



Northern Ireland  
Assembly

## Research and Information Service Briefing Paper

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NIAR 261-25

# Costing requirements for Members' Bills: a comparative perspective across the United Kingdom

### **Public Finance Scrutiny Unit**

This Briefing Paper - commissioned by the Northern Ireland Assembly Committee on Procedures - outlines any key existing procedural rules and processes relating to Member Bill costing requirements in the Assembly, the United Kingdom House of Commons, the Scottish Parliament and the Senedd Cymru, providing a comparative perspective.

This information is provided to a Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

## Introduction

This Briefing Paper - prepared at the request of the Committee on Procedures (CoP) - aims to inform CoP's consideration of introducing a Northern Ireland Assembly (Assembly) Standing Order to require full costing of Members' Bills (MBs) prior to their introduction in the Assembly. The Paper offers a comparative perspective of the relevant legislative procedure specified in Standing Orders and the related MB processes set out in Guidance throughout the United Kingdom (UK) - namely in the Northern Ireland Assembly, the UK House of Commons, the Scottish Parliament and the Senedd Cymru. Thereafter, a Summary Table is provided, to enable ease of comparison, followed by concluding remarks.

This Paper is presented as follows:

1. [Northern Ireland Assembly](#)
2. [UK House of Commons](#)
3. [Scottish Parliament](#)
4. [Senedd Cymru](#)
5. [Summary Table](#)
6. [Concluding Remarks](#)

For fuller consideration of legislative procedural and process-related MB requirements in each named institution, refer to RalSe Briefing Paper [NIAR 132-2021](#) (dated 8 June 2021).

The Paper's contents should not be relied upon as professional legal advice or opinion, nor as a substitute for either.

# 1 Northern Ireland Assembly

The Northern Ireland Assembly (the Assembly) defines bills sponsored by individual Members as:

*... Members' Bill. Members' Bills offer individual MLAs the chance to introduce legislation independently from the Executive departments. However, these bills follow the same scrutiny process as Executive Bills following introduction.<sup>1</sup>*

## 1.1 Method of initiation

More specifically, the [Northern Ireland Assembly Handbook for Members' Bills for the 2022 to 2027 Mandate](#), dated May 2024, states MB proposals are:

*...legislative proposals [that] must address a single, focused, policy objective and must not seek to utilise an unreasonable proportion of the drafting budget. The test of this is for a Bill to be sufficiently narrow and specific in focus to achieve a single policy objective. The Assembly has resolved that a Member's Bill is not an appropriate vehicle to progress significantly complex or cross-cutting legislative change.<sup>2</sup>*

That Handbook further explains that once the Speaker of the Assembly approves a Member's Final MB Proposals for drafting, that Member accesses funding to draft the MB. This is accompanied by the Explanatory and Financial Memorandum (EFM), produced by the Member, with support from the Drafter and Assembly staff. Once that MB is introduced into the Assembly, it "follow[s] the same [Assembly] scrutiny process [under Assembly Standing Orders] as Executive Bills following introduction".<sup>3</sup> During the current 2022-2027 Assembly mandate, 23 MB proposals have been submitted, at time of writing.

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<sup>1</sup> <https://www.niassembly.gov.uk/assembly-business/legislation/types-of-bills/>

<sup>2</sup> [Northern Ireland Assembly Handbook for Members' Bills for the 2022 to 2027 Mandate](#)

<sup>3</sup> <https://www.niassembly.gov.uk/assembly-business/legislation/types-of-bills/>

## 1.2 Assembly Standing Orders

[Assembly Standing Orders](#) - as amended 1 July 2025 - set out the procedural rules governing Assembly proceedings in plenary and committee. Pursuant to Standing Orders [30](#) – [43](#) Public Legislation, the procedures for all public bills - Executive, non-Executive such as MBs and other - to become law are specified. For purposes of this Paper, Standing Order [41](#) appears most relevant, as that Order specifies an Explanatory and Financial Memoranda are to accompany Public Bills - all such Bills - setting out the cost implications arising from them. It states:

*41. Public Bills: Explanatory and Financial Memoranda*

*Public Bills on introduction shall be accompanied by an explanatory and financial memorandum detailing as appropriate -*

- (a) the nature of the issue the Bill is intended to address;*
- (b) the consultative process undertaken;*
- (c) the main options considered;*
- (d) the option selected and why;*
- (e) the cost implications of the proposal/s<sup>4</sup>*

## 1.3 Process when developing MBs – financial considerations

The [Northern Ireland Assembly Handbook for Members' Bills for the 2022 to 2027 Mandate](#) (Handbook), dated May 2024, specifies the arrangements when developing MBs, setting out three broad areas:

- Phase One: Initial Proposal, Research and Engagement
- Phase Two: Consultation and Developing the Final Proposal
- Phase Three: Drafting the Bill and Preparing for Introduction.

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<sup>4</sup> <https://www.niassembly.gov.uk/assembly-business/standing-orders/standing-orders-as-amended-01-july-2025/#a30>

All requirements relating to the above phases are to be met prior to any MBs' introduction in the Assembly.

### **1.3.1 Assembly official support**

As noted in the Handbook, the Members' Bills Development Unit (MBDU) within the Assembly's Bill Office support individual Members during the noted three broad areas.

