

INTRODUCTION TO THE LEGISLATIVE PROCESS





An introduction to the legislative process for departmental officials engaged in the processing of Bills through the Houses

HOUSE SERVICES
HOUSES OF THE OIREACHTAS SERVICE

publicbills@oireachtas.ie

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Introduction to the Legislative Process in the Houses of the Oireachtas

1 Introduction

1.1 The Bills Office

This guide aims to provide a comprehensive introduction to the legislative process in the Houses of the Oireachtas by providing detailed information on Bill scrutiny, the publication process, the Bill stages in the Houses, financial procedure and the process of amending Bills. It is designed to assist departmental officials directly engaged in the legislative process in the Houses of the Oireachtas only. Queries relating to the Government approval process for legislative proposals and amendments are a matter for the Department of the Taoiseach.

Where specific queries arise during the legislative process in the Houses, they should be directed to the Bills Office. All correspondence when legislation is progressing through the Houses should be directed to the Bills Office at publicbills@oireachtas.ie.

The Bills Office, on the first floor of Kildare House, is responsible for the printing and circulation of all Bills and amendments. The Bills Office ensures that the published text of each Bill is a complete and correct copy, containing all the provisions decided upon by the Houses at the various stages of consideration and that the final copy of the Bill is exactly as passed by the Houses of the Oireachtas.

The main responsibilities of the Bills Office are:

- Printing and circulating Bills, as initiated and as amended.
- Ensuring that the content of Bills comply with Standing Orders and the Constitution and advising the Ceann Comhairle, Cathaoirleach and Committee Chairs accordingly.
- Providing procedural support to the Houses of the Oireachtas, their Committees and Members in their consideration of legislation.
- Providing procedural advice to Chairs of both Houses and Committees, Government Departments, Members and their staff.
- Examining proposals for amendments for compliance with Standing Orders and advising the Ceann Comhairle and Committee Chairmen.
- Producing and circulating lists of all amendments received.

- Producing technical briefs for the Ceann Comhairle and Committee Chairmen for use in Chamber/Committee.
- Preparing a "vellum" copy of the Bill as passed for signature by the President.

1.2 Overview of the Legislative Process

The Constitution, in Article 15.2, vests the sole and exclusive power of making laws in the Oireachtas and provides in Article 20 that a Bill must be passed by both Houses of the Oireachtas. Once passed, a Bill must, under Article 25, be presented to the President for his/her signature and promulgation as law.

While Bills can generally be initiated in either House, the Constitution does place a restriction on Money Bills and Bills to amend the Constitution which must be initiated in the Dáil. A Money Bill means a Bill which contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof; matters subordinate and incidental to these matters or any of them.

The Constitution provides that the Houses may make their own rules, and the Standing Orders for each House lay down these rules and procedure. The procedure for the processing of legislation through the Houses is laid down in the Standing Orders of the Dáil and the Seanad[1].

The legislative process involves a progressive refinement of proposals, working from broad principles to specific detail. This means that the debate is progressively narrowed from the broad policy issues of the Bill at second stage, through the details of the Bill at Committee stage and then to consideration only of issues already raised in Committee at Report stage.

A Bill must complete five stages before it is passed by the House in which it was initiated. On completion of Fifth Stage by the House in which the Bill is initiated, it is sent to the other House, where it is listed on the Dáil Business website[2] or Seanad Order Paper, as appropriate, for Second Stage consideration. It then completes second to fifth stages in the second House.

- **First Stage:** First stage is the initiation of a Bill, where the Bill is published and circulated.
- **Second Stage:** Second Stage is a debate on the general principals of the Bill.

[1] Standing Orders How the Irish Parliament is run – Houses of the Oireachtas
[2] https://dailbusiness.oir.ie/dail-business

- **Third/Committee Stage:** Committee Stage is the detailed examination and agreement of each section of the Bill.
- **Fourth /Report Stage:** Report Stage is a review of the Bill as agreed by Committee.
- **Fifth Stage:** Fifth Stage is approval of the Bill, as amended, by the House.

This guide provides an outline of the legislative process in the Houses of the Oireachtas. Specific queries when legislation is progressing through the Houses should be directed to the Bills Office at publicbills@oireachtas.ie.

The Standing Orders governing the processing of legislation are open to amendment by the Houses. The information contained in this document is correct at the time of publication, however, is open to change and is regularly updated. The most up to date version of this guide is available under publications on www.Oireachtas.ie or by contacting the Bills Office.

Procedural Development Unit

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The Legislative Process

00 PRE-LEGISLATIVE SCRUTINY (GOV BILLS IN DÁIL)



Pre-legislative scrutiny (PLS) gives parliament the opportunity to influence the policy-making process through its public analysis and feedback on draft legislation. Following scrutiny, the Committee lays a report before the Houses. The Government is not obliged to include any recommendations in the final published text of the Bill.

01 FIRST STAGE: INITIATION

At First Stage the Bill is initiated. There are two methods of initiating a Bill – Introduction and Presentation. The text of the Bill must be examined by the Ceann Comhairle / Cathaoirleach for compliance with Standing Orders.





02 SECOND STAGE: READING

Debate at Second Stage is on a motion, “That the Bill be now read a second time” (the motion for second reading) and relates to the content of the Bill. This stage is a debate on the general principles of the Bill.

PRE-COMMITTEE SCRUTINY (PMBS IN DÁIL)

If a Private Members Bill passes Second Stage in the Dáil, the sponsoring Member asks the relevant Oireachtas Committee to undertake pre-Committee Stage scrutiny of the Bill. After completing scrutiny, the Committee lays a report before the Houses and sends a message to Dáil Éireann recommending either that the Bill proceed or not proceed to Committee Stage.

FINANCIAL ASSESSMENT (BILLS IN DÁIL)



The Constitution and Standing Orders place restrictions and conditions on the content of Bills and amendments involving the spending of public money, or the raising of charges or taxes on the people. Bills involving spending or taxation cannot be scheduled for Dáil Committee Stage until approval is received from the Government in the form of a Money Message for the spending of public monies or a Financial Resolution for raising of charges or taxes.

03 THIRD STAGE: COMMITTEE STAGE

Committee Stage involves detailed consideration of the Bill, with separate decisions on each section and each amendment. It is usually taken in select committee in the Dáil and committee of the whole Seanad.





04 FOURTH STAGE: REPORT STAGE

The outcome of Committee Stage is reported back to the House for consideration. Amendments may be made but scope for amendments is limited to matters arising out of Committee Stage.

05 FIFTH STAGE: REVIEW

A final debate and vote on the Bill is held. The Bill is revised to take account of agreed amendments and the debate takes place on a motion "That the Bill do now pass". The Bill is then sent to the other House and is re-entered at 2nd Stage. If a Bill is amended in the other House, it must be returned to the first House for those amendments to be considered.



ENACTMENT



When the Bill has passed all stages in both Houses the Bills Office prepares copies of the Bill, known as vellums for the President to sign the Bill into Law. A signed copy is lodged with the Supreme Court.

2 Approval Processes

2.1 Approval in Advance of Publication

Government approval is required at several points before the publication of legislation and in the event of proposed substantive amendments any time after approval of the General Scheme, including proposed Committee or Report Stage amendments.

Departments may engage in consultations and may publish papers on areas where legislative reform is proposed (Green/White papers). They may also conduct a Regulatory Impact Analysis (RIA)[3] which is a tool used for the structured exploration of different options to address particular policy issues. It is used where one or more of these options is new regulation or a regulatory change and facilitates the active consideration of alternatives to regulation or lighter forms of regulation.

The Office of the Attorney General (AGO) must be consulted in advance about any proposed submission to Government seeking authority to draft a Bill. Draft primary legislation (Bills) is drafted by the Office of Parliamentary Counsel to the Government (OPC), which is a constituent part of the AGO, and are officially stamped and transmitted by the OPC to the Bills Office for presentation in the Dáil or Seanad.

A Memorandum is required for all proposals requiring a Government decision and Departments should refer to the Cabinet Handbook for the decision and drafting processes[4]. Any queries regarding the approval process should be directed to the Parliamentary Liaison Unit in the Department of the Taoiseach.

2.2 Scheduling of Legislation

The Government Chief Whip is responsible for the scheduling of Government business in Dáil Éireann and managing the Government's Legislation Programme through the House. The Government Chief Whip tracks the progress of legislation by liaising with Departments and the Attorney General's Office, chairs the Legislation Committee and produces the Legislation Programme at the beginning of each Dáil session.

The Parliamentary Liaison Unit in Department of the Taoiseach facilitates the enhanced relationship between the Government and the Oireachtas with a view to ensuring the timely implementation of the Government's legislative programme. It works with the Office of the Government Chief Whip on issues that arise at the Business Committee and the Committee on Standing Orders and Dáil Reform,

[3] https://assets.gov.ie/43562/b2c5a78227834a96ad001b381456ab18.pdf
[4] CABINET HANDBOOK (assets.gov.ie)

including Dáil reform proposals and amendments to Standing Orders. The unit also supports the Office of the Government Chief Whip in the implementation of the Government's legislation programme. The unit should be kept informed of any urgent legislative requirements and of any issues arising during the legislative process.

Arising from the recommendations of Dáil Reform, the Business Committee was established to give all groups in parliament some access to, and some control over, the decisions on what business is before parliament, and to bring transparency to the process of setting the daily, weekly and sessional agendas for business in terms of the items of business and the order and time slots for business items. The Business Committee meets weekly (usually on a Thursday morning) to consider the business for the Dáil for coming week, and the arrangements for the taking of that business. Following its weekly meeting, the Business Committee issues a schedule for the coming week (the 'Business Committee report').

Government Business is proposed by the Government Chief Whip for times in the schedule provided for Government Business. The Government still has the prerogative to choose what business is taken in Government time, but the Business Committee recommends to the House the arrangements for the taking of the business and for the sittings of the Dáil. As such the whips office should be contacted about scheduling in the Dáil. Scheduling of legislation is generally organised departmentally by the Ministers Office.

Under Standing Orders, four hours a week are reserved for Private Members' Time, a two-hour slot on a Tuesday evening, and a separate two-hour slot on a Wednesday evening. The business is decided by a rota among opposition parties and groups. A Second Stage of a Private Member's Bill may also be taken during the Thursday evening slot, on a lottery run by the Business Committee.

A rapporteur from the Business Committee announces the business for the week each Tuesday, and reads out the proposals for the arrangements to take business, which are then put to the House by the Chair. This is known as the Order of Business. The agreed schedule for the week is published to the Order Paper on the Dáil business website[5].

The schedule for business in the Seanad is organised by the Office of the Leader of the Seanad, while scheduling of Committee stage of legislation is arranged with the Committee Clerk through the Ministers Office or departmental Committee liaison.

[5] Dail Business (oir.ie)

3 Pre-Legislative Scrutiny (PLS)

3.1 About PLS

Pre-legislative Scrutiny (PLS) was introduced to strengthen the capacity of the Houses of the Oireachtas to ensure good quality legislation and to hold the Government to account. It gives parliament the opportunity to influence the policy-making process through its public analysis and feedback on draft legislation. PLS allows the Oireachtas, through its committees, to scrutinise the General Scheme and Heads of a Bill and to make recommendations for improvements at an early stage in the drafting process. While some PLS reports may directly influence the contents of a bill, the impact of PLS can extend to inputs into the general policy debate and the drafting of secondary legislation.

3.2 Provision of General Scheme/Heads for publication in the Dáil

In the Dáil, Ministers are required to provide the General Scheme of a Bill to the relevant Oireachtas Joint Committee for scrutiny before publication under Standing Order 174A. This requirement does not apply to the annual Finance Bill giving effect to the Budget day financial resolutions, the Social Welfare Bill giving effect to Budget day measures, or the Appropriation Bill.

For all other Bills, where the heads/scheme are not provided, and the Minister wishes to initiate the proposed Bill, they shall table a motion on notice in the following terms, and the proposed Bill may be initiated where the Dáil agrees the motion: *'That initiation of the [insert short title of Bill] may proceed pursuant to Standing Order 174 notwithstanding that the draft heads or general scheme of the Bill have not been given to the Committee empowered under Standing Order 95 to consider Bills published by the [insert title of Minister].'*

Standing Order 174A generally acts to prevent the publication of a Bill in the eight weeks following the heads/scheme having been given to a Committee unless –

a) the Committee decides not to undertake PLS,
b) the Committee concludes PLS by reporting on the outcome, or
c) a PLS waiver is granted (*see 3.7*).

Once the eight weeks have elapsed, there is nothing to prevent publication of the Bill by the Minister even if the Committee has commenced or plans to undertake PLS.

3.3 Provision of General Scheme/Heads for publication in the Seanad

Where it is planned to present a Bill in the Seanad, the heads/scheme of a Bill should, save in exceptional circumstances, be provided to the Committee empowered to consider the general scheme or draft heads of any Bill published by or on behalf of the Minister. The Committee is empowered but not obliged to consider the general scheme or draft heads.

There is no requirement to seek a waiver if the Minister decides that PLS is not required; but in the event that pre-legislative consideration has not taken place, the member of the Government or Minister of State in charge of the Bill must give set out the reasons for not seeking scrutiny in his or her opening remarks on the Second Stage debate.

3.4 Decision by Committee on PLS

Oireachtas Joint Committees are empowered (but not obliged) to consider the General Scheme or draft heads of any Bill under its remit. On receipt of a General Scheme a Committee will decide whether and how to conduct PLS. Standing Order 174A(3)(b) provides that a Committee may decide not to conduct PLS.

The relevant Committee will decide on how it intends to proceed as soon as possible after receiving the letter and heads/scheme from the Minister and will inform the Minister in writing of its decision. A Committee may request a briefing from Department officials in private session when deciding whether to conduct PLS. Should the Committee decide to conduct scrutiny, it may also seek formal observations from the Department to inform its understanding of the Bill.

The relevant Oireachtas Committee may also invite stakeholders to participate by sending in written submissions or by attending meetings to discuss the heads/scheme. They may also undertake research into the policy area, seek written submissions or hold public meetings. Alternatively, the Committee may decide it simply requires a briefing from departmental officials on the scheme. It is open to each Committee to decide what form of engagement suits each General Scheme. It should be noted that there is no requirement for the Committee to hold meetings to complete its PLS.

