REPORT OF THE COMMITTEE ON STANDING ORDERS AND DÁIL REFORM

Amendments to Standing Orders on Timeframes for Pre-legislative Scrutiny and Consideration of Estimates

_____

Adopted by the Committee
3 July 2024

_____

Contents

Recommendations of Committee on Standing Orders and Dáil Reform relating to changes to Standing Orders 2

Change relating to timeframes for PLS 2

Changes relating to timeframes for consideration of, and reporting on, Estimates 2

APPENDIX 1: Recommended amendments to the Standing Orders of Dáil Éireann relative to Public Business 3

APPENDIX 2: Current text of Standing Orders 174A and 215A 4

Recommendations of Committee on Standing Orders and Dáil Reform relating to changes to Standing Orders

At its meeting on 3 July 2024, the Committee on Standing Orders and Dáil Reform (CSODR) agreed to recommend to Dáil Éireann, pursuant to Standing Order 118A(2)(*a*), that the amendments to the Standing Orders of Dáil Éireann relative to Public Business, as described below, and as contained in Appendix 1 to this report, be made.

Change relating to timeframes for PLS

In September 2022, Standing Order 174A, which contained new procedures relating to pre-legislative scrutiny (PLS), was adopted by the House. Prior to its adoption, CSODR had agreed that the operation of the new procedures would be reviewed after a year. Accordingly, in March 2024, the Committees' Secretariat Coordination Unit produced its *Review of the Pre-Legislative Scrutiny Protocol arising from Standing Order 174A.* At its meeting on 3 July 2024, CSODR agreed to the recommendation contained in the review in relation to the exclusion of Easter, summer and Christmas recess periods from the timeframes relating to PLS, in order that Committees may have adequate time to consider the measures proposed in the "heads"/general schemes of Bills. This change involves an amendment to Standing Order 174A, as shown in Appendix 1. For reference purposes, the current text of Standing Order 174A is shown in Appendix 2 to this report.

Changes relating to timeframes for consideration of, and reporting on, Estimates

In June 2024, the Committee on Budgetary Oversight published its *Final Report on the Estimates Process 2023*, which included recommendations that the timeframes for consideration of, and reporting on, Estimates by Committees should be extended, in order to reduce the necessity for having deadline extension motions agreed in the House. At its meeting on 3 July 2024, CSODR agreed to the report's recommendations in relation to these timeframes. This change involves amendments to Standing Order 215A, as shown in Appendix 1. For reference purposes, the current text of Standing Order 215A is shown in Appendix 2 to this report.

APPENDIX 1: Recommended amendments to the Standing Orders of Dáil Éireann relative to Public Business

"That the Standing Orders of Dáil Éireann relative to Public Business be amended as follows:

(i) in Standing Order 174A, by the insertion of the following paragraph after paragraph (5):

'(5A) For the purposes of this Standing Order, Christmas, Easter and summer recess periods shall not be reckoned in the calculation of the period of eight weeks.'; and

(ii) in Standing Order 215A—

(*a*) in paragraph (1), by the substitution of '80 days' for '60 days', and

(*b*) in paragraph (2), by the substitution of '30 days' for '14 days'."

APPENDIX 2: Current text of Standing Orders 174A and 215A

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.

215A. Consideration of Estimates by Committees: Report of Committee on Estimate

(1) Subject to Standing Order 215(2) and unless the Dáil shall otherwise order, Committees shall complete their consideration of Estimates referred to them pursuant to that Standing Order not later than 60 days after such Estimates have been so referred.

(2) Any report that a Committee proposes to make arising from its consideration of an Estimate shall be made within a further period of 14 days.