In addition, the Handbook states Members also receive support during Phases One and Three from RaISe Research Teams and Assembly Legal Services.

Focusing on MB financial implications, Table 1 below provides an overview of when Members are to consider them, as well as available support, as specified in the Handbook.

**Table 1. Development of a Members' Bill in the Northern Ireland Assembly – Phases when financial implications are considered**

<b><i>Development of a Members' Bill – Phases when financial implications are considered</i></b>		
<b><i>Phase One – Submission of Initial Proposals, Research and Engagement</i></b>	Stress-Testing the Proposal	<p><i>Ensuring no duplication of work:</i></p> <p><i>In order to ensure efficient use of scarce resources the Member must normally be within three weeks of confirmation of service for their proposal, copy the proposal to the relevant Minister(s) and enquire whether or not the Minister is prepared to act on the issue, by means of legislation or otherwise, and whether or not the Minister has been advised of any forthcoming UK legislation which may be relevant.</i></p> <p><i>This letter should invite the relevant Minister to comment on any policy or financial implications arising from the proposal. MBDU will only continue to support the development of a Member's Bill proposal where the Member has attempted to establish the Department's position on the subject. A template letter is available from MBDU which can be adapted in discussion with officials.</i></p> <p><i>Should the relevant Minister fail to respond within 8 weeks, MBDU will rely on any published details relating to the Executive's legislative programme</i></p>

<b>Phase Three – Drafting a Bill for Introduction to the Assembly</b>	<i>Preparing the Bill for Introduction</i>	<i>MBDU will assist the Member in preparing an Explanatory and Financial Memorandum (EFM). RaISe will also assist by providing an assessment of the potential ‘public purse’ implications relating to the Bill (this is not meant to be exhaustive and will require constructive engagement with the Department). Please note that the EFM is a substantial document in its own right and is a requirement under Standing Orders before a Bill can be introduced. It may take some time to complete to the Member’s satisfaction and is an important document in setting out the Member’s objectives and the journey of the Bill to the Assembly</i>
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**Source:** [Northern Ireland Assembly Handbook for Members’ Bills for the 2022 to 2027 Mandate](#) (May 2024)

## 2 UK Houses of Commons

### 2.1 Method of initiation

Within the UK Houses of Commons (HoC), there are three routes in which a Member can introduce Private Member's Bills (PMBs). The [Member of Parliaments' Guide to Procedure](#) (MPs' Guide) specifies those routes as follows:

1. [Ballot Bill](#): A MP wins one of 20 places in the PMB Ballot. 20 numbers are drawn at random. The numbers are called in reverse order, meaning the Member of Parliament (MP) last to be drawn can get the first choice of a Second Reading slot. These PMBs are given priority on the 13 Fridays set aside for debating PMBs. The ballot takes place towards the start of a session (a session starts with the King's Speech).
2. [Ten-Minute Rule Bill](#): A MP is given ten minutes to talk about their bill in the HoC Chamber.
3. [Apply for a Presentation Bill](#): The Bill title is read out in the Chamber, but there is no opportunity for a speech.

When considering the probability of PMBs progressing through the HoC under HoC Standing Orders, the MPs' Guide states:

*Ten-Minute Rule or Presentation Bills have less chance of being fully debated than Ballot Bills because of lack of available time and because the 20 Ballot Bills are presented first and therefore take the first slots on second reading days.<sup>5</sup>*

Due to the timing issue, Ballot Bills are more likely to gain Royal Assent. However, that does not prohibit Ten-Minute Rule or Presentation PMBs from progressing to become Acts. [Appendix 1](#) of this Paper provides an overview of the number of PMBs brought forward by MPs, which secured Royal Assent in

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<sup>5</sup> <https://guidetoprocedure.parliament.uk/collections/8Q4L0nmh/private-members-bills-in-the-chamber>

each session in the last decade in the UK Houses of Parliament, broken down by the route in which they were brought forward.

In the UK House of Lords (HoL), Lords also can introduce PMBs: further guidance on HoL PMB procedural rules for can be found [here](#).

## 2.2 HoC Standing Orders

The HoC Standing Orders - issued 23 May 2024 – provide for the rules that regulate the way MPs conduct HoC public business. A number of HoC Standing Orders reference PMBs, namely:

- [Standing Order 12. – House not to sit on certain Fridays](#)
- [Standing Order 14. – Arrangement of public business](#)
- [Standing Order 23. – Motions for Bills and Select Committees](#)
- [Standing Order 84A. – Public bill committees](#)
- [Standing Order 90. – Second reading committees](#)

The above Orders set out the procedural rules when PMBs progress through the HoC.