Submissions may be used to guide the line of questioning at subsequent meetings and to clarify or explore issues raised. Requesting submissions can also allow the Committee to identify which Stakeholders are best suited to appearing before the Committee. The making of a submission to the Committee does not guarantee that the stakeholder will be invited to any subsequent meetings.

3.5 Timelines for PLS

The Committee should endeavour to complete PLS as quickly as is practical to avoid unduly delaying the progression of the Bill. Each Committee must undertake PLS in a timely and effective manner having regard to the Committee's work, including its legislative workload, and in consultation with the Department. The standard timeframe for PLS is eight weeks, after which a Minister may publish the Bill without having completed the scrutiny.

In the case of more complex heads/schemes, or where it is considered by the Committee that wide consultation and significant stakeholder engagement will be necessary, a longer timeframe than the

standard eight weeks should be discussed with a view to reaching agreement between the Committee and the Minister on an extended timeframe.

Where a Minister is considering publishing a Bill, the heads/scheme of which is undergoing PLS, the Minister may decide (at the request of the relevant Committee or otherwise) to defer publication until the PLS process is concluded. Where it is intended to defer publication, the Minister shall advise the Committee accordingly.

As a general principle, Department and Committee officials should have regular contact regarding priorities and sequencing of general schemes/heads of Bills. In particular, Departments should be cognisant that the Committee workload and work programme may not provide for the immediate scheduling of PLS.

- Departmental officials should provide an indicative timeline to Committees as to when heads/schemes might be coming before the Committee, subject to Government approval, and the intended publication timelines for the Bill. This advance notice will facilitate the Committee in (re)arranging its work programme/planned meetings to prioritise PLS (if it so wishes) when the heads/scheme are received. Advance notice is required in particular for heads/schemes which are intended to be referred to Committees in the eight-week period prior to the summer recess.
- When sending the heads/scheme of a Bill to the relevant Committee, the Minister should indicate the intended publication date of the Bill and should provide an explanatory note on the Department's work and consultation undertaken in preparing the heads/scheme
- In the event of proposed substantive amendments to the scheme after provision of the scheme to the Committee and before completion of PLS, the department should notify the Committee immediately and the revised scheme submitted for PLS.
- In the interest of timely and effective PLS, Departmental officials should be prepared to participate in briefings of relevant Committees at short notice following the heads/scheme having been given to the Committee.

A number of factors will determine the length of time necessary for PLS including:

- the extent of advance notice given to the Oireachtas Committee,
- the complexity of the Bill,
- the level of prior departmental consultation and quality of the draft Heads of Bill,
- the level of public and stakeholder engagement entered into by the Committee, and

- the parallel preparation of secondary research & comparative analysis and the level of Committee engagement required to finalise the Report.

Where a Minister gives the heads/scheme to a relevant Committee, the proposed Bill may not be initiated until eight weeks have elapsed from the date the heads/scheme were given, save where—

a) the relevant Committee has completed scrutiny and has reported on the outcome,
b) the relevant Committee has decided that it does not wish to conduct scrutiny, and has advised the Minister accordingly, or
c) the Minister has received a waiver.

When submitting a Bill for publication officials will be asked to provide the date on which the heads/scheme were given to the relevant Committee. Where the Minister wishes to publish before eight weeks have passed, the basis on which early publication can be proceeded with (PLS concluded / decision of the Committee not to conduct PLS / PLS waiver) will also be required. Where the required information is not provided with the proposed Bill, the Bills Office will follow up with departmental officials.

Where PLS has not concluded and a Bill is submitted for publication, the Minister shall write to the Cathaoirleach of the relevant Committee, informing them of the prospective publication of the Bill. The Committee may continue with its scrutiny of the draft Bill and report on the matter, and will advise the Minister accordingly.

3.6 PLS Report

At the end of PLS, the Committee will produce a report and will lay it before the Houses of the Oireachtas. The report will normally make recommendations on the Bill based on the Committee's scrutiny. The Government is not obliged to include any Committee recommendations in the final published text of the Bill. While the majority of PLS reports do not question the basic policy proposals within a General Scheme, most offer recommendations on how the policy might be better achieved and/or highlight aspects of the General Scheme which may have unintended consequences.

Standing Orders allow the Chair, vice-Chair or a Member nominated in their place to speak at Second Stage of the Bill, where PLS has been carried out, in relation to the pre-legislative consideration of the Bill during the scrutiny process.

If PLS was commenced in the previous Dáil but not completed before that Dáil lapsed, it cannot be resumed by a new Committee. In these circumstances, it is a matter for the incoming Government to decide whether to republish the General Scheme and request the new Committee to undertake PLS. If PLS was completed in a previous Dáil by the laying of a report before the Houses, the Bill does not

need to be re-examined by the new Committee. It is a matter for the incoming Government to decide whether and when introduce the Bill. Should any major revisions be agreed by the Government, it may be re-submitted to the Committee for further PLS.

3.7 Waiver of PLS

A Minister may request a waiver to allow the proposed Bill to be initiated before the eight weeks required have elapsed. The following process applies:

- A Minister seeking a waiver should in the first instance directly contact the relevant sectoral Committee, copying to the Business Committee, for its agreement to the request, giving reasons therefor, providing the Heads or General Scheme of the Bill where practicable, and offering a briefing on the contents of the draft Bill.
- Where the sectoral committee rejected the request for a waiver of pre-legislative scrutiny, the decision may be appealed to the Business Committee.
- Where the Business Committee determines that the requirement for pre-legislative scrutiny should not be waived, the member of the Government or Minister of State may table a motion on notice and the proposed Bill may be initiated before the eight weeks have elapsed where the Dáil agrees the motion - *'That initiation of the [insert short title of Bill] may proceed pursuant to Standing Order 174 notwithstanding that pre-legislative scrutiny of the Bill pursuant to Standing Order 174A has not been waived.'*.
- Where a proposed Bill is of an omnibus nature, encompassing the policy areas of two or more Government departments, a request for a waiver may be made to the Business Committee in the first instance.

3.8 Standing Order 174A: Pre-legislative consideration and publication of Government Bills

(1) A member of the Government or a Minister of State shall give the draft heads or general scheme of a proposed Bill (in this Standing Order referred to as the 'heads/scheme') to the Committee empowered under Standing Order 95 to consider Bills published by that Minister (the 'relevant Committee') for the purposes of pre-legislative scrutiny ('scrutiny').

(2) Where the heads/scheme are not provided pursuant to paragraph (1), and the Minister wishes to initiate the proposed Bill pursuant to Standing Order 174, they shall table a motion on notice in the following terms, and the proposed Bill may be initiated where the Dáil agrees the motion:

> 'That initiation of the [insert short title of Bill] may proceed pursuant to Standing Order 174 notwithstanding that the draft heads or general scheme of the Bill have not been given to the

Committee empowered under Standing Order 95 to consider Bills published by the [insert title of Minister].'

Provided that the requirement to give the heads/scheme to the relevant Committee shall not apply to the following Bills:

(a) the Finance Bill giving effect to Financial Resolutions made pursuant to the Provisional Collection of Taxes Act 1927 on Budget day,

(b) the Social Welfare Bill giving effect to Budget day measures, and

(c) the Appropriation Bill.

(3) Where a Minister gives the heads/scheme to a relevant Committee pursuant to paragraph (1), the proposed Bill may not be initiated pursuant to Standing Order 174 until eight weeks have elapsed from the date the heads/scheme were given, save where—

(a) the relevant Committee has completed scrutiny and has reported on the outcome,

(b) the relevant Committee has decided that it does not wish to conduct scrutiny, and has advised the Minister accordingly, or

(c) the Minister has received a waiver pursuant to paragraph (4).

(4) Having given the heads/scheme to the relevant Committee, and where the exceptions contained in subparagraphs (a) and (b) of paragraph (3) do not apply, a Minister may request a waiver to allow the proposed Bill to be initiated before the eight weeks required by paragraph (3) have elapsed. Subject to paragraph (6), such a request for a waiver shall be made to the relevant Committee.

(5) Where a relevant Committee declines a request for a waiver made pursuant to paragraph (4), the Minister may request the Business Committee to make a determination on the matter: Provided that where the Business Committee determines that scrutiny should not be waived, the Minister may table a motion on notice in the following terms, and the proposed Bill may be initiated before the eight weeks have elapsed where the Dáil agrees the motion:

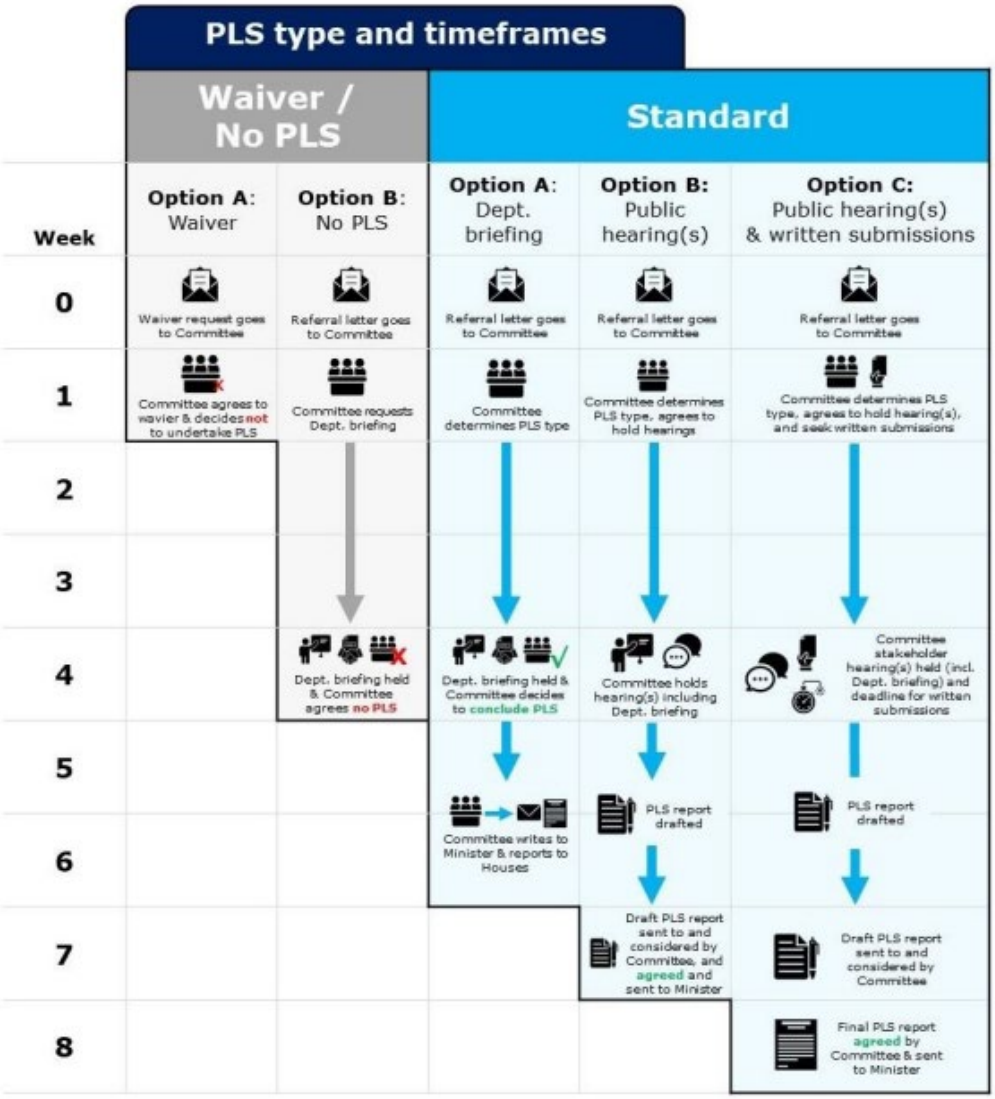
'That initiation of the [insert short title of Bill] may proceed pursuant to Standing Order 174 notwithstanding that pre-legislative scrutiny of the Bill pursuant to Standing Order 174A has not been waived.'.

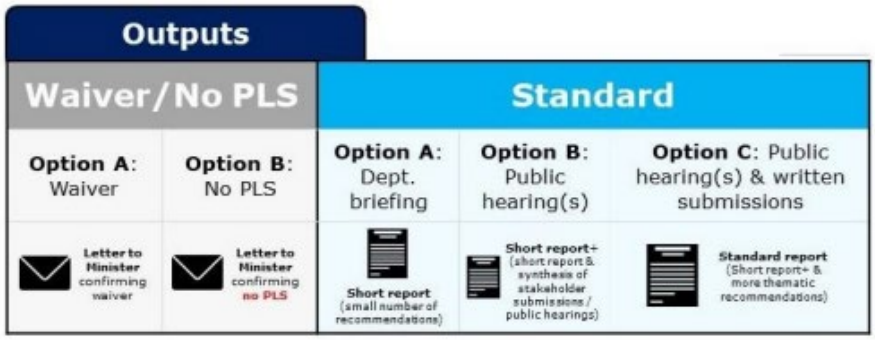
(6) Where a proposed Bill is of an omnibus nature, encompassing the policy areas of two or more Government departments, a request for a waiver pursuant to paragraph (4) may be made to the Business Committee in the first instance.

