



Research and Information Service Briefing Paper

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Reintroduction of fallen or rejected Bills

1 Introduction

This briefing paper has been prepared for the Committee on Procedures following its meeting on 27 November 2012. At that meeting, Members had considered a letter from the Speaker of the Assembly in relation to Standing Order 32(2) which relates to reasoned amendments to Bills. The letter asked the Committee to consider whether Standing Orders should be amended to state a period during which a Bill rejected at Second Stage cannot be reintroduced. The Committee asked that research be carried out into practice in other legislatures.

Standing Order 32

Standing Order 32 of the Northern Ireland Assembly states:

32. Public Bills: Second Stage

- (1) The debate on the motion, “That the Second Stage of the...Bill be agreed” shall be confined to the general principles of the Bill.

(2) Amendments may be proposed to this motion, to leave out the words after “That” and insert words which state a reason for the Assembly not to agree to the Second Stage of the Bill.

(3) If an amendment proposed in accordance with paragraph (2) of this order is negative the Speaker shall immediately put the question that the Second Stage of the Bill be agreed.

There is however, no provision to prevent a Bill being reintroduced immediately after it has fallen or been rejected. The following section highlights examples from other legislatures that have time limits in place for the reintroduction of Bills.

2 Practice in other legislatures

Examples from the UK, Ireland and international legislatures show that it is common practice for a timeframe to be placed on a bill within which it, or a similar bill, cannot be reintroduced.

UK & Ireland

House of Commons	<p>According to Erskine May: “When a bill has been rejected, or lost through disagreement, it should not, according to the practice of Parliament, be reintroduced in the same session. This follows from the general rule that the same question should not be offered twice”¹.</p> <p>Erskine May also states: “There is no general rule or custom which restrains the <i>presentation</i> of two or more bills relating to the same subject, and containing similar provisions. But if a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions”².</p>
Scottish Parliament	<p>Standing Order 9.5.4 of the Scottish Parliament states: “If a Bill falls or is rejected by the Parliament, no further proceedings shall be taken on the Bill and a Bill in the same or similar terms may not be introduced in the same session of the Parliament within the period of 6 months from the date on which the Bill fell or was rejected”³.</p> <p>Staff from the Scottish Parliament could not provide a specific reason why 6 months was chosen as the period within which a Bill cannot be reintroduced.</p>

¹ Erskine May, Parliamentary Practice, 24th Edition, LexisNexis, 2011 (p.639)

² As above (p.543)

³ Standing Orders of the Scottish Parliament, 4th Edition, November 2012

National Assembly for Wales	Standing Order 26.76 states: Fall, Rejection or Withdrawal of Bills “If a Bill falls or is rejected by the Assembly, no further proceedings may be taken on that Bill, and a Bill which, in the opinion of the Presiding Officer, is in the same or similar terms must not be introduced in the same Assembly within the period of 6 months from the date on which the Bill fell or was rejected” ⁴ .
Dail Eireann	Officials from the Oireachtas provided the following information in relation to the reintroduction of fallen or rejected Bills. The reference in Standing Orders is SO 56(1) "No Member shall re-open a discussion on a question already discussed during the preceding six months." This is taken to include rejected or fallen Bills.
International	
New Zealand House of Representatives	Standing Order 261 of the House of Representatives states: Same bill or amendment not to be proposed “The following may not be proposed in the same calendar year: (a) a bill that is the same in substance as a bill that received, or was defeated on, a first, second or third reading; (b) an amendment to a bill that is the same in substance as an amendment that was agreed to or defeated in a committee of the whole House” ⁵ .
Parliament of Singapore	Standing Orders of the Parliament: 85. Once the second reading of any Bill has been agreed or negative, no question shall be proposed during the same session for the second reading of any other Bill containing substantially the same provisions” ⁶ .
French National Assembly	The Rules of Procedure state: Article 84.3 “Members' Bills rejected by the House shall not be reintroduced before one year has elapsed” ⁷ .
Portuguese Assembly	Article 120 of the Assembly states: “In the event that a bill is definitively rejected, it shall not be resubmitted during the same legislative session” ⁸ .
Parliament of the Republic of South Africa	Rule 297 states: “When a bill has been passed or has been rejected

⁴ Standing Orders of the National Assembly for Wales, December 2012

⁵ Standing Orders of the New Zealand House of Representatives, November 2012

⁶ Standing Orders of the Parliament of Singapore, as amended in 2010

⁷ Rules of Procedure of the French National Assembly, February 2010

⁸ Rules of Procedure of the Assembly of the Republic

	during a session in any year, no bill of the same substance may be introduced in the Assembly in that year except by leave of the Assembly or where otherwise provided in these Rules" ⁹ .
Parliament of Victoria	Until recently, both Houses' rules of procedure...prevented a Bill or proposal already resolved by the Parliament from being discussed again in the same Session. The Legislative Council has since amended their Standing Orders to allow a bill to be reintroduced after six months has lapsed since it was first introduced ¹⁰ .

⁹ Rules of the National Assembly of South Africa, 7th edition

¹⁰ Parliament of Victoria factsheet: <http://www.parliament.vic.gov.au/council/publications-a-research/information-sheets/9-opening-of-parliament>