## 2.3 Process when developing PMBs – financial considerations

### 2.3.1 HoC official support

Support for PMBs is provided through the Public Bill Office (PBO) of the HoC. RaISe contacted the PBO, asking about the support PBO Clerks provide for PMB development. The PBO informed RaISe that the “development of a Bill is usually done individually with each Member”<sup>6</sup> and due to the large number of PMBs – which take three different forms – Ballot Bill, Ten-Minute Rule Bill and Presentation Bill – “[c]ostings don’t feature as part of our process in the same way as they do in a number of other legislatures.”<sup>7</sup> In a follow-up conversation, the PBO informed RaISe that there is no required role for HoC research

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<sup>6</sup> RaISe Correspondence with House of Commons Public Bill Office – 3/12/2025

<sup>7</sup> See footnote 6 immediately above

services in preparation of a PMB, but MPs could seek further information from research if they desired to do so.<sup>8</sup>

### 2.3.2 Money/Ways and Means Resolution

This sub-section addresses requirements relating to Money Resolutions and Ways and Means Resolutions in the HoC, which MPs also must consider when introducing PMBs in the HoC. As PMBs may address any subject that is “suitable” for public legislation, they cannot introduce PMBs that create a “charge”, either on the “people” – that is, the creation of tax or “public purse” – which is new public expenditure. This is explained further in the [MPs’ Guide](#) as follows:

*The main aim of your bill must not be to create a new tax or increase Government spending, although if this happens as a secondary effect, it might be allowed. If your bill has any clauses in it that might have financial implications, those clauses may need to be authorised by a resolution of the House before committee stage. It’s best to get advice on this from the Public Bill Office.*<sup>9</sup>

Further to this, the [Hansard Society](#) explains that:

*The primary purpose of a PMB cannot be to create a new tax or increase government spending; these are permitted only as secondary effects. And a PMB cannot be used to duplicate a decision that has already been made by the House of Commons earlier in the Session.*<sup>10</sup>

If as noted above, costs arise as secondary effects of a PMB and Government spend is required, the Government is required to pass a [Money Resolution](#). [Erskine May](#) – a guide on parliamentary procedure and constitutional

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<sup>8</sup> MS Teams call House of Commons Public Bill Office and Raise – 9/12/2025

<sup>9</sup> <https://guidetoprocedure.parliament.uk/collections/F8ne28KA/rules-on-private-members-bills>

<sup>10</sup> <https://www.hansardsociety.org.uk/publications/guides/what-is-a-private-members-bill>

conventions that provides a description of how procedure in the HoC and House of Lords has evolved and related applicable conventions – explains that:

*..in the case of Private Members' Bills, a Money resolution is most usually considered on a day subsequent to the day on which the bill is read a second time, but before the committee on the bill meets. Such resolutions have been taken while the public bill committee was considering the bill. In 2013 and 2015, Ministers indicated that it was government policy to bring forward Money resolutions when requested even when they did not support a bill to which the resolution related.<sup>11</sup> In May 2018, a Minister stated that 'money resolutions will be brought forward on a case-by-case basis'.<sup>12</sup> On 19 June 2018, a motion that would have enabled a specific Public Bill Committee to consider provisions of a bill requiring Money cover, but not to report the bill until the House had passed a Money resolution, was negatived.<sup>13</sup>*

Whereas for PMBs that would introduce a tax, and a [Ways and Means Resolution](#) is required, as explained by Erskine May:

*As in the case of Money resolutions, a Ways and Means resolution may be moved at any stage before the consideration of the provisions (or amendments) to which it relates. Thus, a Ways and Means resolution may be moved subsequent to second reading, but prior to committee stage in respect of a Private Member's Bill*

Standing Orders [50](#) – [52](#) provide the procedural rules concerning Money Resolutions and Ways and Means Resolutions.

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<sup>11</sup><https://hansard.parliament.uk/search/column?House=1&SeriesNumber=6&VolumeNumber=601&ColumnNumber=922>

<sup>12</sup><https://hansard.parliament.uk/search/column?House=1&SeriesNumber=6&VolumeNumber=638&ColumnNumber=407>

<sup>13</sup><https://hansard.parliament.uk/search/column?House=1&SeriesNumber=6&VolumeNumber=643&ColumnNumber=252>

### 3 Scottish Parliament

In the Scottish Parliament, a MB is:

*... a Public Bill, other than a Committee Bill, which is introduced by a member who is not a member of the Scottish Government and the purpose of which is to give effect to a proposal for a Bill made by that member in accordance with this Rule.<sup>14</sup>*

#### 3.1 Method of initiation

A Member of the Scottish Parliament (MSP) must satisfy a number of conditions before a MB can be introduced in the Scottish Parliament. First:

*An MSP who wants to introduce a Member's Bill must first lodge a "proposal", which is published on the Parliament's website. A proposal is a short description of what the bill would do. Normally, the MSP also consults on the proposal. This means publishing a longer explanation of why the MSP thinks the bill is a good idea and encouraging people to write to the MSP with their opinions. (The MSP can lodge a proposal without consulting on it, if a committee agrees that consultation isn't necessary).<sup>15</sup>*

Then the Member seeks to:

*....get at least 18 other MSPs, from several political parties, to support the proposal. At this point, the Scottish Government gets the chance to stop the MSP's proposal, but only by promising that they will change the law in much the same way.<sup>16</sup>*

If the above conditions are met, the MSP gets the right to introduce a MB before the Scottish Parliament.

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<sup>14</sup> <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/standing-orders/chapter-9-public-bill-procedures#topOfNav>

<sup>15</sup> <https://www.parliament.scot/bills-and-laws/about-bills/about-members-bills>

<sup>16</sup> See footnote 15 immediately above

There is no limitation of the number of proposals a MSP may lodge, However, the Member may not have more than two proposals in progress simultaneously. A present, 13 MB proposals currently progressing through the Scottish Parliament during the current session (13 May 2021 to present). None have been enacted to date.