3.9 Overview of PLS Request to Publication Process

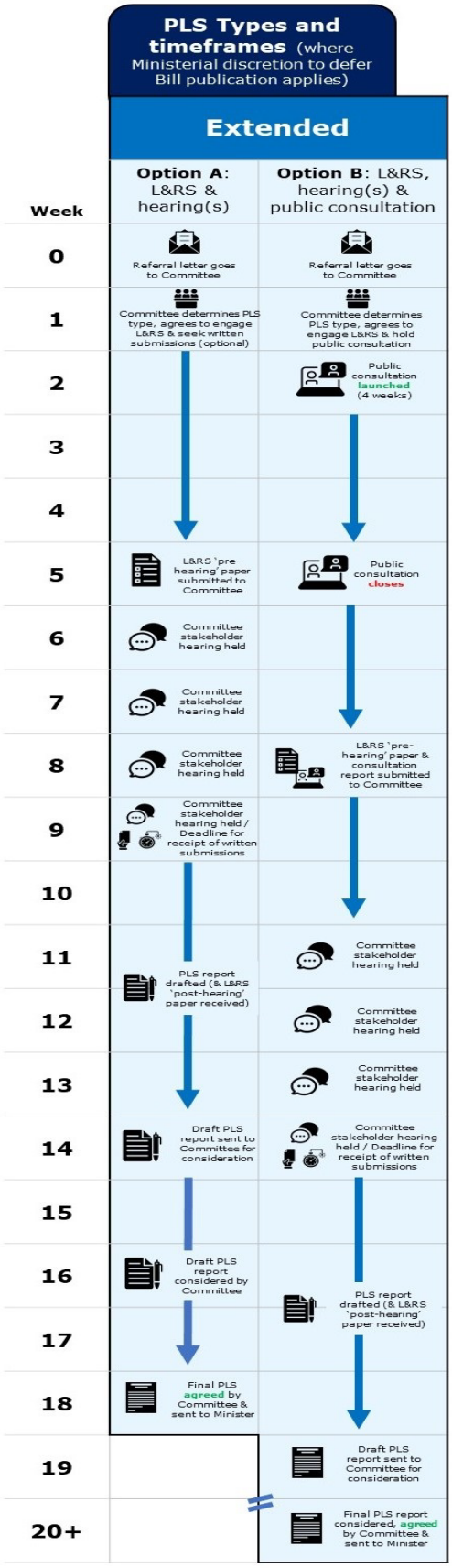
<table>
<tr><th colspan="4">Dáil Éireann</th></tr>
<tr><td>Heads/ Scheme Not Sent</td><td>Motion required under DSO 174A(2)</td><td>Under Dáil Standing Order 174A(2), where the heads/scheme are not provided, and the Minister wishes to initiate the proposed Bill, they shall table a motion on notice, and the proposed Bill may be initiated where the Dáil agrees the motion.</td><td>Bill Published subject to motion</td></tr>
<tr><td rowspan="3">Heads/ Scheme Sent</td><td rowspan="2">Committee undertakes PLS</td><td>Under Dáil Standing Order 174A(3)(a) a Bill may be initiated where a relevant Committee has completed scrutiny and has reported on the outcome within 8 weeks of receiving the heads/scheme</td><td>Bill Published on completion of PLS</td></tr>
<tr><td>Under Dáil Standing Order 174A(3) a Bill may be initiated, upon the expiration of 8 weeks, where a relevant Committee has not completed scrutiny.</td><td>Bill Published on expiration of 8 weeks</td></tr>
<tr><td>Committee decides not to undertake PLS</td><td>Under Dáil Standing Order 174A(3)(b) a Bill may be initiated where the relevant Committee has decided that it does not wish to conduct scrutiny, and has advised the Minister accordingly</td><td>Bill Published on confirmation of no PLS</td></tr>
<tr><td>Waiver Sought</td><td>Waiver sought from sectoral Committee in the first instance</td><td>Under Dáil Standing Order 174A(4) and (5), where the Minister wishes to initiate a Bill before the expiration of 8 weeks, they may request a waiver of PLS from the relevant Committee. Where a relevant Committee declines a request for a waiver, the Minister may request the Business Committee to make a determination on the matter: Provided that where the Business Committee determines that scrutiny should not be waived, the Minister may table a motion</td><td>Bill Published subject to waiver or motion</td></tr>
<tr><th colspan="4">Seanad Éireann</th></tr>
<tr><td>Heads/ Scheme Not Sent</td><td>Minister outlines reason PLS not requested</td><td>Under Seanad Standing Order 149(2)(ii), in the event the pre-legislative consideration under Standing Order 143 has not taken place, the member of the Government or Minister of State in charge of the Bill shall give the reason therefor during his or her opening remarks.</td><td>Bill Published</td></tr>
<tr><td rowspan="2">Heads/ Scheme Sent</td><td>Committee undertakes PLS</td><td rowspan="2">Under Seanad Standing Order 143, the general scheme or draft heads of a Bill shall (save in exceptional circumstances), be given by a member of the Government or Minister of State to the Committee empowered under Standing Order 71 to consider the general scheme or draft heads. Provided that the Committee may decide in relation to a particular Bill that such consideration is not necessary, and in such cases, need not consider the general scheme or draft heads.</td><td>Bill Published at completion of PLS</td></tr>
<tr><td>Committee decides not to undertake PLS</td><td>Bill Published on confirmation of no PLS</td></tr>
</table>

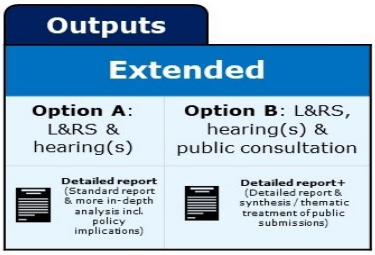
3.10 Infographic of revised arrangements: PLS types and timeframes up to 8 weeks





3.11 Infographic of extended PLS process





4 First Stage: Initiation

There are two methods for initiating legislation: Presentation and Introduction.

4.1 Initiation by way of Presentation

Presentation of a Bill does not require the prior leave of the House. However, only members of the Government, Ministers of State and groups of seven or more private Members, recognised as such by the Ceann Comhairle for the purposes of Standing Orders, may present a Bill.

Groups may only have one presented Bill one Bill before the Dáil at any one time, and three before the Seanad. There is no limit on the number of Government Bills that may be presented in the Dáil or the Seanad.

The Dáil or Seanad does not need to be in session for a Bill to be presented, and therefore, Bills may be presented during recess periods.

4.1.1 Notification of intent to Publish

It is important to advise the Public Bills Office of the intention to publish and the planned timelines as soon as practical to avoid delays at publication. The notification should include the following information:

- Intended timelines for publication
- Approximate size of the Bill
- Contact details for officials working on Bill
- Confirmation of PLS or the waiver of PLS

All correspondence with the Bills Office should cite the Bill title in the subject line and be sent to publicbills@oireachtas.ie.

4.1.2 Process for Publication

In order to present and publish a Bill, the Bills Office will require the following:

- a copy of the Cabinet decision approving publication,
- release of the electronic Bill from OPC,
- confirmation of PLS or a waiver,
- confirmation of the House to which the Bill should be published,
- the long and short titles for translation. The finalised long and short title of the Bill should be submitted as soon as they are agreed so they can be translated in advance (takes approx. 48 hours). If there are Irish terms within the text of the Bill, the draft should be

send in advance to review against An Caighdeán Oifigiúil (the official standard for writing in Irish), and

- a list of contact names and telephone numbers for officials dealing with the Bill - please include at least one contact number which we can use outside of office hours in case there are any difficulties.

When the final text of the Bill has been agreed between the Department and the OPC and the Bill is ready for publication, the OPC will release the electronic file to the Bills Office once it has received an instruction from the Department to do so. It is OPC policy that it will not release a Bill until the cabinet decision is formally confirmed. It can take 24 to 48 hours for the Government secretariat to issue formal confirmation of a Government decision, and this should be factored into timelines.

The Department should send a stamped copy of the Bill provided to it by the OPC to the Bills Office, along with certification by an official at Principal Officer grade or higher that the Bill is being presented. The Bills Office will generate a proof copy from the electronic file transmitted from the OPC and will email this to the Department for final proofing. Any corrections required to the proof need to be indicated on the copy of the proof and this proof returned, certified by a PO at a time agreed with the Bills Office.

In the case of a Bill other than a Money Bill or a Bill to amend the Constitution (both of which must be initiated in Dáil Éireann) the advice of the Office of the Government Chief Whip should be sought as to whether it should be initiated in the Dáil or the Seanad.

Any Bill presented to the Dáil shall be printed only if accompanied by an Explanatory Memorandum which sets out the purpose of the Bill in the context of existing law and the changes proposed in the Bill and explains the provisions of the Bill on a section-by-section basis. A Government Bill presented in the Seanad must be accompanied by a financial and explanatory memorandum which, in addition to the explanation of the Bill as set out above, must also contain information on the Bill's staffing implications for Departments of State, State Bodies and Local Authorities and its costs for the exchequer under the following headings:

(i) the current year cost;

(ii) the next year costs;

(iii) the full year cost; and

(iv) the number of years before full cost is reached.

The financial information may be excluded where the memorandum indicates that the provision of the information is not practicable in the time available or is contrary to the public interest.

Any Explanatory memorandum required should be ordered directly by the Department from the contract printers - Essentra (formerly Clondalkin Pharma/Cahills), Linda Ryan - 806 2213 - Lindaryan@essentra.com. This finalisation of the explanatory memorandum should be done in good time prior to Bill publication to allow for any corrections or changes to be carried in so that both documents are sent for publication at the same time.

The Bills Office will need a certified copy of the final version of the memo in order to confirm that no further corrections are required and to publish the memo to the Oireachtas website. Under the terms of the print contract, Departments pay for all copies of the memo, the Bills Office cover the cost of the bill itself, all reprints, amendment lists, the vellum and the eventual Act. The printer will invoice the Department directly for the memo portion of the print run. Any copies of the Bill that the Department may want for their own purposes should be ordered directly from the printer as the Bills Office does not carry surplus stocks. This applies to reprints as well.

The version of a Bill as initiated, and any subsequent reprints, can be accessed on the Oireachtas website where each Bill has its own dedicated page including pdf copies of the Bill, explanatory memoranda and lists (referred to as 'numbered lists') of amendments which have been proposed at the amending stages in each House. The page for a Bill also contains a visual tracker which shows the current stage of a Bill, as well as links to other relevant documents and debates on the Bill.

Bills are, first and foremost, parliamentary documents and once a bill has been presented or introduced, it belongs to the House in which it is being considered. The sponsoring Minister may not alter its content or format, or withdraw the Bill, without the agreement of the House. In practice, this means that once initiated, Bills may be altered by the printer only on instructions given by the Bills Office. Departments should note that they are prohibited from querying, altering or countermanding any instructions given to the printer by the Bills Office as doing so can have the most detrimental and unforeseen consequences and may, in certain circumstances, give rise to a result directly contrary to that sought to be achieved.

4.1.3 Timelines for publication

The average turnaround time between receipt of the OPC file and sending the Bill for publication is 2 to 4 days for an average sized (30/50 page) Bill. This is dependent on a number of factors, including:

- the length and complexity of the Bill;
- the current legislative schedule before the House;

- whether other Bills have been approved for publication at the same time.

The Dáil or Seanad does not need to be in session for a Bill to be presented and therefore a Bill may be presented and published during a recess period.

Arrangements to schedule the Bill should not be made until it is confirmed that the Bill will be published and provided to Members in good time in advance of consideration. If the Bill is scheduled to be taken soon after publication, please let the Bills Office know when sending the Bill to us as there are certain processes which must be completed before a Bill can be taken at Committee Stage in Dáil Éireann.

4.1.4 Information required for other purposes

The Library & Research Service (L&RS) provides impartial research and information services to Members. The L&RS is staffed with professional librarians and researchers with backgrounds in economics, social science, law, public administration, environmental and political science. It writes briefing papers on upcoming Bills (known as Bill Digests) and maintains online resources on government Bills (known as Bill Trackers which contain background information, news gathering service on the topic of the Bill).

The L&RS will look for the following information regarding the Bill to assist in writing the Bill Digest and Bill Tracker. If available, please send any of the information below to Michelle.Lynch@oireachtas.ie at your earliest convenience.

Pre- publication – any or all of the below

- Timeframe for bringing it to Cabinet/circulating to other Departments
- Consultation documents/papers and information on background to the Bill
- General scheme of the Bill and Regulatory Impact Assessment
- White print/draft copy of Bill
- Pre-legislative scrutiny information - PLS traffic light table showing whether Committee recommendations have been included in the final Bill, in part, in total or not at all.

Post-publication

- Briefing note on the Bill

Where required, the Rannóg an Aistriúcháin publish a glossary of Irish terms to assist Members and the public during the process. They are also responsible for ensuring the correct translation of the Bill titles and any terms within the Bill. Therefore, a white print/draft copy of the Bill is required, where

possible, to aid in in the compilation of glossaries, to review against An Caighdeán Oifigiúil (the official standard for writing in Irish) and to facilitate an accurate translation of the Bill's titles, should be sent to rannog@oireachtas.ie.

If any Irish language text is to appear in the body of an English language Bill (e.g., a reference to the title of a new body that has been set up, etc.), please send this text to rannog@oireachtas.ie so that the Irish text can be confirmed during the drafting process. Any such text will need to be sent for final review before publication.

Any white prints/drafts are provided on a confidential purpose and will only be used for compilation of research documents, translations and glossaries.

4.2 Initiation by way of Introduction

Any Member may seek leave to introduce a Bill. The Dáil must agree to a motion by the Member concerned, "That leave be granted to introduce the Bill", before it can be published and circulated to Members. If this motion is agreed, the House makes an order for the Second Stage and the Bill is published by the Bills Office.

4.2.1 About Private Members' Bills (PMBs)

A Private Member's Bill (PMB) is a draft law which is proposed by a single Member (Teachta Dála or Senator) or a group of Members, rather than by a Government Minister. Article 15.2 of the Constitution vests the sole and exclusive power of making laws in the Oireachtas. All Members have a right to initiate legislation in accordance with their constitutional role as legislators, subject to compliance with Standing Orders.

PMBs differ from Government Bills in a number of respects: a Government Bill has prior approval from Cabinet; it is drafted by the Office of the Parliamentary Counsel; and, in most cases, a draft of the Bill (i.e., the 'heads' or alternatively, the 'General Scheme') will have been subject to pre-legislative scrutiny by a parliamentary Committee.

While the aim of legislation generally is passage through parliament and enactment, PMBs can be used for a variety of purposes. For instance, a PMB can be used as a policy instrument by a Member to initiate debate on legislative and policy change. While successfully steering a PMB to the statute book is one way of achieving legislative or policy change, Members use PMBs in different ways and with different objectives, for example:

- To encourage the government to change policy/legislative approach to an issue,

- To address a gap identified in the law (either through its passage and enactment or government taking it on board),
- To bring new ideas into the legislative process and ensure they get a hearing,
- To respond to topical public and media concerns about an issue and, as such, act as a culmination of the policy debate, and
- To attract publicity and build a campaign for a proposed change in the law.

4.2.2 Drafting of PMBs

The Office of Parliamentary Legal Advisers (OPLA) provides assistance to Members with Private Members' Bills including confidential legal advice, legal policy analysis and legislative drafting services. The process involves Members working closely with a Legal Adviser and a Drafter to formulate their proposal and ensure that any draft Bill accurately reflects their policy intention.

