in other jurisdictions/Level of resource (both financial and staff) that is provided/available	The Bill team usually consists of Bill Manager, one researcher with expertise in that area and one financial researcher, two people from Legal Services – this is minimum level of staffing – an additional researcher may be required.
Selection and prioritisation criteria	Ballot process – any Member can enter the ballot (not Govt. or if previously successful) – Members can pursue almost any topic unless outside Parliament's competence. One exception to this is that Member Bills may not seek to amend existing taxes, or introduce new taxes. This was added to Standing Orders to reflect changes made to the tax raising powers in Wales, as it was felt that it would not be an appropriate area for private Member legislation. The preference is to keep the number of ballots reasonably low ¹⁵ and not to have two Members' Bills running at the same time – ideally there should be a 3-month gap between Members' Bills.
How any conflict is resolved if there are two submissions on the same subject	Two submissions on same subject: 13 proposals on same subject in third Assembly – Presiding Officer only allows one ballot at a time – could in theory allow multiple ballots.
Processes around co-sponsor of Bills	There is no process for allowing co-sponsorship.
Whether procedures exist to allow other Members to indicate support for a Bill	Could possibly indicate support in the Explanatory Note.

4 House of Commons

Research carried out by the Hansard Society found that there were 61 PMBs that became law in the parliamentary sessions from 2010-12 to 2017-19. Table 5 provides details on a further seven that became law in the 2019-21 session.

¹⁵ In the 2011-16 mandate there were eight ballots. It appears that one Member was successful twice in the previous mandate. This is not possible under the current rules.

Table 5: Private Members' Bills becoming law in the 2019 – 21 session

Legislation	Royal Assent
Animal Welfare (Sentencing) Act 2021	29 April 2021
Botulinum Toxin and Cosmetic Fillers (Children) Act 2021	29 April 2021
British Library Board (Power to Borrow) Act 2021	29 April 2021
Education (Guidance about Costs of School Uniforms) Act 2021	29 April 2021
Education and Training (Welfare of Children) Act 2021	29 April 2021
Forensic Science Regulator Act 2021	29 April 2021
Prisons (Substance Testing) Act 2021	29 April 2021

PMBs take precedence over Government business on 13 Fridays in each parliamentary session.

Opportunities for members to introduce legislation

There are three ways in which an MP can attempt to progress a PMB:

Ballot bills have the best chance of becoming law, as they get priority for the limited amount of debating time available. The names of Members applying for a bill are drawn in a ballot held on the second sitting Thursday of a parliamentary session. Normally, the first seven ballot bills are most likely to get a day's debate.

The first reading (formal presentation - no debate) of ballot bills takes place on the fifth sitting Wednesday of a parliamentary session.

Ten Minute Rule bills are often an opportunity for Members to voice an opinion on a subject or aspect of existing legislation, rather than a serious attempt to get a bill passed.

Members make speeches of no more than ten minutes outlining their position, which another Member may oppose in a similar short statement. It is a good opportunity to raise the profile of an issue and to see whether it has support among other Members.

Presentation bills - any Member may introduce a bill in this way as long as he or she has previously given notice of their intention to do so. Members formally introduce the title of the bill but do not speak in support of it - they rarely become law.

Administration of the Ballot

The ballot for Private Members' Bills gives MPs the chance to be one of the first 20 to introduce a Private Members' Bill on a subject of their choice this session. Those drawn higher in the ballot are more likely to get time to debate their Bill and therefore their Bills will have a higher chance of becoming law.

The Ballot Bills for the 2021-22 parliamentary session will have their First Reading in the House of Commons on 16 June, and will then be debated over 13 sitting Fridays.¹⁶

Consideration of PMBs

The website of the House of Commons states:

Additional time can be given to Private Members' bills if the Leader of the House assigns additional sitting Friday's. Public Bill Committees may also consider Private Members' bill on other days.