## 3.2 Scottish Parliament Standing Orders

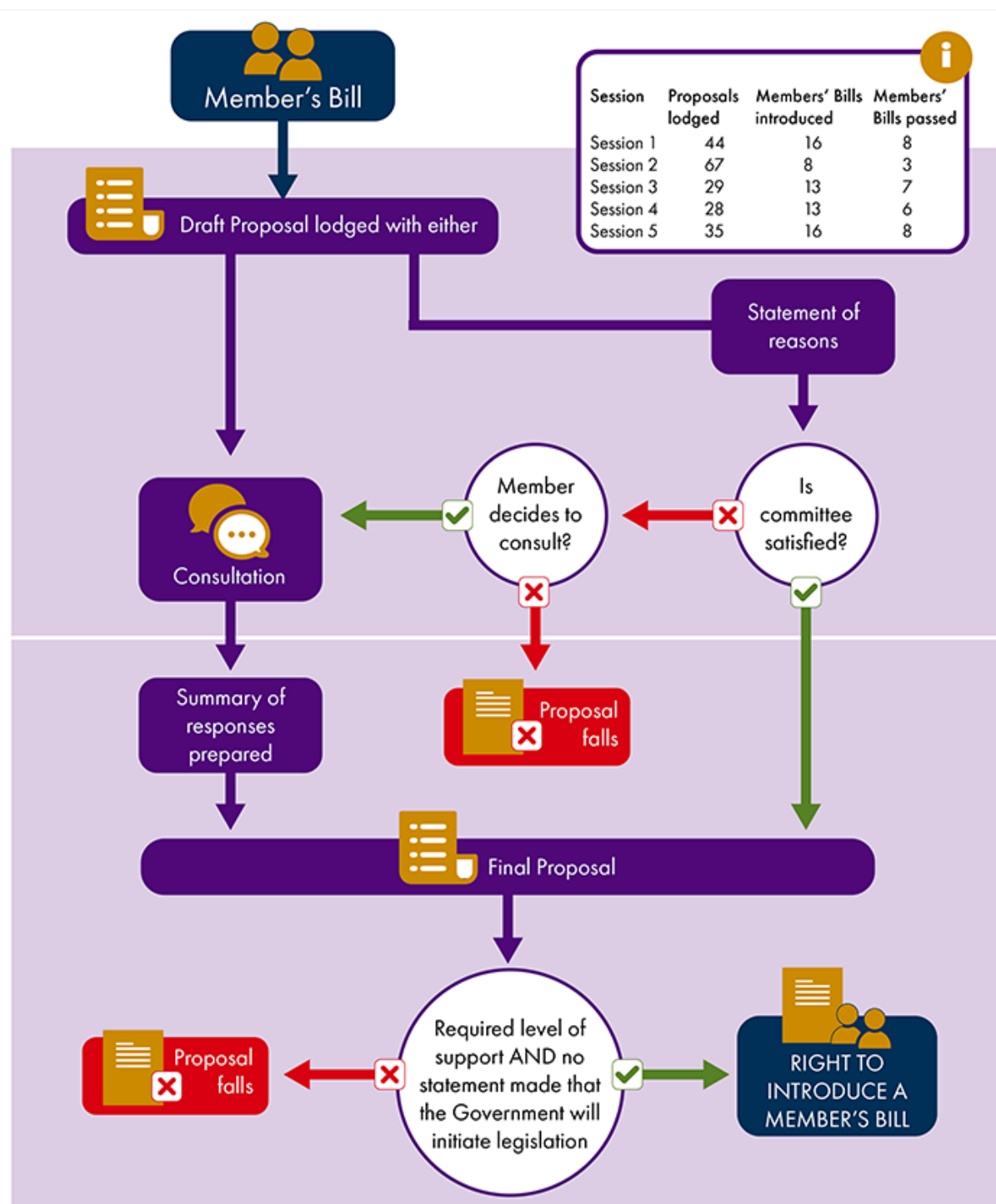
[Chapter 9](#) of the Standing Orders of the Scottish Parliament - revised 2 July 2024 - specifically, Rule 9.1 notes:

*The General Rules set out in Rules 9.2 to 9.13A apply in relation to every Public Bill .... but where any of the Special Rules set out in Rules 9.14 to 9.21 apply in relation to the Bill, the Special Rule supersedes the General Rules to the extent that they are inconsistent.*<sup>17</sup>

However, as noted above, there are Special Rules for some types of Bill within the Scottish Parliament, [Rule 9.14](#) specifies Scottish Parliamentary procedure for MBs – as summarised in Figure 1 below:

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<sup>17</sup> See footnote 15

**Figure 1. Summary of Scottish Parliament MB process**

Source: [Scottish Parliament](#), accessed 15 December 2025

Moreover, for all Public Bills proceeding through the Scottish Parliament, Rule 9.3.2 of Scottish Parliament Standing Orders requires a Financial Memorandum to accompany Public Bills, stating as follows:

