



Deputy Lyndon Farnham
Chief Minister

BY EMAIL

3rd June 2025

Scrutiny of Legislation

Dear Chief Minister,

Further to our monthly Government - Scrutiny liaison meeting held on 22nd May, and noting your constructive offer to follow up on the matter, I am writing to confirm the overarching concern that we relayed to you in respect of the scrutiny of legislation. In particular, the need to ensure that appropriate time is afforded and allowed under Standing Orders to panels to undertake the important role they play in the passage of legislation through the Assembly, and factored into the Government's legislative timetable accordingly.

We highlighted to you two current examples of ongoing dialogue between Panels and Ministers, relating to Assisted Dying and Residential Tenancy legislation, that have caused the Scrutiny Liaison Committee to reflect that it may be helpful to remind Ministers of Standing Order 72, the most pertinent parts of which read:

72 Referral of draft Law or Regulations for scrutiny

- (1) If the States agree to the principles of a draft Law or draft Regulations, the draft shall be referred to the relevant scrutiny panel or relevant review panel if the chair of that panel has previously informed the States or confirms, when asked by the presiding officer, that he or she wishes to have the draft referred to the panel.*
- (2) If the chair of the relevant scrutiny panel or relevant review panel informs the States that he or she does not wish to have the draft referred to the panel, any member of the States may propose, without notice, that the States request the panel to reconsider the decision.*
- (3) If the States agree to the proposal –
 - (a) the 2nd reading of the draft shall not continue at the meeting; and*
 - (b) the presiding officer shall, at the next meeting, ask the chair of the relevant scrutiny panel or relevant review panel whether, the panel having reconsidered the matter, he or she wishes to have the draft referred to the panel.**
- (4) A draft shall not be referred to the relevant scrutiny panel or relevant review panel if it has previously been referred to that panel.*
- (5) When a draft is referred to the relevant scrutiny panel or relevant review panel or has been so referred previously, but the panel has not reported on it, the States must decide at which meeting the 2nd reading of the draft shall be listed to continue.*
- (6) The meeting must not be later than the 4th meeting following the debate upon the principles, disregarding any additional meeting day.*

I wish to underline simply that the above Standing Order is a clearly prescribed part of the process by which legislation passes through the Assembly. Although it is used infrequently by panels given that completion of legislative scrutiny work is often expedited where feasible to do so, we would

anticipate that for any legislation being progressed by a Minister, the potential for the Standing Order to be invoked should be properly factored into the overall timeline by the Government. It would be unreasonable for any work being undertaken by a Scrutiny panel through this Standing Order, to be presented by Government in a way that infers that they are responsible for causing 'delay'.

Similar note might be taken of Standing Order 79 (Suspension of debate for the purposes of scrutiny).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Inna', followed by a horizontal line.

Deputy Inna Gardiner
President, Scrutiny Liaison Committee