



# REPORT OF THE COMMITTEE ON STANDING ORDERS AND DÁIL REFORM

Amendment of Standing Orders relating  
to pre-legislative scrutiny of Government Bills

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Adopted by the Committee  
13 July 2022

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## Background

In January 2022, the Government Chief Whip wrote to the Ceann Comhairle following a meeting with the Taoiseach on the Government's legislative planning processes. The meeting was held in the context of correspondence from Uachtarán na hÉireann in July 2021 relating to the number of Bills which are presented for signature in the period immediately prior to a Dáil recess.

In his letter, the Whip outlined the Government's concerns in relation to PLS as follows: *"the open-ended nature of (PLS) can lead to significant delays in the publication of legislation which, in turn, can tend to telescope the timeframe for the passing of Bills. This can occur through the Committees scheduling meetings over a long period of time or the drafting of PLS reports taking a considerable length of time, or a combination of both. In this situation it is difficult to predict when a Bill will be ready for publication and subsequent passage in the Houses."* In this context, the Whip requested that consideration be given to *"how the arrangements for the PLS process might be streamlined, with particular regard to timeframes, so that no undue delays occur prior to publication of a Bill"*.

The correspondence was referred by the Ceann Comhairle to the Committee on Standing Orders and Dáil Reform (CSODR).

## CSODR review of PLS process

At its meeting on 30 March 2022, CSODR agreed terms of reference for a review of PLS, commencing with a preliminary review by the end of May.

The preliminary review, which was conducted externally, and an associated consultation paper from the Service was presented to CSODR and considered at its meetings on 1 June and 22 June.

The Government Chief Whip made a proposal at the meeting of 22 June for a standard timeframe of eight weeks for PLS and this proposal was declared carried.

An implementation paper prepared in consultation with the Government Chief Whip's Office, was subsequently considered by CSODR at its meeting on 13 July<sup>1</sup>.

## Recommendation

At its meeting on 13 July 2022, the Committee on Standing Orders and Dáil Reform agreed<sup>2</sup> 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 set out in Appendix 1 to this report be agreed to.

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<sup>1</sup> An infographic setting out the revised process is at Appendix 3.

<sup>2</sup> The relevant extract from the CSODR minutes is at Appendix 2.

## Appendix 1: New Standing Order 174A: Pre-legislative consideration and publication of Government Bills

That the Order of the Dáil of 29<sup>th</sup> June 2021, relating to waiver requests on pre-legislative scrutiny is hereby rescinded and the Standing Orders of Dáil Éireann relative to Public Business are hereby amended as follows:

- (a) in Standing Order 30, in paragraph (1), by the substitution of the following for subparagraph (a):

“(a) Standing Order 174A [‘Pre-legislative consideration and publication of Government Bills’], or”;

- (b) in Standing Order 123, in subparagraph (a) of paragraph (7), by the substitution of “Standing Order 174A” for “Standing Order 173”;

- (c) by the deletion of Standing Order 173;

- (d) by the adoption of the following new Standing Order 174A:

### **“Pre-legislative consideration and publication of Government Bills**

**174A.** (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.”; and

- (e) in Standing Order 176, in the second provision, by the substitution of “Standing Order 174A” for “Standing Order 173”.

## Appendix 2: Relevant extracts from CSODR minutes

### **Extract from the minutes of the meeting of the Committee on Standing Orders and Dáil Reform on 13<sup>th</sup> July, 2022**

“The Ceann Comhairle put the question that the Committee (a) adopt the draft report containing the proposed changes to Standing Orders, and (b) recommend to the Dáil that the proposed changes to Standing Orders be made as permanent, not sessional, Orders. The clerk to CSODR conducted a roll-call division on the question. The results of the division were as follows:

- Tá (8) – Deputies Cathal Berry, Colm Burke, Jack Chambers, Cormac Devlin, Brendan Griffin, Emer Higgins, John Lahart and Steven Matthews;
- Níl (7) – Deputies Pádraig MacLochlainn, Denise Mitchell, Paul Murphy, Carol Nolan, Cian O’Callaghan, Thomas Pringle and Duncan Smith.

The Ceann Comhairle declared the question carried.

CSODR agreed that the operation of the new procedures in relation to PLS would be reviewed in September 2023.”

Appendix 3: Infographic of PLS options open to Committees within a standard timeframe of eight weeks