*2. Bill must on introduction be accompanied by a Financial Memorandum which sets out best estimates of the costs, savings, and changes to revenues to which the provisions of the Bill would give rise, and an indication of the margins of uncertainty in such estimates. The Financial Memorandum must also include best estimates of the timescales over which such costs, savings, and changes to revenues would be expected to arise. The Financial Memorandum must distinguish separately such costs, savings, and changes to revenues that would fall upon —*

*(a) the Scottish Administration;*

*(b) local authorities; and*

*(c) other bodies, individuals and businesses.*

### 3.3 Process when developing MBs - financial considerations

[Guidance](#) explaining the Rules in Scottish Parliament Standing Orders and how those Rules are applied in practice states MBs are to be accompanied by a Financial Memorandum. That [Guidance](#) states:

*...should set out best estimates of the (1) costs, (2) savings, and (3) changes to revenues (if any) arising from the provisions of a Bill, and indicate the margins of uncertainty in these best estimates. In doing so, it must provide best estimates of the timescales over which these costs, savings, and changes to revenues would be expected to arise.<sup>18</sup>*

The Guidance continues:

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<sup>18</sup> <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/guidance-on-public-bills/part-2>

*The Financial Memorandum should explain how these costs, savings, and changes to revenues arise, and what the implications are for the Scottish Consolidated Fund. For example, provision for a new or modified tax raising power could, assuming the power is used, significantly increase or reduce the amount of revenue paid into the Scottish Consolidated Fund. The discontinuation of a service or dissolution of an organisation could present potential savings to budgets and the Financial Memorandum should set out best estimates for these savings.*<sup>19</sup>

The following sub-sections address the development of Financial Memoranda and how they support the scrutiny and consideration of proposed MBs passing through the Scottish Parliament.

### **3.3.1 Scottish Parliament official support**

The Non-Government Bills Unit (NGBU) is a Clerking Team within the Scottish Parliament, providing support and guidance on MBs. Once a MSP receives permission to introduce a bill, the NGBU support the MSP in preparing a Financial Memorandum. RaISe contacted the NGBU for detail on how that occurs in practice. At the time of writing this Paper, RaISe continues to await a response.

### **3.3.2 Finance and Public Administration Committee**

The Finance and Public Administration Committee (FPAC) in the Scottish Parliament routinely seeks views from “people and organisations who may be financially affected by the legislation”.<sup>20</sup> [Guidance](#) on the Scottish Parliament website states:

*This scrutiny happens at the same time as an examination of the detail of the Bill by a different committee, or different committees.*

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<sup>19</sup> See footnote 18 immediately above

<sup>20</sup> <https://www.parliament.scot/chamber-and-committees/committees/current-and-previous-committees/session-6-finance-and-public-administration-committee/business-items/scrutiny-of-financial-memorandums>

*The committee with the majority of responsibility for examining the detail of a Bill is usually referred to as the 'lead committee'.<sup>21</sup>*

After reading the responses received, that Committee does at least one of the following:<sup>22</sup>

- *take no further action beyond passing the submissions on to the lead committee for its consideration*
- *write to the lead committee highlighting any areas of concern and suggesting that it may wish to raise them with the Scottish Government Minister responsible for the Bill*
- *invite stakeholders who have responded to expand upon their submissions in oral evidence*
- *invite Scottish Government officials to respond to the issues raised in oral evidence*
- *publish a formal parliamentary report to the lead committee highlighting any areas of concern and suggesting that it may wish to seek further information on them from the Scottish Government*

### **3.3.3 Financial Resolution**

A Financial Memorandum supports the decision-making process to determine whether there is a need for a Financial Resolution. The [Scottish Parliament's Guidance](#) states:

*...the Financial Memorandum should provide the information the Presiding Officer needs, on advice from the clerks, to decide whether a Bill will require a financial resolution<sup>23</sup>.*

The [Guidance](#) further explains how the information provided in the Financial Memorandum:

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<sup>21</sup> See footnote 20 immediately above

<sup>22</sup> See footnote 20

<sup>23</sup> <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/guidance-on-public-bills/part-2>

*“...is used by the Presiding Officer, on advice from the clerks, to help decide whether a Bill requires a financial resolution. In particular, the Financial Memorandum should provide enough information to determine...whether the provisions of the Bill:*

- charge expenditure on the Scottish Consolidated Fund*
- are likely to increase significantly the expenditure payable under an existing charge on the Scottish Consolidated Fund in any financial year*
- are likely to increase significantly expenditure payable out of the Scottish Consolidated Fund in any financial year*
- impose, or confer a power to impose, a tax*
- increase, or confer a power to increase, any tax, the likely effect of which would be to increase significantly revenue from the tax in any financial year*
- reduce, or confer a power to reduce, any tax, the likely effect of which would be to reduce significantly revenue from the tax in any financial year*
- impose or increase a charge (other than a tax) or otherwise require a payment to be made, or confer a power to do so, in the circumstances set out in Rule 9.12.4 as read with Rule 9.12.5<sup>24</sup>*

In addition, that Guidance further details the underlying principle for the Financial Resolution requirement, explicitly acknowledging that:

*The financial resolution procedure is a means of giving extra control to the Scottish Government over Bills with certain financial implications. Only a member of the Scottish Government or a junior Scottish Minister can lodge a motion for a financial resolution (Rule 9.12.7), and so the Scottish Government has a veto on whether any Bill that requires such a resolution makes progress. Unless a motion is lodged within six months of the completion of Stage 1, and the*

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<sup>24</sup> See footnote 23 immediately above

*Parliament agrees to it, a Bill that requires a financial resolution falls.*<sup>25</sup>

The creation of Financial Resolutions was a result of the Financial Issues Advisory Group (FIAG), which advocated a clear separation between “policy Bills” that would create powers or functions and “Budget Bills” that would allocate resources. In this regard, the noted Guidance further explains:

*Budget Bills provide authorisation for the spending of money on existing functions. Separate provision would always be needed in policy Bills for conferring the functions which give rise to the demand for funding. It is the policy provision that requires the consent of the Parliament by means of a financial resolution. A financial resolution recognises that the new (or altered demand) for funding in a policy Bill is something that will have an impact on the Scottish Consolidated Fund. This is distinct from the annual Budget process, which determines the amounts of funding allocated.*<sup>26</sup>

In sum, the Guidance explains how the Scottish Government uses Financial Resolutions as a means to control the spending of public money. As a result, the Scottish Government can choose not to introduce a Financial Resolution, with the effect of curtailing the impact of MBs on Scottish public finances.

## 4 Senedd Cymru

### 4.1 Method of initiation

A MB in the Senedd Cymru, according to the Senedd’s website, is:

*...[a] Member wishing to propose a Bill must apply to be included in a ballot which is held by the Presiding Officer. To be eligible for the*

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<sup>25</sup> See footnote 23

<sup>26</sup> See footnote 23

*ballot, Members must also table certain pre-ballot information, including the proposed title of the Bill and its policy objectives.*<sup>27</sup>

In sum, one MB proposal is selected at each ballot.

Once introduced, a MB is subject to the same scrutiny process as other Bills. The prevailing procedural rules for MBs is specified in the Senedd Cymru's Standing Orders.

Currently, there are four MBs progressing through the Senedd.

## 4.2 Senedd Cymru Standing Orders

The current [Standing Orders of the Senedd Cymru](#) - issued in November 2025 - specify procedural rules governing MBs. Notable in the context is Standing Order 26, in particular, 26.86 to 26.94, which states:

### ***Member Bills***

*26.85. Standing Orders 26.86 to 26.94 apply only to Member Bills.*

*26.86. [Standing Order removed by resolution in Plenary on 16 November 2011]*

*26.87. The Presiding Officer must from time to time hold a ballot to determine the name of a Member, other than a member of the government, who may seek agreement to introduce a Bill.*

*26.88. The Presiding Officer must include in the ballot the names of all those Members who have applied to be included and who have tabled the pre-ballot information required by Standing Order 26.90.*

*26.89. No Member who has previously won the ballot in that Senedd may so apply.*

*26.90. The required pre-ballot information is:*

*(i) the proposed title of the Bill; and*

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<sup>27</sup> <https://senedd.wales/senedd-business/legislation/proposed-member-bills/>

*(ii) the proposed policy objectives of the Bill.*

*26.91. A Member who is successful in a ballot may within 25 working days of the date of the ballot table a motion seeking the Senedd's agreement to introduce a Bill.*

*26.91A. The motion must be accompanied by an Explanatory Memorandum setting out:*

*(i) the proposed title of the Bill;*

*(ii) the proposed policy objectives of the Bill;*

*(iii) details of any support received for the Bill, including details of any consultation carried out; and*

*(iv) an initial assessment of any costs and/or savings arising from the Bill.*

*26.91B. The proposed title and policy objectives set out under Standing Order 26.91A(i) and (ii) must be broadly consistent with those provided under Standing Order 26.90. The reasons for any changes must be set out in the Explanatory Memorandum under Standing Order 26.91A.*

*26.92. Time must be made available for a motion tabled under Standing Order 26.91 to be debated within 35 working days of the date of the ballot (not counting working days in a non-sitting week).*

*26.93. If a motion under Standing Order is agreed to, then the Member who has had agreement to introduce a Bill may within thirteen months of the motion being agreed introduce a Bill to give effect to the proposed policy objectives set out in the Explanatory Memorandum outlined in Standing Order 26.91A.*

*26.94. If a motion under Standing Order 26.91 is disagreed to, then no Member may enter any ballot held under Standing Order 26.87 for a period of six months after the motion has been disagreed to if the policy objectives of the Bill which he or she seeks agreement to*

*introduce are substantially 118 the same as those of the Bill referred to in the motion which has been disagreed to.*

*26.94A. Member Bills may not seek to amend existing taxes, or introduce new taxes.*

In summary, Standing Orders 26.86–26.94 set out the process for introducing MBs in the Senedd. A ballot, run by the Presiding Officer, selects a non-government Member who may seek permission to introduce a Bill. And to enter that ballot, Members must submit a proposed Bill title and policy objectives.

A successful Member then has 25 working days to table a motion to introduce the Bill, supported by an Explanatory Memorandum detailing the title, objectives, any support or consultation, and an initial assessment of costs or savings. The Bill's title and objectives must broadly match those submitted before the ballot. The motion must be debated within 35 working days.