- Step 1: Initial Research - Settle on a policy proposal and, together with any research materials, refer proposal to the OPLA. Detailed legal research will be conducted by the OPLA. If policy research is required, the OPLA will commission this on Members behalf from the Library & Research Services.
- Step 2: Development of policy proposal: A Legal Adviser will be assigned and will meet with the Member to develop clear and concise drafting instructions and to identify whether any potential legal and/or policy issues need further development/clarity.
- Step 3: Drafting Bill and amendments: When the Legal Adviser is satisfied that the instructions for the proposed Bill are adequate to enable drafting to commence, the Member will be assigned a Drafter who will draft the PMB. If they require legal advice/assistance in respect of amendments they wish to make to the Bill at Committee or Report Stages, the Legal Adviser and/or Drafter assigned will assist.
- Step 4: Assistance with scrutiny: After the Bill completes Second Stage in the Dáil and if requested by the Member, the Legal Adviser and/or Drafter assigned to the Bill, as appropriate, can assist at pre-Committee Stage Scrutiny of the Bill.

Members are not obliged to use the drafting service and may draft their own Private Members' legislation.

4.2.3 Admissibility for Introduction

Each PMB for introduction is initially assessed by the Bills Office for compliance with Standing Orders and a final decision is made by the Ceann Comhairle or Cathaoirleach, as appropriate.

- In the Dáil, a PMB cannot be introduced if –

- there is a substantially similar one on the Order Paper already,
- the Bill involves the imposition of a charge upon the people, other than an incidental charge, or
- the Bill involves the appropriation of revenue or other public moneys, other than incidental expenses.

- In the Seanad, a Bill cannot be introduced if it is a Money Bill or it seeks to amend the Constitution. There is no other financial assessment or impediment to introduction, for example, for Bills that would have significant cost implications but are not a Money Bill.

Incidental costs and charges generally refer to 'ancillary' expenditure or revenue which would arise from the implementation of the proposed legislation. In the case of expenditure, this concept allows most PMBs to be introduced while precluding Bills where the expenditure involved is such that it could not be said to be incidental. The test here is whether the expenditure is intrinsic to the achievement of the main purpose of the Bill. The scale of the expenditure is a factor to be weighed but is not the sole consideration. Decisions on admissibility of Bills are, in effect, rulings on the application of general principles in Standing Orders and, as such, they are applied on a case-by-case basis based on an assessment of each individual Bill, in line with existing precedents. This process may involve "fine-drawn lines of distinction" [Ruling 142(a) of the Salient Rulings of the Chair (2011 edition)].

Once a decision is made that a PMB is admissible for introduction, the Bills Office will work with the Member to approve a proof for publication, place the title on the Order Paper and inform the House to offer the Member an opportunity to seek leave to introduce the Bill.

More information on the process of PMBs will under Pre-Committee Stage Scrutiny.

4.3 Proof Reading

Proofing is a vital step before publication of any Bills. It is the final stage of the editing process, focusing on surface errors such as misspellings and mistakes in grammar and punctuation. While some proofing occurs at each reprint of a Bill, the most important proof reading is done pre-publication and when the version of the Bill as passed by both Houses is being sent to the President for signature (this is known as "the vellum" because of the colour and weight of paper used). Physical copies are used rather than screen copies. The Bills Office maintains a physical master copy of each Bill from publication to enactment which is updated with all changes and amendments made to it. It is this master copy that is read when proof-reading.

Departments will be sent proof copies for proof-reading and will be asked to note all errors and return certified copies to the Bills Office.

The Oireachtas use a system of copy holding or copy reading for proofing which requires two readers. The first reads the text aloud literally as it appears in the master copy, usually at a comparatively fast but uniform rate. The second reader follows along and marks any pertinent differences between what is read and what was typeset. Certain marks are used to denote certain errors. The average proofreading speed is approximately 10 pages per hour.

Proof reading in the Bills Office focuses on misspellings and mistakes in grammar and punctuation, but substantive changes to the text of a Bill cannot be made once it has been presented or introduced to the Houses. The importance of the proof-reading exercise cannot be over-emphasised. Errors that are not picked up and corrected in the proof reading of the bill before publication will have to be put right by way of official amendments moved by the Minister at the Committee and/or Report Stage of the bill.

A few further points about proofs and proof reading are worth mentioning:

- References in the Bill to other provisions of the Bill are printed in italics. The use of italics helps to highlight the cross-references in the text.
- Care must be taken to ensure that cross-references to other sections or to parts of the Bill, e.g. subsections or other sections are correct. This is an important point to check - especially when a section (or sections) is added to, dropped from or relocated in the Bill.
- A check should be made to ensure that the numbering of the sections in the Contents pages of the Bill corresponds with the numbering appearing in the body of the Bill.
- Similarly, the title of each section as set out in the Contents pages should be checked against the title in the body of the bill.

While the most demanding aspect of the proof-reading process occurs prior to the publication of the Bill, there is a need for further checking following the completion of each stage of the Bill through the Oireachtas. Thus, the Bill must be checked again as follows:

- as passed in Committee Stage
- as passed by Dáil Éireann
- as passed by both Houses of the Oireachtas

Any amendments made to the Bill at the Committee and Report stages must be correctly incorporated into the Bill. Consequential changes arising from these amendments must be watched for and carried into the text of the Bill.

4.4 Bill Structure

For easy identification Bills initiated in, or amended by, Dáil Éireann are printed on green paper, and Bills initiated in, or amended by, Seanad Éireann are printed on yellow paper. For the benefit of the reader all Bills follow the same structure, style and formatting. The Bill begins with a front cover showing the short title in Irish and English, below these titles is the 'endorse' which attests to which version of the Bill is contained therein. For example, 'As initiated' or 'As amended in Committee'.

The Bill can also be identified by the number in the bottom right-hand corner of the front cover. The number assigned never changes, any revisions of the Bill are identified by the addition of a letter after the Bill number. For example, "No. 4 of 2020 or No. 4a of 2020".

The table of contents is inside the front cover of the Bill. This is a list, in number order, of all the headings (also known as 'section headers' or 'shouldernotes') of each Part Chapter, Section and Schedule, along with a brief description of what that section's provisions do. For example, "Short title and commencement" or "Interpretation".

Then follows the 'Acts referred to' page which contains a table listing all of the Acts (if any) referred to in the main text of the Bill. That main text begins with the long title page, the long title gives a synopsis of what the Bill proposes to do and what (if any) existing legislation it proposes to amend.

Each provision of the Bill is usually contained in a separate section and, where those provisions have separate elements, each section can be broken down into subsections, paragraphs, subparagraphs, clauses and subclauses. For convenience for amendments, in all Bills, in addition to the page numbers at the foot of the page every 5th line is identified by a line number in the right-hand margin of each page.

- **Part:** Parts make it easier to comprehend the structure and sequence of the contents. A Part indicates the cohesive relationship of the provisions within it to one another and their separation from provisions in other parts. Parts are numbered in Arabic numerals (1, 2, 3 etc.) and given a descriptive heading
- **Chapter:** A Part may contain subparts called Chapters. Both Parts and Chapters are identified by Arabic numerals and may contain a provision with definitions or other interpretations used in the Part or Chapter. If there is such a general provision for use in respect of the Part or Chapter, it is normally the first section.
- **Sections:** A section is the basic division of the Act. Sections may be divided into subsections, paragraphs, subparagraphs, clauses and subclauses. Each section should be kept to a

manageable length. It should be assumed that the section is to be read as a unit. The relationship of subsections to one another is generally complementary and obvious.

- **Schedules:** Schedules may indicate how a piece of legislation is to be administered or they may contain substantive provisions important in themselves. A Schedule has to be tied into the Act by an express reference to it within one of the sections of the Act.

5 Second Stage

5.1 About Second Stage

At second Stage the general principles of the Bill are debated. Debate at Second Stage is on a motion, "That the Bill be now read a second time" (the motion for second reading) and is, strictly speaking, confined to what is in the Bill and what may relevantly be inserted into it. This phrase has historic origins from the Westminster Parliament in the 16th Century, when, in a time of limited levels of literacy, a Bill was literally read aloud on the floor of the Chamber. Nowadays, the Second Stage debate provides Members with an opportunity to discuss the general principles of the Bill, what the Bill contains and what might relevantly be included.

At the end of the debate, the Chair will put the question "that the Bill be now read a second time", and if agreed, the Minister may move a motion to refer the Bill to Committee Stage.

There is limited space in the chamber, however, two officials may be allowed in to provide advice and speaking notes to the Minister throughout the debate.

5.2 Speaking Times

Individual speaking times are limited for all Members, and a Member may generally only speak once. For a Government Bill, in the Dáil the Minister will open with a 20-minute contribution, or as otherwise ordered, and other members will then contribute to the debate following an agreed speaking rotation among parties. The Minister should outline the reasons for introducing the Bill, policy underlying the approach, a summary of the substantive provisions, the views of interest groups and details of any ECB consultation. The Minister will be provided with an opportunity to respond to issues raised at closing of the debate, usually for 15 to 30 minutes. Speaking times for Private Members' Bills will differ.

Dáil Standing Order 176(2)(iii) allows the Chairman or Vice-Chairman of the Committee appointed to consider the Bill (or a Committee Member nominated in their stead) to speak in relation to the Committee's pre-legislative consideration of the Bill. This only applies if the Bill has been subject to pre-legislative consideration under DSO 173.

Individual Dáil speaking times are limited for all Members and are based on a party sequence agreed in Standing Orders. For the convenience of the Chair, parties and groups usually compile suggested lists of speakers on a particular item of business, to which the Chair can refer. As there is no provision for sharing speaking time in S.O. 176, any sharing of time must be sought by consensus agreement

(i.e. the House may not divide on any proposed sharing agreement). In the absence of agreement time cannot be shared.

The first round of speaking slots for Government Bills are as follows:

Gov	SF	Lab	Gov	SF	SD	Gov	SF	Sol/ PBP	Gov	SF	Reg	Gov	SF	RIG	Gov	SF	IND	Total
20	20	20	7	3	20	7	3	20	7	3	20	7	3	20	7	3	20	210

For second and subsequent rounds, the length of each speaking slot is 20 minutes.

Speaking arrangements in the Seanad are agreed in advance at the Order of Business.

5.3 Amendments to the Second Stage motion

Amendments may be tabled to the motion for second reading. Under Standing Orders, only two types of amendment are permitted to the motion:

> (1) To delete the word 'now' and add at the end of the motion "this day three months", or "this day six months", or some other date (sometimes referred to as a timed or deferred amendment); or
>
> (2) To delete some or all of the words after 'That' and substitute words which state some special reason against the second reading of the Bill.

The amendment must be decided before the main question taken. These amendments are more usual to see for second stage of a Private Members Bill rather than a Government Bill. No amendments to the text of a Bill can be proposed on Second Stage, however.

Where an amendment is agreed to defer the second stage reading, the Bill will stand read at the end of the deferral period and will not return to the House for any additional decision on the second stage motion.

Should a department wish to submit a second stage amendment, the text of the motion should be submitted to the Bills Office no later than the day before the motion is to be taken. It is understood that the provision of any such motion generally requires Government approval and this is a matter for the department. It is the responsibility of the department to draft the motion text. Previous motions to the second stage reading are available on the Oireachtas website and may be referenced as a sample when drafting. The Bills Office will arrange for the text of the motion to be circulated to Members and published to the Dáil business website or Seanad Order Paper, as appropriate.

5.4 Referral to Committee after Second Stage

Upon competition of Second Stage, the Minister will be asked to move a motion of referral to Committee for Committee consideration of the Bill. Committee Stage of a Bill cannot be taken until the Bill has been ordered for Committee and referred.

The arrangements for a Private Members Bill are different and laid out in the Memorandum of Understanding which is outlined in Section 6 of this document.

6 Pre-Committee Stage Scrutiny (PCSS) and the Memorandum of Understanding (MoU)

6.1 PCSS and MoU process

A Memorandum of Understanding (MoU) in relation to PMBs was agreed between Dáil Éireann and the Government in 2018. The purpose of the MoU is to set out a comprehensive and transparent parliamentary scrutiny process for PMBs, with the aim of enacting private members legislation which is fit for its intended purpose and which is legally sound. The MoU also aims to set out a process for engagement by Government on requests for Money Messages in respect of PMBs, with the aim of ensuring a response from Government to requests for Money Messages within a reasonable time.

Under the new procedures, PMBs may not be referred to Select Committee for Committee Stage of the Bill unless they have either undergone pre-Committee Stage scrutiny, or the Business Committee has waived the requirement for scrutiny.

6.1.1 Explanatory Memorandum

All PMBs published in the Dáil are to be accompanied by an explanatory memorandum which must be provided by the Sponsor to the Bills Office at publication. PMBs published in the Seanad do not require an explanatory memorandum for publication, however, the Sponsor must provide one in advance of Pre-Committee Stage Scrutiny in the Dáil.

6.1.2 Preliminary Financial Assessment

A preliminary financial assessment is carried out after the second stage reading is agreed, with a preliminary decision on the requirement for a Money Message and/or Financial Resolution. The outcome is notified to the Sectoral Committee Chair, via the Clerk, and the Sponsor.

A final decision is made on the requirement to consult with the European Central Bank (ECB) for Bills falling within the competence of the ECB. The requirement will be notified to the Sectoral Committee Chair, via the Clerk, and the Sponsor. Such consultation with the ECB will form part of the scrutiny process.

6.1.3 Pre-Committee Stage Scrutiny (PCSS)

The purpose of Pre-Committee Stage Scrutiny (PCSS) is to assess the Bill from a policy, legal and financial perspective with a view to recommending whether the Bill should proceed to Committee Stage or not. PCSS is conducted as a separate process, prior to Committee Stage.

In general terms, PMBs are required to undergo scrutiny in detail by the relevant Committee in advance of Committee Stage. In exceptional cases however, a PMB sponsor or a Committee may seek

the approval of the Business Committee for a waiver of the scrutiny requirement in respect of a particular Bill. Where the sponsor wishes Committee scrutiny to be waived, he/she should write to the Business Committee setting out the case for the waiver and should copy the request to the relevant Committee Chairman. Requests for scrutiny waivers by Committees should be made in writing by the Committee Chairman on behalf of the Committee and copied to the Bill sponsor.

