

# **NATIONAL ASSEMBLY FOR WALES COMMISSIONER FOR STANDARDS MEASURE 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 14: Privilege and public interest immunity***

28. This section (compare section 37, subsections (8), (9) and (10) of the Act) provides protection for witnesses against being compelled to give the Commissioner certain kinds of evidence.
29. Subsection (1) enables a witness to claim the same privileges as a witness giving evidence in a court of law (for example the privilege against self-incrimination and the privilege against disclosing privileged legal advice). Subsection (2) protects prosecuting authorities, and the Counsel General where proceedings have been instigated in accordance with subsection (3), from having to disclose information relating to criminal prosecutions (since to do so would be likely to prejudice such prosecutions). Subsection (3) makes it clear that the Counsel General may rely on the immunity provided for in subsection (2) in proceedings instituted by or on behalf the Welsh Ministers, the First Minister or the Counsel General.