If the Senedd agrees to the motion, the Member has up to 13 months to introduce the Bill. If the motion is rejected, no similar proposal may enter the ballot for six months.

MBs, however, cannot create or amend taxes.

## 4.3 Process when developing MBs - financial considerations

The [Guide to the Member Bill Process](#), most recently issued in September 2021, provides guidance for Members of the Senedd when seeking to progress MBs.

### 4.3.1 Senedd official support

Guidance in the Senedd, details to Members' how a Bill Team will be formed and the advice from other Senedd services; including legal and research, that can support Bill development. The Guidance states:

*A specific Bill Team of Senedd Commission officials is only available to a Member after their proposal has received 'leave to proceed'... However, at any point general procedural advice can be sought from Policy and Legislation Committee Service or Chamber and*

*Committee Service (Members may wish to contact the Clerk to the Scrutiny Support Unit). Likewise, Legal Services can provide advice to Members on whether their proposal would be within competence, and can help to re-formulate an idea to bring it within competence (Members may wish to direct requests for advice to the Head of Legal Services). Research requests can also be submitted to the Research Service (Members may wish to contact the **Finance and Statistics Research Leader**, who will coordinate such requests).*<sup>28</sup>

#### 4.3.2 Debate seeking the Senedd's agreement to introduce a Bill

A Member who is successful in a ballot may table a motion (within 25 working days of the date of the ballot), seeking the Senedd's agreement to introduce a Bill to give effect to their pre-ballot information. Along with the motion, the Member must table an Explanatory Memorandum, which sets out:

- the proposed title of the Bill;
- the policy objectives of the proposed Bill;
- details of any support received for the Bill, including details of any consultation carried out; and,
- **an initial assessment of any costs and/or savings arising from the Bill**

As noted above, an initial assessment of costs arising from the Bill is required at this point, as explained in the Senedd's Guidance:

*The initial assessment of costs and/or savings in the Explanatory Memorandum is not expected to go into any detail at this early stage, but rather would give an indication of the Member's early considerations. In practical terms, it would be impossible for a Member to accurately set out the costs of a Bill which had not been developed. The purpose of providing an initial assessment of costs and/or savings is therefore to give a general indication of the likely financial impact of the Bill. No detailed cost estimates or impact*

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<sup>28</sup> [https://senedd.wales/media/il2nenwa/guide-member-bill-process\\_eng.pdf](https://senedd.wales/media/il2nenwa/guide-member-bill-process_eng.pdf)

*assessments are required and Members should not subsequently be bound by the general costs provided at this stage in developing their Bill proposals.*<sup>29</sup>

In summary, the Member seeks the Senedd's approval, through a motion to introduce the proposed Bill, alongside an Explanatory Memorandum which includes an assessment of costs. At this point, the Senedd, relying on said information, considers the proposals' cost implications. If issues arise at that point, it can stop the Member from proceeding with the proposed Bill.

#### **4.3.3 Preparing a Bill**

If a Member receives the Senedd's agreement to introduce a Bill, a specific team of Senedd Commission officials - a Bill Team – may provide support to develop the Bill, if the Member wishes. A Bill Team include:

- the Clerk responsible for Scrutiny Support;
- **members of the Research Service, specialising in both the policy area of the proposed Bill, and financial scrutiny; and**
- member(s) of the Legal Service.

#### **4.3.4 Financial Resolution**

All Bills that have financial implications must have the consent of the Senedd, by means of a financial resolution, before Stage 2 proceedings (meetings to consider and dispose of tabled amendments) can begin. Under the Senedd's Standing Orders, a Financial Resolution is required where a Bill:

- a) *creates a new charge on or increases significantly the expenditure charged on the Welsh Consolidated Fund ("WCF");*
- b) *gives rise to significant expenditure payable out of the WCF for a new service or purpose or a significant increase in expenditure payable out of the WCF for an existing service or purpose; or,*

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<sup>29</sup> See footnote 28 immediately above

*c) would impose or increase a charge, or otherwise require a payment to be made, (including by provision that may be made by Subordinate Legislation), that would go into the WCF<sup>30</sup>*

An agreed, a Financial Resolution recognises that the Welsh Consolidated Fund (WCF) would have to meet any funding demand that would result from the MB. Only a Member of the Welsh Government can bring a motion for a Financial Resolution. This is because it is necessary for both:

- the Senedd to collectively sanction the raising of revenue or the use of resources through a vote; and
- the Welsh Government to accept the financial consequences of a Bill, as it is responsible for the management of public funds and so must have control over the raising of revenue and the use of resources (within devolved areas).

The Financial Resolution is therefore a critical stage for a MB. Senedd Standing Orders state a Bill falls if the Financial Resolution is not agreed within six months of the completion of Stage 1 of the MB.