Requests for waivers should set out the basis on which the sponsor or Committee, as appropriate, considers that the Bill is suitable to progress directly to Committee Stage. In considering requests for waivers, the Business Committee will take all relevant matters into account, including - but not limited to - the following:

- the scope and complexity of the Bill,
- the level of consensus on the Bill provisions,
- whether the Bill sponsor and the Committee agree on the request for a waiver,
- any concerns raised during Second Stage regarding the Bill provisions,
- the quality of the drafting, and
- whether the Bill has been drafted and cleared by the PMB Drafting Unit in the Office of the Parliamentary Legal Adviser.

In the case of Bills which require a Money Message and in respect of which a scrutiny waiver has been sought, the Business Committee should take account of the views of the Government as to whether, in the absence of Committee scrutiny, there is sufficient information available to enable the Government to make a reasoned decision on the request for a Money Message.

6.1.4 Pre-Committee Stage Scrutiny (PCSS) Report

The Committee agree and lay a report on the scrutiny of the Bill before the Dáil. The Committee has wide discretion as to the content of its scrutiny report to the House. The Committee may, for example, identify areas where amendments (which may be technical, legal, drafting or policy-related) may be brought forward to the Bill at Committee Stage.

6.1.5 Select Committee Recommendation following PCSS

The Dáil Select Committee must consider, taking account of the scrutiny report, whether the Bill should, or should not, continue to Committee Stage. Examples of grounds on which a Bill could be considered unsuitable to progress to Committee Stage are as follows (these should be grounded in the scrutiny report):

- further detailed policy analysis required,
- major technical or legal issues identified,

- significant implementation issues identified,
- drafting issues which cannot be remedied by way of amendment,
- outcome does not require legislation, and
- substantial duplication of legislation which is at a more advanced stage in proceeding through the House.

6.1.6 Order for Committee Motion

If the Committee decides to recommend that the Bill should not proceed to Committee Stage, it will send a Message to the Dáil accordingly. The Bill will remain on the Order Paper at "Order for Committee" unless the sponsor does not accept the Committee's recommendation and wishes nevertheless to move the Order for Committee. In that case, he/she will have to bring a motion for decision by the Dáil to "notwithstand" the Committee's recommendation. If the Dáil rejects the motion, this will act to defeat the Bill and it will be removed from the Order Paper. If the Dáil approves the motion, the Bill may proceed to Committee Stage (subject of course to receiving a Money Message and/or Financial Resolution, where required).

If the Committee recommends that the Bill should proceed to Committee Stage, it will send a Message to the Dáil accordingly and the sponsor can move the Order for Committee Stage as normal, having given notice to the Business Committee.

6.1.7 Final Financial Assessment

A final assessment is carried out on the requirement for a Money Message or Financial Resolution, having regard to the Committee's Scrutiny Report. The outcome is notified to the Sectoral Committee Chair, via the Clerk, the Sponsor and the relevant Member of Government.

If a Money Message or Financial Resolution is required, the Bills Office make the necessary request of Government once the Order for Committee motion is moved.

6.1.8 Government Response

The Government will provide either (1) a Money Message and/or Financial Resolution, or (2) a reasoned response for the refusal of the Money Message and/or Financial Resolution, within 6 weeks of the receipt of the formal request, which is to be laid before the Dáil.

Where a Money Message and/or Financial Resolution is not being issued, the response will outline the reasons why, drawing from the Committee Scrutiny Report and Government's own analysis of the Bill. The reasoned response may also set out the steps that would need to be taken in order for the Government to further consider the issuing of a Money Message and/or Financial Resolution. The

reasoned response is to be laid before the Dáil, and provided to the Bills Office, Sectoral Committee and the Sponsor.

In circumstances where it is not possible to adhere to this timeframe, the Minister will write to the relevant Committee, the sponsor and the Bills Office outlining the proposed timescale for a response.

6.1.9 Summary of MoU

PRIVATE MEMBERS' BILLS

MEMORADUM OF UNDERSTANDING

The Memorandum of Understanding (MoU) in relation to Private Members' Bills (PMBs) was agreed between Dáil Éireann and the Government in 2018. The purpose of the MoU is to set out a comprehensive and transparent parliamentary scrutiny process for Private Members' Bills, with the aim of enacting private members legislation which is fit for its intended purpose and which is legally sound. The MoU also aims to set out a process for engagement by Government on requests for Money Messages in respect of PMBs, with the aim of ensuring a response from Government to requests for Money Messages within a reasonable time. The following is a short synopsis of the process for PMBs under the MoU:

EXPLANATORY MEMORANDUM

All PMBs published in the Dáil are to be accompanied by an explanatory memorandum which must be provided by the Sponsor to the Bills Office at publication. PMBs published in the Seanad do not require an explanatory memorandum for publication, however, the Sponsor must provide one in advance of Pre-Committee Stage Scrutiny in the Dáil.

REQUEST FOR SCRUTINY OR WAIVER BY SPONSOR

Following agreement of the Second Stage Motion in the Dáil, the Sponsor will write to the Chair of the Sectoral Committee, via the Clerk, requesting that Pre-Committee Stage Scrutiny be carried out.

Alternatively, the Sponsor may write to the Business Committee requesting a waiver of scrutiny. Where a waiver is approved, the following are notified: Sponsor; Sectoral Committees; OPLA; relevant member of Government; the Parliamentary Liaison in the Department of Taoiseach; Committees Administration. A message is also sent to the Dáil. The sponsor can move the Order for Committee Stage when a waiver has been provided, having given notice to the Business Committee.

PRELIMINARY FINANCIAL ASSESSMENT

A preliminary financial assessment is carried out after the second stage reading is agreed, with a preliminary decision on the requirement for a Money Message and/or Financial Resolution. The outcome is notified to the Sectoral Committee Chair, via the Clerk, and the Sponsor.

A final decision is made on the requirement to consult with the European Central Bank (ECB) for Bills falling within the competence of the ECB. The requirement will be notified to the Sectoral Committee Chair, via the Clerk, and the Sponsor. Such consultation with the ECB will form part of the scrutiny process.

SCRUTINY

The purpose of PCSS is to assess the Bill from a policy, legal and financial perspective with a view to recommending whether the Bill should proceed to Committee Stage or not. The Committee decides whether to invite submissions and/or hold hearings. Evidence gathering should focus on the key questions set out in scrutiny framework

COMMITTEE LAY SCRUTINY REPORT

The Committee agrees and lays a report on the scrutiny of the Bill before the Dáil. The Committee has wide discretion as to the content of its scrutiny report to the House.

SELECT COMMITTEE SEND MESSAGE WITH RECOMMENDATION

The Dáil Select Committee must consider, taking account of the scrutiny report, whether the Bill should, or should not, continue to Committee Stage, and send a message to the Dáil with its recommendation.

ORDER FOR COMMITTEE STAGE MOTION

If the Committee recommends that the Bill should proceed to Committee Stage, it will send a Message to the Dáil accordingly and the sponsor can move the Order for Committee Stage as normal, having given notice to the Business Committee.

If the Committee decides to recommend that the Bill should not proceed to Committee Stage, it will send a Message to the Dáil accordingly. Having given notice to the Business Committee, the Sponsor may bring a motion for decision by the Dáil. In that case, he/she will have to bring a motion for decision by the Dáil to "notwithstand" the Committee's recommendation. If the Dáil rejects the motion, this will act to defeat the Bill and it will be removed from the Order Paper. If the Dáil approves the motion, the Bill may proceed to Committee Stage.

FINAL FINANCIAL ASSESSMENT

A final assessment is carried out on the requirement for a Money Message or Financial Resolution, having regard to the Committee's Scrutiny Report. The outcome is notified to the Sectoral Committee Chair, via the Clerk, the Sponsor and the relevant Member of Government.

If a Money Message or Financial Resolution is required, the Bills Office make the necessary request of Government once the Order for Committee motion is moved.

GOVERNMENT RESPONSE

The Government will provide either (1) a Money Message and/or Financial Resolution, or (2) a reasoned response for the refusal of the Money Message and/or Financial Resolution, within 6 weeks of the receipt of the formal request, which is to be laid before the Dáil.

Where a Money Message and/or Financial Resolution is not being issued, the response will outline the reasons why, drawing from the Committee Stage Scrutiny Report and Government's own analysis of the Bill. The reasoned response may also set out the steps that would need to be taken in order for the Government to further consider the issuing of a Money Message and/or Financial Resolution. The reasoned response is to be laid before the Dáil, and provided to the Bills Office, Sectoral Committee and the Sponsor.

In circumstances where it is not possible to adhere to this timeframe, the Minister will write to the relevant Committee, the sponsor and the Bills Office outlining the proposed timescale for a response.

7 Financial Assessment

7.1 Requirement for Financial Assessment

The Constitution and Standing Orders place restrictions and conditions on the content of Bills and amendments involving the spending of public money or raising of charges on the people. These restrictions give the Government primacy in relation to financial proposals in legislation.

The Bills Office carries out an initial financial assessment of a Private Members' Bill (PMB) when it has completed Second Stage in the Dáil and a final assessment following Pre-Committee Stage Scrutiny when the outcome, being the Committee's recommendation in its scrutiny report, can be taken into consideration when making a final determination. A final assessment is carried out for Government Bills following second stage.

The Committee Stage of a Bill which involves a charge upon the people (a tax), including an incidental charge, cannot be taken unless a motion proposed by Government, known as a Financial Resolution (FR), approving of the charge has been passed by the Dáil. A FR must be scheduled, with or without debate, and agreed by the House before Committee Stage.

The Committee Stage of a Bill which involves the appropriation of revenue or other public moneys, including incidental expenses, cannot be taken unless the purpose of the appropriation has been recommended to the Dáil by a Message, known as a Money Message, from the Government. A Money Message must be placed on the Order Paper before Committee Stage, no debate of decision of the House is required.

7.2 Charge on the People

In determining whether any charge can be considered a tax, the Bills Office will consider the following questions:

Is there a tax or charge on the People?	• A tax may not be in the form of general taxation i.e. it does not have to affect all people; one penny of a charge to one person could be a tax. • A non-qualification for a subvention cannot constitute a charge upon the people. • Should the provisions of the Bill relate specifically to taxes, it is necessary to review the effect of the changes proposed.
Does it accrue to the Exchequer?	• Is the charge collected by or paid to the Exchequer? • A charge may sometimes be levied by a Commission/Board/etc. for the provision of a service and does not accrue to the Exchequer.

Is the charge mandatory?	• A fine is avoidable rather than mandatory and is a penalty
Does the charge exceed the cost of providing any service involved?	• It is an established principle that levies limited to the cost of meeting expenses and applied for a specified purpose does not constitute a charge. Check if any surplus in levies received are used to reduce levies in future financial years.

The following is an example of a Private Members' Bills where it was decided that a Financial Resolution was required. The Financial Resolution was provided by Government and the Bill enacted:

> *Intoxicating Liquor (Breweries and Distilleries) Bill 2016 – This Bill allowed for the creation of a retail licence which would authorise the sale by a brewery/distillery of its own alcohol products to visitors. The licence provisions were assessed and found to be mandatory for distilleries and breweries wishing to sell their product to visitors. The licence was in the nature of a tax and accrued to the Exchequer. The rate was not specified and, therefore, assumed to be set by Ministerial regulation as is the case with other excise duties. As the level was not set in the Bill it could not be determined whether it merely met or exceeded the cost of providing any service involved. As the Bill required the creation of a new excise duty licence i.e. a tax, it was decided that a Financial Resolution was required.*

When assessing whether a Bill involves a charge on the people (a tax) or on the revenue (spending), the Bills Office take a number of factors into account.

- A charge is not necessarily explicit: A seemingly innocuous provision repealing some previous relieving enactment (thus re-instating a charge) or applying the provisions of some existing act (which imposed charges) might require a financial resolution or money message.
- A charge is not necessarily direct: A simple provision requiring all unregistered titles to property to be registered could have the indirect effect of enforcing the payment of stamp duty by making such registrations mandatory where they were not previously so.

- A charge does not always come from a completely new provision: The extension of the incidence, scope or rate of an existing charge can require a financial resolution or money message.
- The criteria applied for the purposes of financial procedure are not necessarily those applied in the outside world: A sale of Ministerial shares under a Bill might earn the exchequer €40 million (which is disregarded), however, a motion is required to highlight a once-off stamp-duty charge on the disposal of those shares amounting to only a few hundred Euro.

If it is determined that the Bill involves a charge on the people, the Bills Office will inform the department who will need to work with OPC to draft a Financial Resolution (FR). The FR will need to be agreed by the House before Committee Stage can proceed.

7.3 Charge on the Revenue

There are three primary categories of Money Messages, as follows:

- 'Oireachtas' Money Messages: These refer to voted expenditure allocated to each Department. This type applies where the incidental expenditure comes out of a Department's voted expenditure (approved annually by the Dáil);
- 'Central Fund' Money Messages: These refer to non-voted (or Exchequer) funding. This applies if the expenditure proposed is from the central fund; and
- Combined Oireachtas and Central Fund Money Messages.

In determining whether any costs arise, the Bills Office will consider the following:

Is there Government spending?	Will there be costs associated with implementing the provisions of the Bill? Will there be enforcement or compliance costs?
Are the costs covered by the concept of the 'elastic civil service'? Is there an explicit cost?	For introduction, we cannot extrapolate as a charge something that would otherwise be an additional administrative function; the Civil Service is more elastic than we think. However, the concept of the elastic civil service doesn't apply to Money Messages and therefore a Money Message is required in respect of potential incidental expenses arising from implementation of Bill provisions through publicly funded bodies.

Do costs relate solely to the States position as employer?	Costs to the exchequer relating solely to its position as employer to the public service are not deemed costs in respect of money message.
Is the Bill seeking to amend the Constitution?	A Bill to amend the Constitution does not need a message as the costs are covered by the messages obtained for the Referendum Acts.

The following is an example of a PMB where it was decided that a Money Message was required, which was subsequently received, and the Bill enacted.

> *Irish Sign Language Bill 2016 - The purpose of this Bill was to provide for the recognition of Irish Sign Language, its use in legal proceedings and the provision of interpretation into Irish Sign Language by public bodies. There were cost implication associated with the Bill in terms of establishing a scheme for the provision of Irish Sign Language classes and for the Court Service in terms of the provision of facilities for*

If it is determined that the Bill involves a charge on the exchequer, the Bills Office will inform the department and will request the message from D/PER. Once received, the Bills Office will arrange for the message to be published to the Order Paper enabling Committee Stage to proceed.