MPs can put their Private Members' bills down for any day – which tends to happen towards the end of the session when there are no sitting Friday's remaining. However, these are unlikely to be considered on such days.¹⁷

PMBs go through the same general process as other public bills, with some exceptions. Research by the Hansard Society states:

The Member sponsoring the PMB must provide the Selection Committee with the names of members willing to serve on the [Public Bill Committee] PBC. The Selection Committee will then formally nominate those members.

However, Standing Order No. 84A(5) permits the Selection Committee to nominate only one PBC to consider a PMB at any one time. As a result, if a number of PMBs pass through 2nd Reading stage, they can face bottlenecks as they wait in the queue for the PBC to become available. Only the government can table a motion to support the nomination of a second PBC to sit simultaneously to consider another PMB.¹⁸

Table 6: Information provided by the House of Commons on the administration and support for Private Member's Bills

<p>The level of support in other jurisdictions/Level of resource (both financial and staff) that is provided/available</p>	<p>Resource support comes from the clerk of Private Members' Bills and part of the time of a deputy. Drafting support is offered by the Government (Office of Parliamentary Counsel) drafts most "hand-out" bills; the Clerk of Private Members' Bills drafts some ballot bills and draws in drafting resources from other parts of the House such as lawyers in the Scrutiny Unit. Others are drafted by outside organisations and lawyers. For Ten Minute Rule and presentation bills a very limited service is offered: help is provided with drafting if the bill is short and plenty of notice is given. Many Ten Minute Rule and presentation Bills never get beyond the short and long titles as their purpose is to draw attention to an issue.</p> <p>The first ten Members in the ballot are entitled to claim up to £200 from public funds towards the cost of drafting assistance for their Bill.</p>
---	--

¹⁶ Information taken and summarised from the House of Commons website:

<https://www.parliament.uk/business/news/2021/may/private-members-bill-ballot-20-may-2021/>

¹⁷ As above

¹⁸ Hansard Society, *Private Members' Bills*: <https://www.hansardsociety.org.uk/publications/guides/private-members-bills#what-is-the-legislative-procedure-for-private-members-bills-in-the-house-of-commons>

Selection and prioritisation criteria	On selection and prioritisation criteria, the priority is to get the ballot bills drafted. Any spare resource goes to Ten Minute Rule Bills then Presentation Bills.
How any conflict is resolved if there are two submissions on the same subject	It's first come first served; in terms of the first ballot winner would have priority. Member confidentiality has to be respected. If two ballot winners came up with the same idea for a bill (and this is possible as they get intensely lobbied by the same group) the situation has to be managed, for example ensuring the lower Member has a back-up proposal. If they are in the same party it could be suggested to them that they have a conversation about the matter.
Processes around co-sponsor of Bills	A bill may have – but does not need – up to 11 Members as 'supporters', in addition to the Member in charge. Supporters' names must be provided to the Public Bill Office before presentation in time to be entered on the dummy bill, and cannot be added or removed after presentation.
Whether procedures exist to allow other Members to indicate support for a Bill	There is no formal way to indicate support in advance other than through sponsorship.

4 Houses of the Oireachtas

Previous research identified six PMBs in the period 2011-15 that had become law.

Table 7 shows the 17 PMBs that have become law in the period 2016-21.