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<sup>30</sup> See footnote 28

## 5 Summary Table

	<b>Northern Ireland Assembly</b>	<b>UK Houses of Commons</b>	<b>Scottish Parliament</b>	<b>Senedd Cymru</b>
<b>Method of initiation</b>	A Member develops the Bill proposals with support of the Members' Bills Development Unit (MBDU); submission to the Assembly Speaker for consideration and approval to access funding for drafting Bill and Explanatory and Financial Memorandum (EFM)	A Member has three routes to initiate a Private Member's Bills (PMB): <ul style="list-style-type: none"> <li>• Ballot Bills,</li> <li>• Ten-Minute Rule Bills, and;</li> <li>• Presentation Bills</li> </ul>	A Members lodges the Bill proposals (maximum two proposals at any one time). Then gain support of 18 other Members. Scottish Government can stop the proposal at this stage, if the Government agrees to introduce similar legislation.	A Member must be successful in a ballot held by the Senedd's Presiding Officer
<b>Restrictions on financial content</b>	A Member's Bill (MB) must comply with Assembly Standing Orders; financial implications must be	A PMB's primary purpose must not be to create a new tax or new public expenditure	A MB has no explicit prohibition on financial content, but financial implications may trigger	A MB may not introduce or amend existing taxes

	detailed in the Bill's accompanying EFM		requirement for a Financial Resolution	
<b>Financial information required on introduction</b>	A EFM sets out cost implications of the MB	No Financial Memorandum is required	A Financial Memorandum is required for any Public Bill, including a MB	An Explanatory Memorandum, including an initial assessment of costs and/or savings
<b>Financial Resolution / Consent required</b>	No Financial Resolution process exists	Yes, Money Resolution or Ways and Means Resolution for taxation exists	Yes, Financial Resolution is required in specified circumstances – for example, if the MB will result in an expenditure charge on the Scottish Consolidated Fund	Yes, Financial Resolution is required for Bills with financial implications

## 6 Concluding Remarks

The CoP sought information to inform its consideration of introducing an Assembly Standing Order to require full costing of Members' Bills (MBs) prior to their introduction in the Assembly.

MBs may include a direct cost for the public purse – for example, by creating new payments to recipients or establishing new bodies or institutions. MBs also may have indirect costs arising from administration (staffing, reporting and analysis) – for example, for a department or public body implementing an enacted MB. Understanding MBs financial implications is important, especially those implications relating to public finance.

This Paper details procedures and processes relating to MBs across legislatures in the UK. It is clear that Members face more restrictions in Great Britain legislatures when developing and introducing MBs than in Northern Ireland. For example, the HoC restricts PMBs, particularly in relation to those relating to public expenditure and taxation. If PMB proposals do incur a cost or introduce a tax, those should be “secondary effects”. Similarly in Wales, MBs are restricted in that they cannot relate to taxation - that is, amend existing taxes or introduce new taxes. In addition, both the HoC and the Senedd operate a ballot system which controls the number of MBs likely to proceed and become Acts. That acts to place a control in terms of MBs', potential financial implications.

Across the HoC, the Scottish Parliament and the Senedd, the procedures governing MBs' financial implications provide a clear mechanism through which the respective Government can control the progression of MBs (and other Bills) with significant financial implications. By requiring, Money and Ways and Means Resolutions at Westminster or Financial Resolution in Scotland and Wales, the relevant Governments control MBs' financial impacts on Government Budgets. The Scottish Guidance summarises that control as follows:

*A financial resolution recognises that the new (or altered demand) for funding in a policy Bill is something that will have an impact on the Scottish Consolidated Fund.*<sup>31</sup>

Issues arise from the findings outlined in this Paper. For example, when considering current and future Assembly procedures and processes relating to financial considerations of MBs, what lessons could be learned from the HoC, the Scottish Parliament and the Senedd Cymru? Should existing Assembly measures be enhanced to require greater Member consideration than currently required in that area?

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<sup>31</sup> <https://www.parliament.scot/about/how-parliament-works/parliament-rules-and-guidance/guidance-on-public-bills/part-2>

## Appendix 1. The number of Private Members' Bills, by type, that secured Royal Assent in each session in the last decade in the UK Houses of Parliament

Session	Ballot Bills	10 Minute Rule Bills	Presentation Bills	Lords PMBs	Total	% received Royal Assent
2023-24	4 (20)	0 (32)	1 (122)	0 (28)	5 (202)	2.5%
2022-23	16 (20)	0 (86)	7 (147)	1 (43)	24 (296)	8.1%
2021-22	11 (20)	0 (58)	2 (138)	0 (45)	13 (261)	4.9%
2019-21	7 (20)	0 (78)	0 (94)	0 (86)	7 (278)	2.5%
2019*	0	0	0	0	0	0
2017-19	9 (20)	1 (144)	4 (147)	1 (75)	15 (386)	3.8%
2016-17	5 (20)	1 (50)	2 (42)	0 (60)	8 (172)	4.6%
2015-16	4 (20)	2 (56)	0 (37)	0 (49)	6 (162)	3.7%
2014-15	7 (20)	1 (48)	0 (64)	2 (39)	10 (171)	5.8%
2013-14	4 (20)	0 (60)	1 (66)	0 (34)	5 (180)	2.7%
2012-13	10 (20)	0 (63)	0 (27)	0 (33)	10 (143)	6.9%
2010-12	6 (20)	0 (131)	0 (87)	1 (31)	7 (269)	2.6%

Source: [Hansard Society - Private Members' Bills \(PMBs\)](#) (Accessed 10/12/2025)

*Note: The number in brackets is the total number of PMBs that were introduced by type*