7.4 Consultation with the European Central Bank

The Treaty on the Functioning of the European Union requires Member States to seek the ECB's advice on draft legislative provisions falling within the ECB's fields of competence.

Under Article 2 (1) of Decision 98/415/EC the authorities of the Member States shall consult the ECB on any draft legislative provision within its field of competence pursuant to the Treaty and in particular on currency matters, means of payment, national central banks, the collection, compilation and distribution of monetary, financial, banking, payment systems and balance of payments statistics, payment and settlement systems and rules applicable to financial institutions insofar as they materially influence the stability of financial institutions and markets.

Dáil Standing Orders prohibit Committee Stage being taken on a PMB which falls within the field of competence of the Treaty until the outcome of consultation has been reported to the Dáil. The Bills Office assess the requirement for ECB consultation after the conclusion of second stage, and consultation is carried out during the scrutiny process.

Government Bills undergo ECB consultation as part of the drafting process. In the case of relevant Government Bills, the outcome of the consultation is generally reported to the Dáil in the course of the Second Stage speech of the relevant Minister. However, if a report is not made in the course of that speech, the Minister may lay a report before the Dáil with the outcome of the consultation.

8 Committee Stage

8.1 About Committee Stage

This is the first stage at which amendments (see section 10) can be proposed to alter the text of the Bill. Committee Stage involves detailed consideration of the Bill, with separate decisions on each section and each amendment. It is usually taken in Select Committee in the Dáil and Committee of the whole Seanad. Some Bills, generally urgent ones, will be in Committee of the whole Dáil.

If the Committee has decided that the nature and complexity of the Bill would appear to warrant it, a private briefing session by officials of the sponsoring Department may be requested at any point. The fact that the Committee may have conducted PLS does not preclude such a briefing.

The sponsoring Minister will be an *ex officio* member of the Committee while they consider the Bill and as such will have a vote on sections and amendments.

8.2 Process at Committee Stage

At Committee Stage a Bill is debated and agreed, section by section, and amendments are moved and decided as and when they fall within the Bill.

There is no limit on the number or duration of contributions that Members may make to the Committee Stage debate, unless otherwise ordered (see guillotine motions). The proposer, so for Government Bills, the Minister will usually open and close the discussion on each section while proposers of each amendment will open and close the discussion on amendments.

When the Committee goes into public session the Chairperson, after welcoming the Minister, may seek to agree matters relevant to the running of the meeting such as the timetable including time for suspensions. The Chairperson is provided with a brief from the Bills Office which lists each section of the Bill, the amendments to each section, related amendments and the question to be put in each case. Individual Schedules and the Title of the Bill are dealt with in a similar manner to sections of a Bill. Similar or related amendments can be grouped together, for the purpose of discussion only, and these groupings are shown clearly in the brief. Each amendment and each section must be decided separately as there can be only one question before a Committee at a time. The brief will also identify any amendments that have been ruled out of order, and provide more details on the reasons for disallowance should the Chair be asked for an explanation. However, it is not permissible to further discuss disallowed amendments or to question the Chair's reasons for disallowing them.

Amendments to the text of Bills can be made at Committee or Report Stage in either House. Amendments generally do the following things:

- delete text, parts or sections,
- substitute text with new text [delete....and substitute...], or
- insert text, parts or sections

Any Member of the House considering the Bill, whether or not a member of the Committee, may table and move amendments to a Bill at Third Stage in his or her name, provided notice requirements have been met. A member of the Committee or nominated substitute may also move amendments in the name of a member of his or her party or group or, if he or she is a member of a body of members represented in Government, in the name of a member of that body.

If the stage is taken by Select Committee, any Deputy may propose an amendment but only members of the Select Committee are entitled to cast a vote. Departmental officials can attend the session to advise the Minister but cannot directly address the Committee during consideration of the Bill.

If the Dáil or Seanad makes amendments to the Bill, the Bills Office will then prepare a revised version of the Bill and send it for print and circulation as soon as practicable thereafter. A Departmental official at principal officer level or higher must certify that any Government amendments have been correctly incorporated in the Bill, and should be available to do so as soon as possible after receiving the copy of the Bill in order to facilitate it being sent for overnight printing. As the Bills Office will often prepare a Bill in advance of Committee Stage in anticipation that only Government amendments will be accepted, it is important that Departments inform the Bills Office if the Minister intends to accept an opposition amendment.

9 Report Stage

The fourth stage of a Bill's progress through the Dáil or Seanad is called Report Stage and takes place in a session of the whole Dáil or whole Seanad, as appropriate. At Fourth Stage, amendments arising out of Committee Stage are considered and, therefore, amendments must deal with issues discussed at Committee Stage. Amendments which do not deal with issues discussed at the previous stage may be deemed out of order.

Speaking times at Report Stage are limited and only the amendments are discussed and decided on. In the Dáil Members get to speak on each amendment or group of amendments for 7 minutes, with a follow-up contribution of 2 minutes. The proposer of the amendment gets a 2-minute response.

As it is taken in the chamber, there is a limit of two officials who can attend beside the Minister. If the Bill deals with different areas of competence, officials may be swapped in and out.

10 Amendments at Committee and Report Stage

10.1 Deadline and Amendment Submission

Amendments may be submitted to the text of the Bill at Committee or Report Stage. The deadline for receipt of amendments in the Dáil is 11am on the fourth day before Bill is scheduled and in the Seanad is 11am on the second day before Bill is scheduled.

Extensions may be granted in exceptional circumstances and shorter deadlines may be agreed by the Houses in the case of urgent legislation.

When the deadline for the submission of amendments passes, the Bills Office will circulate draft copies of the lists of amendments (known as ''Whitelists'') which have been proposed by individual members, groups or parties. On the day before the debate (for Dáil amending stages) or on the day of the debate (for Seanad amending stages) the Bills Office will circulate the Numbered List of amendments (so called because each amendment is individually numbered based upon the order in which it affects the Bill).

10.2 Admissibility of Amendments

The Bills Office assesses the admissibility of all amendments against Standing Orders and may submit them to the Ceann Comhairle or the Cathaoirleach for disallowance. The main issues for consideration in terms of admissibility of amendments are:

- Whether the amendment is relevant to the provisions of the Bill (Dáil) / relevant to the subject matter of the Bill (Seanad)
- Relevancy of the amendment to the scope of the Bill (Dáil) or whether an amendment is in conflict with the principle of the Bill as read a second time
- Whether the amendment could have the effect of imposing or increasing a charge on the Exchequer [only a Minister or Minister of State may move such an amendment and no new charge can be introduced at Report Stage]
- Whether the amendment would have an effect i.e. not merely a declaratory statement
- Report Stage amendments must arise out of Committee proceedings however, in the case of ministerial amendments a re-committal motion can be agreed
- If a Bill has been considered in Committee of the whole House, amendments which were rejected / negatived at Committee Stage cannot be resubmitted for Report Stage
- The Chair of the relevant House rules amendments in or out of order based on Standing Orders and the Rulings of the Chair

Submissions on admissibility are made by the Bills Office on amendments which may be considered to contravene Standing Orders. The Chair of the relevant House makes the final decision regarding admissibility. Decisions on admissibility may come late in the day, and the Bills Office may not be able to confirm which amendments are out of order until the day of the meeting. Therefore, departments are advised to prepare speaking notes on all amendments in preparation should the Chair disagree with the submission.

10.3 Instruction to Committee Motions

In the Dáil, Committees to which Bills may be committed have power to make amendments, provided that such amendments are relevant to the provisions of the Bill and are not in conflict with the principle of the Bill as read a second time (Dáil Standing Order 187).

All amendments are assessed for admissibility by the Bills Office. Should a Government amendment not be relevant to the provisions of the Bill, rather than rule it out of order, a facility exists within Standing Orders for the Dáil to pass a motion, known as an instruction to Committee motion, empowering the Committee to make amendments, the nature of which shall be specified in the motion, provided that the amendments are relevant to the general subject matter and not in conflict with the principle of the Bill. It should be noted that the Ceann Comhairle may determine that amendments warrant the initiation of a separate Bill, rather than an instruction motion.

An instruction motion under DSO 187 will be required where the amendments are outside of the scope and provisions of the Bill and a motion under DSO 233 will be required where the amendments are outside the general subject matter. Motions may be taken with or without debate, however, in general, a debate will be required on motions under DSO 233.

The department will be notified where it is determined that Government amendments require an instruction motion and asked to submit a drafted motion. The taking of the motion must be agreed with the Business Committee, and therefore, the Whips Office should be notified where departments are submitting amendments which are outside the provisions of the Bill.

The following are sample text for motions to instruct and examples of previous motions can be found in the Dáil debates on the Oireachtas website:

> **Motion required under Standing Order 187 where amendments are outside the scope and provisions.**
>
> *Pursuant to Standing Order 187, it be an instruction to the Select Committee on [Committee name] on the [Bill name], that it has power to make amendments to the Bill which are outside the scope of the existing provisions of the Bill, in relation to [enter text relevant to*

amendments]; and to change the title of the Bill and make other consequential amendments required to take account of the changes above.

Motion required under Standing Order 233 where amendments are outside the subject matter

That pursuant to Standing Order 233, Standing Order 187 is modified to provide that it be an instruction to the Select Committee on [Committee name], in relation to the [Bill name], that the Committee has power to make amendments to the Bill which are outside the scope of the existing subject matter of the Bill, in relation to [enter text relevant to amendment]; and to make other consequential amendments required to take account of the changes above.

Motion required under Standing Order 233 and 187 where some amendments are outside the subject matter and others are outside the scope and provisions.

That it be an instruction to the Select Committee on [Committee name] on the [Bill name], that:

(a) Standing Order 233(2) is modified to provide that the Committee has the power to make amendments to the Bill which are outside the existing subject matter of the Bill, in relation to [enter text relevant to amendment]; and

(b) Pursuant to Standing Order 187, the Committee has power to make amendments to the Bill which are outside the scope of the existing provisions of the Bill, in relation to [enter text relevant to amendments];

And to change the title of the Bill, and for consequential amendment of the long title to reflect the content of the Bill, and make other consequential amendments required to take account of the changes above.

In the Seanad, amendments must be relevant to the subject matter of the Bill. No instruction procedure exists.

10.4 Recommittal

At Report Stage amendments must arise out of Committee proceedings, and therefore, the subject of the amendment must have been discussed during the Committee Stage debate. Additionally, no new charge may be introduced. Should a Government amendment not arise out of Committee proceedings or include a charge, rather than rule it out of order, a facility exists within Standing Orders for the Dáil (Dáil Standing Order 190) to recommit the Bill to Committee Stage for the consideration of the amendment in question.

A motion may be made in respect of the whole Bill at the commencement of its consideration on Report and in respect of certain amendments before consideration of the amendment/amendment group. The Minister will be asked by the Chair to move the motion at the commencement of the stage or when the amendments arise.

Bill recommitted in its entirety is taken de novo section by section and amendments may be submitted as for a first Committee stage (SR 177). If Bill is recommitted in respect of amendments sections of Bill are not debated or put to House, amendments only may be discussed (SR 178). When a Bill/section/amendment is recommitted, it is treated as if it is at Committee Stage and no speaking limits apply to the debate on it.

10.5 Guillotine Motions

Allocation of time or 'guillotine' motions place a restriction on the time allocated to debate a Bill in one of the Houses, which may result in the Bill being passed without being fully debated. At the time of the guillotine the debate is brought to a close with one closure question, all Government amendments are deemed agreed and all opposition amendments negatived.

10.6 Grouping of Amendments

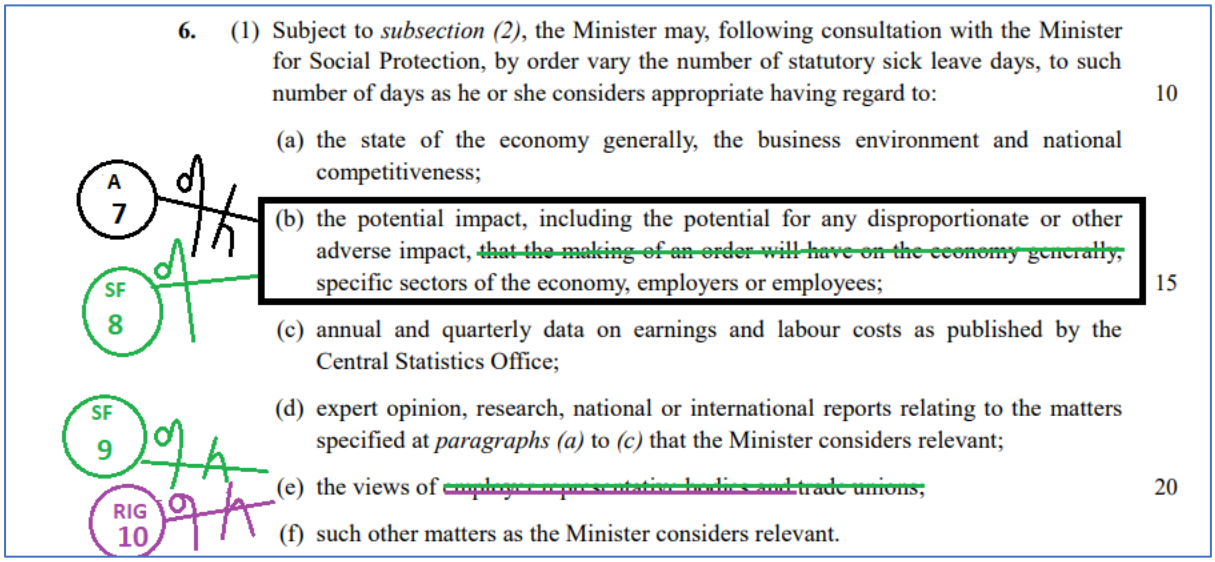
The day before a scheduled amending stage, the Bills Office will contact the Bill lead to discuss the grouping of amendments. Similar amendments, including physical alternatives and consequential amendments, may be grouped together for discussion to avoid repetitive discussion. Where amendments are grouped, they are grouped for discussion only and individual decisions will be made on each amendment as and when it is reached.