Table 7: Private Members' Bills becoming law in the period 2016-21

Legislation	Signed by the President
Central Bank and Financial Services Authority of Ireland (Amendment) Act 2017	25 July 2017
Competition (Amendment) Act 2017	7 June 2017
Parole Act 2019	23 July 2019
Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017	6 July 2017
Thirty-eighth Amendment of the Constitution (Dissolution of Marriage) Act 2019	11 June 2019
Civil Law (Presumption of Death) Act 2019	10 July 2019
Irish Sign Language Act 2017	24 December 2017
Fossil Fuel Divestment Act 2018	17 December 2018
Intoxicating Liquor (Breweries and Distilleries) Act 2018	22 July 2018
Consumer Insurance Contracts Act 2019	26 December 2019
Mental Health (Amendment) Act 2018	2 July 2018
Intoxicating Liquor (Amendment) Act 2018	31 January 2018
Parental Leave (Amendment) Act 2019	22 May 2019
Harassment, Harmful Communications and Related Offences Act 2020	28 December 2020
Landlord and Tenant (Ground Rents) (Amendment) Act 2019	21 December 2019
Consumer Protection (Regulation of Credit Servicing Firms) Act 2018	24 December 2018
Children (Amendment) Act 2021	26 April 2021

In 2016 the sub-Committee on Dáil Reform initiated a review of the PMB process and support offered to PMBs. Subsequently, “a drafting service has been established to ensure that PMBs are drafted to high standards”. Research conducted by the Oireachtas Research & Library Service provided more information on the reforms to the PMB process:

*Following discussions during 2017 and 2018, a Memorandum of Understanding (MoU) on Private Members’ Bills was agreed between the Government and the sub-Committee on Dáil Reform, and was formally adopted by the Dáil, along with necessary changes to Standing Orders, in December 2018. Its purpose is to put in place a process which supports a Member’s right to propose legislation, parliament’s duty to scrutinise legislation, and Government’s duty to ensure fiscal responsibility.*¹⁹

A new stage in the PMB process – Detailed Scrutiny – was introduced in 2016 in response to “the increasing numbers of PMBs passing Second Stage and with a view to ensuring that PMBs are subjected to a similar level of scrutiny as are Government Bills (via the pre-legislative scrutiny process introduced in November 2013).”²⁰

The MOU made Detailed Scrutiny compulsory rather than leaving it to the discretion of the Oireachtas committee charged with scrutinising the bill. However, this is contingent on:

- a) the sponsor of the PMB requesting that the Committee undertake detailed scrutiny; and
- (b) the Business Committee does not grant a ‘waiver for detailed scrutiny’.

During detailed scrutiny the Committee will seek the views of:

- the PMB’s Sponsor (explanatory memos are now mandatory on publication of all Bills);
- the relevant Minister and/or his departmental officials; and
- other relevant stakeholders and experts who can bring evidence to bear on the PMB.²¹

In addition, “A Committee will receive assistance in the form of a pre-meeting briefing paper which identifies key issues for its consideration from the Library and Research Service. A Committee will consult the Office of the Parliamentary Legal Advisers (OPLA) regarding legal and drafting issues”.²²

¹⁹ https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2019/2019-05-30_l-rs-note-private-members-bills-pmb-admissibility-government-messages-and-detailed-scrutiny-updated-note_en.pdf

²⁰ As above

²¹ https://data.oireachtas.ie/ie/oireachtas/libraryResearch/2019/2019-05-30_l-rs-note-private-members-bills-pmb-admissibility-government-messages-and-detailed-scrutiny-updated-note_en.pdf

²² As above.

Table 8: Information provided by the Oireachtas on the administration and support for Private Member's Bills

<p>The level of support in other jurisdictions/Level of resource (both financial and staff) that is provided/available</p>	<p>In May 2010, the Committee on Procedures and Privileges agreed that the Houses needed assistance with drafting Private Members Bills and that it should be procured. A tender process resulted in the establishment of a panel on which there are two barristers available for drafting. The project is run by the Bills Office and the allocation is €45,000 annually ((€30,000 for TDs and €15,000 for Senators) with no single Bill to exceed €5,000 per member.</p> <p>During the 2011-2016 Dáil the uptake was fairly low. Prior to accessing the fund and approaching the drafters, Members are expected to be clear about the intention of the draft legislation as the drafters have no role in the development of policy.</p> <p>The protocol is that Members produce a policy background/rationale paper and may request Library and Research assistance with this. Private Members' Bills' should be produced to an equivalent standard as Government Bills. In the report of the Sub-Committee on Dáil Reform (May 2016), which was adopted by the Dáil, it was agreed to continue with this framework (2017) pending the development of the Office of the Parliamentary Legal Advisor (OPLA) which will over the course of this Dáil take on this drafting role for PMBs. The service has developed considerably since then.</p> <p>Since 2018, the OPLA has provided (a) drafters and (b) qualified legal counsel to assist Members with Private Member's Bills. While Members are not obliged to use this service, Members increasingly do use it. The aim is to ensure that PMBs are at a standard similar to Government Bills. Where Members require policy research in advance (to identify the policy underlying the PMB), this is provided by the Parliamentary Research Service (Library and Research Service) which works with the Member and the OPLA.</p>
<p>Selection and prioritisation criteria</p>	<p>All Members have the right to propose a PMB.</p> <p>However, a Member must have the permission of the House (via a vote proposal that leave to introduce be given) to have the bill printed and placed on the Order Paper. Under Standing Order 172(2) a Member is entitled to move for leave to introduce a Bill and is permitted to make an explanatory statement not exceeding five minutes as part of this procedure.</p> <p>Parties or Groups (minimum 5 Members formally recognised under Standing Orders) do not need to 'seek leave' to introduce a PMB. However, only one PMB per Group can be on the order paper at any one time (this does not apply to government parties – see Standing Order 163(5)).</p> <p>There are three slots for Private Members' Business each week - 2 hours each on Tuesday, Wednesday and Thursday.</p> <ul style="list-style-type: none"> • the PMBs on Thursday are selected by a lottery in the Business Committee; • on a Tuesday and a Wednesday, private members' time is allocated on a rota according to weight of party/group. It is then a matter for the party/group to choose how they want to use their

	<p>allocated time – so they can choose to use their slot for either a motion or a Bill – it’s entirely up to them.</p> <p>After second stage:</p> <p>If a PMB is approved at second stage in the Dáil, it is at ‘order for committee stage’. If the sponsor of the PMB requests it (in writing to the Committee), the Committee undertakes detailed scrutiny of the Bill (from a policy, legal and financial perspective) and prepares a report which is laid before the Dáil in which it recommends that the Bill may or may not proceed. If it recommends that it should proceed, the bill is referred to Select Committee for line-by-line scrutiny. (Standing Orders 177 and 178). The process for a PMB which is approved at second stage in the Seanad is the same as for government bills (but if it is approved by the Seanad, it will undergo detailed scrutiny when it arrives in the Dáil as per the above description).</p> <p>Note also that PMBs which impose a charge (tax or expenditure) are out of order unless the charge is incidental (and where it is incidental a money message from Government is required for the Bill to be taken at formal committee stage in the Dáil i.e. after the detailed scrutiny report has been laid and before formal committee stage is taken).</p>
<p>How any conflict is resolved if there are two submissions on the same subject</p>	<p>Under Standing Order 174(4), if the Ceann Comhairle (Speaker) finds two or more PMBs are identical or substantially similar, the Member sponsoring the first Bill to be received is the Member permitted to present or move for leave to introduce it. In practice there are sometimes similar Bills given leave for introduction or introduced in the Seanad which is similar in intent to a Bill on the Order Paper in the Dáil (so often there are similar PMBs before the Houses in spite of Standing Order 174)</p>
<p>Processes around co-sponsor of Bills</p>	<p>There is no difficulty with multiple members sponsoring a Bill. This is not an uncommon occurrence. In Seanad Eireann it is a requirement - 3 Senators.</p>
<p>Whether procedures exist to allow other Members to indicate support for a Bill</p>	<p>The initiation of all Bills is decided upon by a question put to the House and Leave to Introduce can be opposed at this point. In the course of consideration of the Bill, it is open to members to express their support verbally or at a point where a formal decision is taken [e.g. "that the Bill be read a second time"].</p>