Category	Explanation	How treated
Related Amendments	These deal generally with the same subject in different parts of the Bill but are not interdependent on each other. However, if discussed separately there would be significant repetition of debate.	Discussed once with main group, separate decisions
Consequential Amendments	Amendments which are incidental to or dependent on another "main" amendment depend on the acceptance of the main amendment for their validity. The first amendment is not necessarily the main amendment in the group. .g. a key	If the key or main amendment, in the case of a consequential group or, in the case of cognate or composite amendments, the first amendment in the group, is negatived, the decision is

	amendment might propose the insertion of a definition of a "general fund" and have a number of consequential amendments inserting the words "general fund" in various parts of the Bill. If the key amendment is defeated the other consequential amendments may not be moved.	usually taken to cover later amendments in the group. This does not apply where the first amendment is agreed, in that case a separate question is asked on each amendment so despite a key amendment being agreed, the remaining consequential amendments are treated in the same manner.
Cognate amendments	Amendments offered to different but related parts of a Bill which embody the same or a similar principle e.g. changing the word "Institute" to "Comhairle" in each place it appears	
Composite amendments	Amendments which can be regarded as comprising a unified proposal. Similar to consequential amendments except there is no "main" or "key" amendment. They are so interrelated that they cannot be discussed individually and must be taken as a group.	
Alternative Amendments	There are two types of alternative amendments: • Physical Alternates address the same or overlapping portions of text • Logical Alternatives, without addressing the same or overlapping portions of text, are contradictory in terms of their effect.	Discussed once with main group. If the earlier amendment is agreed the later amendment(s) cannot be moved.

The Bills Office will compile a draft grouping list for discussion and agreement with the department. Given the preparatory work required in the preparation of amendment lists and admissibility submissions, it is not possible to examine potential groupings until the day before the meeting at the earliest. In preparing the list, the following approach will generally be taken:

- The Bills Office will mark all amendments into the Bill to easily identify amendments which are physical alternatives. This is referred to as a bubbled version of the Bill and is useful for a number of purposes throughout the process, in particular for briefing packs at amending stages to easily reflect where in a Bill that amendments occur. Bubbles are essentially a graphic representation of the effect of the amendments on the text of the Bill.
- Using the bubbles, the Bills Office will identify the amendments which are physical alternatives (address the same or overlapping portions of text).
    - In the same below, amendment 7 is deleting a paragraph and substituting it with new text, while amendment 8 is deleting a number of words within the paragraph. If amendment 7 is agreed, the text within amendment 8 will no longer be available and the Chair will not allow it to be moved. These must be grouped together.
    - In the sample below, amendment 9 is deleting and substituting a number of words in a paragraph and amendment 10 is doing the same to overlapping words. If amendment 9 is agreed, the Chair will not allow amendment 10 to be moved. These must be grouped together.



- The Bills Office will then, using the bubbles and numbered list, identify amendments which may be considered related, which deal with the same subject matter.
- From within these draft groupings the Bills Office will identify any amendments which are logical alternatives, or which present a composite proposal.
- Draft groupings may initially include amendments which have been submitted for disallowance. These will be removed from the grouping when decisions on admissibility of amendments are made.

- Groupings are a matter for the Chair and may be changed during consideration should an objection be raised.

11 Divisions

11.1 Divisions

The House decides all questions put to it by the Chair. The question on an item of business is put at the conclusion of the debate and the manner in which questions are put is for the Chair to decide, based on his or her experience and judgement. The purpose of a division is to determine whether a question is carried or lost by recording the Members for or against the question (and, in the case of the Dáil or its Committees, to record abstentions on the question). A division can occur on any question put by the Chair.

The Dáil schedules a voting block for all non-urgent questions for each Wednesday evening. Questions relating to motions and second stage of a Bill are generally deferred to the Dáil voting block. Questions relating to amendments are taken immediately when pressed.

- If the matter before the House is one on which there appears to be general agreement, the Chair may put the question in an informal manner – "Is the motion [or amendment] agreed?" and, if there is no dissent evident, will confirm the decision of the House by stating "Motion [amendment] agreed".
- Similarly, in the case of opposition amendments to Government Bills or Motions, the Chair may ask the Member sponsoring the amendment if he or she wishes to press it and, if the Member does not wish to do so, there is no need to put the question
- If the matter is likely to give rise to a vote or if the Members in the Chamber request that the question 'be formally put' (i.e. where they wish to press the motion or amendment), the Chair will rise and state "The question is that…". The Chair will then ask the Members to decide by saying 'Tá' or 'Níl'. The Chair judges the result by the verbal responses and states that the question is carried or lost. At this point, the Members may dispute the Chair's statement by calling 'Vótáil'. The House will prepare to divide for questions to be taken immediately. Alternatively, if agreed by the Business Committee, the question will be deferred to the voting block.

11.2 Division Bells

Standing Orders requires division bells to be rung for varying minimum periods once a division is called, and once the bells have stopped ringing a further period is prescribed before the doors can be locked for the taking of the division. The Chair will inform the ushers (usually by ringing the bell on his or her desk) when it is time to lock the doors. On a first vote demanded in the Dáil the bells will be rung for 6 minutes, followed by an additional 4 minutes before the doors are locked. A shorter period

of 2 minutes of the bells and 1 additional minute before locking doors applies for subsequent votes. Different times apply in Select Committee and the Seanad.

11.3 Casting Vote

In the event of an equality of votes in a division of the Dáil, Standing Orders and the Constitution requires that the Ceann Comhairle (or whoever is in the Chair) has a casting vote. The Cathaoirleach of the Seanad also exercises a casting vote in the event of an equality of votes in a division.

In Select Committees of the Dáil the Chairperson has one ordinary vote. In the event of there being an equality of votes, the question shall be decided in the negative.

11.4 Divisions at Second Stage

Debate at Second Stage is on a motion, "That the Bill be now read a second time" (the motion for second reading) and the question will be put at the end of the debate.

- The Chair will put the question at the end of the debate.
- If there is general agreement to the question, the motion will be considered agreed, and the Bill may be referred to Committee.
- Once the Chair has expressed his or her opinion, a Member may demand that the House divide (vote) on the question, normally by calling out "Votáil". If a votáil is pressed, the division may be deferred to the weekly voting block in the Dáil or will be taken immediately in the Seanad. Any potential deferral will be reflected in the business schedule.

11.5 Divisions at Select Committee

Under Standing Order 106(3), any Member in attendance, including Members in attendance who are not members of the Committee or substitutes can demand a division. However, only members of a Committee or validly nominated substitutes can take part in the division itself.

On Committees where substitutions are provided for, and notice has been given, a member of the Committee who is a member of a party or other body of members represented in Government may be substituted for by any member, other than a member of the Government or a Minister of State, who is also in the governing party or body of members. A member of an opposition party or group may only be substituted for by a member of the same opposition party or group.

When a division takes place in the Select Committee, the Committee Chairperson has one ordinary vote, not a casting vote as in the Houses, as per Standing Order 104(1).

- When the debate on a matter has concluded, the Committee Chairperson may firstly put the question informally. In the case of a Government section or amendment, etc., he or

she will ask informally whether the section or amendment is agreed and in the case of an amendment by an opposition Deputy, the Committee Chairperson will ask whether he or she wishes to press the amendment.

- If necessary, the Committee Chairperson then formally puts the question by announcing "The question is that the amendment be made/section stand part of the Bill" and invites those in favour to say "Tá" and those against to say "Níl". This is commonly known as a 'voice vote'.
- Next, the Committee Chairperson declares the result in his or her opinion, usually in favour of the Government. At this point, any Member in attendance (whether or not a member of the Committee) may claim a division. If a division is demanded, and a formal vótáil is to be conducted, it is formally acknowledged by the Committee Chairperson.
- The division must be taken after a lapse of 8 minutes. The Clerk sounds the bells for at least 4 minutes and waits for a further four minutes or until all members or substitutes are present, whichever is the earlier (Standing Order 108(2)). The doors are then locked by the usher, the Committee Chairperson then puts the question to the Committee and asks the Clerk to conduct the Vote.
- The Clerk calls the names of the members and records their votes, including the Minister/Minister of State if present for the purposes of a Bill. Under Standing Order 106(1) the member of the Government in charge of the relevant Department shall be an *ex officio* member of a Select Committee appointed for the consideration of a Bill and shall be entitled to vote in Select Committee proceedings.
- If another division is called immediately after the result of an earlier division has been declared and all members (or substitutes) are still present, the ringing of the bells and the 8 minutes interval may be dispensed with.

11.6 Divisions at Report Stage

Any divisions demanded on amendments must be taken immediately. The Chair will put the question at the end of the debate on the amendment.

- If there is general agreement to the question, the amendment will be considered agreed.
- Once the Chair has expressed his or her opinion, a Member may demand that the House divide (vote) on the question, normally by calling out "Votáil". If a votáil is pressed, the division will be taken immediately.

12 Fifth Stage

At Fifth Stage the Bill is passed by the House. Debate is on the motion “That the Bill do now pass”. Members should confine themselves to reasons why Bill should or should not now pass (SR 196). It is a relatively short stage where the House reviews and accepts the Bill. There is little contribution generally. When the Bill passes all stages in one House it is then sent to the other House for the same process to be repeated.

If the Bill initiated in one House is amended by the other House, the Bills Office will produce a list (commonly referred to as a cream list) of those accepted amendments for the originating House to consider, accept or reject.

When the Bill is nearing completion the Bills Office will provide a vellum print for proofing. Any changes should be noted on a separate page, not on the vellum itself.

13 Cream List

Article 20.1 provides that "Every Bill initiated in and passed by Dáil Éireann shall be sent to Seanad Éireann and may, unless it be a Money Bill, be amended in Seanad Éireann and Dáil Éireann shall consider any such amendment." Furthermore, Article 20.2.2 provides that "A Bill initiated in Seanad Éireann if amended in Dáil Éireann shall be considered as a Bill initiated in Dáil Éireann."

An amendment list, known as a cream list, is required when the Second House makes amendments to a Bill and those amendments must be returned to the First House. The purpose of the list is for members of the First House to see changes that were made to the Bill in the Second House. So, for this reason the version of the Bill used is the version passed by the First House.

Under DSO 227, when a Bill, transmitted from the Dáil to the Seanad, has passed through all its stages in the Seanad, and is sent back to the Dáil with amendments made in the Seanad, or in the case of a Money Bill, with recommendations made by the Seanad, such amendments or recommendations, as the case may be, are published to the Dáil. The Dáil considers, in Committee, and reports on such amendments or recommendations, as the case may be.

Furthermore, under DSO 228, an amendment made by the Seanad to a Bill initiated in the Dáil may be accepted by the Dáil with or without amendment or be rejected. No amendment can be moved to an amendment made by the Seanad that is not strictly relevant thereto, nor can any other amendment be moved to the Bill unless it be consequential upon the acceptance, amendment or rejection of a Seanad amendment.

Seanad Standing Order 148 provides that a Bill which has been initiated in the Seanad and amended by the Dáil shall, after its receipt back from the Dáil, be deemed to have passed its First, Second and Third Stages in the Seanad and shall be placed on the Order Paper for its Fourth Stage.

All amendments must refer to those page and line references and all section numbers, cross references etc. should make sense to that Bill (the last one passed by the First House). An amendment is identified by number only, there is no sponsor required as the House (Dáil/Seanad) has made the amendment.

14 Enactment

When the Bill has passed all stages in both Houses the Bills Office prepares copies of the Bill, known as vellums for the President to sign the Bill into Law. A signed copy is lodged with the Supreme Court. The Bills Office will proof the vellum and will ask the department to also proof it. Any errors noted will be notified to the Clerk of the Dáil who will determine whether they need to be marked into the vellum for lodging or whether they can be made to the print of the Act.

In general, a Bill is signed by the President between the 5th and 7th day after the date of receipt. It may be signed earlier if there has been an early signature motion in the Seanad.

Under Article 25.2.2°of the Constitution, an early signature motion can be proposed in the Seanad which would allow the President to sign the Bill on receipt if there is an urgent requirement for the Bill to be enacted. Extract from Cabinet Handbook –*Where it is imperative that a Bill should become law as soon as possible …… the Department promoting the Bill should submit a short memorandum, explaining the urgency and requesting the approval of the Government to invoke the terms of the Article. If time does not permit, an oral request should be made through the Secretary General to the Government for such approval. If the Government accept the necessity for early signature, the Secretary General to the Government will issue a request to the Clerk of the Seanad to arrange to have the necessary motion moved in the Seanad*.

In accordance with Article 26 of the Constitution, the President may consult with the Council of State before referring a Bill to the Supreme Court for a decision on the question as to whether such Bill or a provision of the Bill is repugnant to the Constitution

It is worth noting in timelines that, the Bills Office cannot publish the Act and send it to the Statute Book until the Iris Oifigiúil notes that the President has signed the Bill into law and the Supreme Court has notified the Oireachtas that a copy has been lodged. The Bills Office prepare a PDF of the Act and publish it to the Oireachtas website and forwarded for publication on the Irish Statute Book site when these are received. From the day the Bill passes to the publication of the Act is typically around 10 days. This may have an effect on regulations or commencement orders so take note of the timelines.

Due to requirements of the Official Languages Acts, the English version of the Act cannot be printed and released for sale until the translated version is finalised and released for sale (except where a provision has been inserted into the legislation to dis-apply the relevant provision of the Official Languages Act).

15 Arrangements Following Dissolution

Upon the dissolution of the Dáil all unenacted legislation is deemed lapsed.

Under Standing Order 198(1) any Bill, which lapses by reason of the dissolution of the Dáil, before it has reached its final stage, may be proceeded with on the reassembly of the Dáil at the stage it had reached prior to the dissolution, upon a Resolution restoring it to the Order Paper. Bills are restored to the commencement of the particular stage which it had reached prior to the dissolution of the Dáil, unless otherwise directed in the restoration motion.

In general, following the formation of the Government, the Government Chief Whip will arrange for a restoration motion for all Bills which the Government wishes to restore. The motion will include the stage at which the Bill is to be restored. The incoming Government is not obliged to restore any unenacted legislation, and certain Bills may not be proceeded with. A separate omnibus motion is generally brought before the Houses for any lapsed Private Members' Bills to be restored.

16 Finding Bill Information

The Bills Office ensures that the published text of each Bill is a complete and correct copy, containing all the provisions decided upon by the Houses at the various stages of consideration and that the final copy of the Bill is exactly as passed by the Houses of the Oireachtas. The Bills Office is responsible for the publication on the Bill, Explanatory Memorandum, Numbered Lists of Amendments, Bill versions and the final Act. All these documents are published directly to the Oireachtas website.

- All Bills Office published documents are available on the Oireachtas website under Bills and Acts. Click on the Bills and Acts tab from the homepage to access this area.
- All Bills currently scheduled for discussion and all recently considered are listed on the Bills and Acts page. The page contains a search area to find the Bill you are seeking.
- To search for a Bill, enter the name or a keyword and press enter. A number of advanced search options are available to assist you in filtering the search results.
- When you find the Bill or Act that you are looking for click on the View Bill/Act button to access the record.

The Bill record starts with the long title of the Bill and is followed by a Bill Tracker. This tracker enables you to quickly see the current status of a Bill. In this example, the Bill has passed all stages and signed by the President.

Beneath the tracker are a number of tabs which provide links to the Bills documents and debates on the Bill.

- The Bill and Act text tab provides all published copies of the Bill and Act since initiation. A Bill is republished where it is amended at a legislative stage in the Houses.
- The Related Documents tab will provide a copy of the Explanatory Memorandum for the Bill and, where available, will provide a copy of the Bill digest, glossary of Irish terms and Committee scrutiny report. An updated version of the Explanatory Memorandum may be published if there has been significant amendment of the Bill.
- The Amendments tab provides copies of all published numbered lists of amendment.
- The Debates tab provides a link to each debate held on the Bill.

17 Statutory Instruments (S.I.) – Laying S.I.s and Arranging Motions

17.1 About Statutory Instruments

The Acts passed by the Oireachtas are the primary legislation of Ireland. There is another category of laws known as secondary legislation or statutory instruments. The expression "statutory instrument" means an order, regulation, rule, scheme or bye-law made in exercise of a power conferred by statute. The Oireachtas does not enact statutory instruments. Instead, the power to enact them is delegated to certain people or bodies including Government Ministers, local authorities and regulatory bodies. Secondary legislation must be consistent with, and based on, the legislation adopted by the Oireachtas. If it is not, it can be overturned by the courts.

Statutory Instruments predominantly take the form of Orders or Regulations and are generally made under specific provisions of an Act. It will be made clear in primary legislation whether the SI required is to be an Order or a Regulation.

An Order is made in respect of a single exercise of a delegated power (e.g. a commencement order – see below) or an instrument which does not need to deal with the setting down of a regulatory framework. The following is an example of the clause used in primary legislation allowing for the Minister to make an Order: *'This section comes into operation on such day as the Minister for Finance may appoint by order'.*

Regulations contain detailed provisions relating to the general substance of the primary statute. Ministerial consent is required for Regulations that have Exchequer implications. The following is an example of a clause used in primary legislation allowing for the making of Regulations: *'The Minister may, for the purposes of … make regulations.'.*

The Cabinet Handbook[6] provides information on the approval, presentation, gazetting, translation, printing, etc. of such Orders, following Government approval, which is the responsibility of the promoting Department.

- Finishing Drafting
    - Except for Orders of an urgent or recurring nature or where the terms of an Order are clearly within what is envisaged in the enabling legislation, the Department will seek the approval of the Government for the general principles before the Order is drafted.
    - Significant statutory instruments are subject to Regulatory Impact Analysis.

[6] CABINET HANDBOOK (assets.gov.ie)

- The draft of an Order commencing legislation should be sent to the Office of the Parliamentary Counsel to the Government for drafting or settling.

- Preparing copy for signing and signing
  - To process an SI, the department/agency must have an active user account with Propylon, create a new issue, and upload the document for processing. An initial draft is provided for the agency to review and approve.
  - Once the document is approved, the signing version with no watermark is uploaded to the application. The agency must review and print the document for signing.
  - The draft Order to be made by the Government should be submitted with a covering memorandum for approval and signing.
- Assigning SI Number
  - Prepare a notice for insertion into Iris Oifigiuil. Iris Oifigiúil is published on Tuesdays and Fridays.
  - Email the SI desk in OPW at sidesk@opw.ie to request both an SI number and insertion of notice into Iris Oifigiuil. Provide them with the signing details. That includes the Iris Oifigiúil Date, name of the person that signed the document, date of signing, any relevant commencement dates. OPW will add the signing details and the SI number to the system. Propylon will create the final version for publication.
- Distribution
  - OPW will be notified when an SI number has been assigned. The final version of will then be available to download from the printers which will be used in the Documents Laying process.
  - Once published copies of the SI will be sent to the copyright libraries.
  - Electronic versions of the SI in both PDF and XML formats are made available from the electronic system for inclusion on the online Irish Statute Book.
- Laying the Document
  - The approved S.I. must be laid on the Oireachtas docs laid application (detailed below).

The following information covers only the laying of S.I.s before the Houses of the Oireachtas and the arrangement of any associated motions. Please refer to the Cabinet Handbook for more information.

17.2 Laying Statutory Instruments

The Oireachtas Library & Research Service manages the Documents Laid process. If you have any questions about using the Documents Laid application or any general queries about laying documents,

please email the Documents Laid team before submitting the document. Detailed guidelines[7] are available on the Documents Laid application and the help section of application system contains a number of videos on the use of the system.

'Documents Laid' are documents that are formally submitted to the Houses of the Oireachtas in order to support the democratic process. The Oireachtas Library has managed the process by which documents are laid before the Houses since 1922. The term 'Laid before the Houses' stems from the original procedure whereby civil servants travelled to Leinster House to lay a paper copy on the table in the Oireachtas Library. Since 2011 Departments and Agencies have laid documents before parliament using an online system on the Oireachtas website. The Oireachtas Library processes around 2,000 documents laid each year and makes these available to the public on the Oireachtas website.

Lists of Documents Laid are provided to Members (TDs and Senators) so that they can see what has been laid before the Houses, scrutinise the documents and prepare for any actions required on the document (such as debates or votes).

There are two types of Documents Laid: Statutory and Non-Statutory.

- Statutory documents are required to be laid by legislation. This means that there is a piece of legislation (an Act, Statutory Instrument or an article of the Constitution) that contains an 'Instruction to lay' the document before the Dáil or Seanad or both. For guidance on finding the Instruction to Lay a document you can view our 'Finding the Instruction to Lay' video in the 'Help' section of the 'Lay a Document' Tab in the DocsLaid application.
- Non-Statutory documents are laid before the Houses based on an instruction in the Standing Orders of the Houses or for another reason not required by legislation. In other words, these non-statutory documents are laid for the information of Members (TDs and Senators).

The Houses of the Oireachtas does not review the content of documents before online publication and bears no responsibility for the content. The laying of documents is a formal procedure regulated by statute - Houses of the Oireachtas (Inquiries, Privileges and Procedures) Act 2013 – and the Standing Orders of the Houses. Once a document is laid it is deemed to be public and cannot be un-laid, even if it contains errors.

[7] 20201120_DocsLaidGuidelines_External_201120_184554.pdf (oireachtas.ie)

Every Government Department should have a Documents Laid Co-ordinator to be responsible for the observance of the instructions relating to Documents Laid within the Department. The Documents Laid Co-Ordinator has the following responsibilities:

- Point of contact for Department/Agency and the Documents Laid Team
- Notify DocsLaid of changes to Dept/Agency names/email domains
- Officer responsible for the observance of the instructions relating to Documents Laid (Cabinet Handbook, Appendix V, Section 11[8])
- Coordinate personnel in Department who lay documents
- Provide advice and guidance to those laying documents in Department
- Provide guidance to those drafting documents to ensure they supply the correct legislative information to the person laying the document (the instruction to lay the document before the Houses)
- Be aware of the Propylon system for creating Statutory Instruments
- Establish links with the Department's Legal Services Unit.

Before laying a Statutory Instrument, please ensure that you have the following:

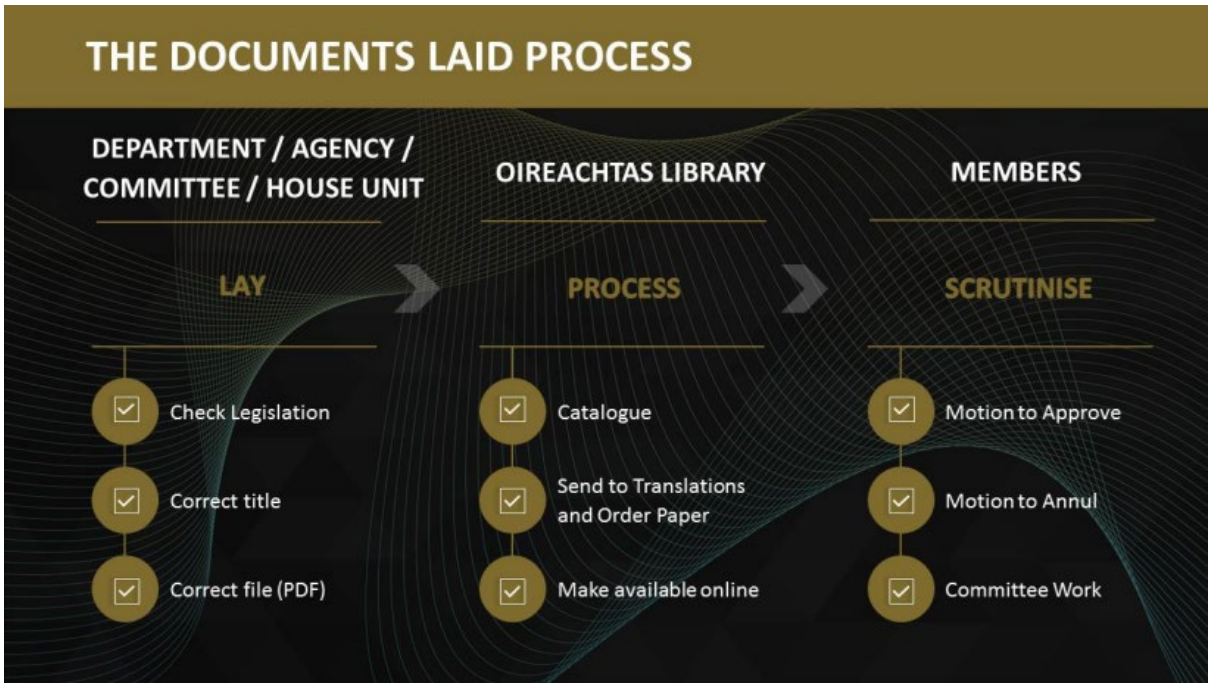
- A PDF of the final and correct version of the document
- The filename of the PDF should follow the Docs Laid File Name Protocol in the guidelines[9]
- The PDF should be saved as a searchable (OCR) file
- The full and correct title of the document that is to be laid
- The Irish and English versions of the same report merged in one PDF (if the report has been translated)
- The relevant legislation from the Irish Statute Book and referencing the Act and Section stating the instruction to lay the document
- Confirmation that there are no potential breaches of GDPR data.

Once laid, a laying receipt will be provided, and the department or agency can publish the Statutory Instrument. The Oireachtas Library will catalogue the SI, send the titles for translation and place it on the Order Paper. Additionally, they will make the document publicly available within approximately 24 hours in the Oireachtas Library Digital catalogue(https://opac.oireachtas.ie/knowvation) and on the Oireachtas website (https://www.oireachtas.ie/en/publications/docs-laid/).

[8] CABINET HANDBOOK (assets.gov.ie)
[9] 20201120_DocsLaidGuidelines_External_201120_184554.pdf (oireachtas.ie)

The Docslaid application functions as an intermediary for the purposes of laying the document before the Houses of the Oireachtas, as such the digital version residing on the Oireachtas Digital Library catalogue is not an official version of the document that has been laid, rather it is formal proof that the document has been laid as per the requirements in the relevant Parent Act. The S.I. that is laid, should be a carbon copy of the official version, though there could be exceptions in a small minority of cases. The preference for the DocsLaid team is that the version of the S.I. that is laid is that final, official version of the S.I. complete with the S.I. number and ISBN barcode on the back of the document, as published by the Government Publications stationery office. However, to be 100% certain regarding the official status, you should always access an S.I. via the electronic Irish Statute Book homepage. It may be the case that the appearance of a given S.I. appears on the Irish Statute Book after it has been laid and by consequence after it is accessible on the Oireachtas Digital Library catalogue (Knowvation). This is a timeframe over which we have no control.

Statutory Instruments, once laid, may require a motion to approve or may be open to a motion to annul. The Act requiring the laying of regulations will provide for this. More information on these motions is in section 17.3.



Finally, the relevant notice will always be published in the Iris Oifigiúil with its official name. Copies of the relevant S.I. may be purchased from the Government Publications Office.

17.3 Motions to Approve and Motions to Annul Statutory Instruments

A motion is a proposal that the House agree to a particular position or action. A motion is distinct from a Bill, which, if passed by the House and signed by the President, becomes an Act (i.e., it becomes law). They are processed and administered by the Journal Office.

Legislation sometimes requires a resolution approving a Statutory Instrument. For example, "*Where regulations are to be made under this subsection, a draft of the regulations shall be laid before Dáil Éireann and the regulations shall not be made until a resolution approving the draft has been passed by Dáil Éireann".* Therefore, after laying the Statutory Instrument the Government Department are required to submit and schedule a motion of approval.

In the Dáil, Government Departments liaise with the Business Committee and Government Chief Whip's Office with regards to the scheduling of a Government motion to be taken in the House and must also contact the Journal Office to arrange for the text of the motion to appear on the Dáil Order Paper. In the Seanad, Government Department liaise with the Leader's Office to schedule the motion and the Seanad Office to arrange for the text of the motion to appear on the Seanad Order Paper.

Legislation sometimes provides for an 'option to object' within a prescribed period of time in the form of a motion to annul. For example, the legislation will state that *every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly*. A motion to annul is drafted, submitted and scheduled by a Private Member.

When a motion is taken and decided, the decision of the House with regards to the final agreed text will be communicated to the Proposer via a Resolution signed by the Ceann Comhairle.

18 Training Sessions on the Legislative Process

As part of the legislative process the Oireachtas offer departmental officials working on legislation an introductory session on the processes and procedures for legislation progressing through the Houses. The session generally lasts 60-90 minutes and covers the following areas

- The Constitutional context
- Pre-Legislative Scrutiny
- The legislative process and stages
- Publishing legislation
- Financial assessment and requirements
- Bill documents, format and proofing
- Amendments, admissibility and briefing
- Scheduling legislation

Sessions can be run on a departmental basis through training units or on a divisional basis for staff actively engaged in the process. Should you wish to proceed with a session, you may contact Aoife.hayes@oireachtas.ie to arrange a session.