



Government of Wales Act 2006

2006 CHAPTER 32

PART 1

[^{F1}SENEDD CYMRU]

Textual Amendments

- F1** Words in Pt. 1 heading substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(2\)](#)

Modifications etc. (not altering text)

- C1** Pt. 1 modified (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), ss. 13(5), 19(1)

The [^{F2}Senedd]

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

1 The [^{F2}Senedd]

- (1) There is to be [^{F3}a parliament] for Wales to be known as [^{F4}Senedd Cymru or the Welsh Parliament (referred to in this Act as “the Senedd)].
- (2) The [^{F2}Senedd] is to consist of—
 - (a) one member for each [^{F2}Senedd] constituency (referred to in this Act as “[^{F2}Senedd] constituency members”), and
 - (b) members for each [^{F2}Senedd] electoral region (referred to in this Act as “[^{F2}Senedd] regional members”).

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F5}(2A) Members of the Senedd are to be known by that name or as Aelodau o'r Senedd.]

- (3) [^{F6}Members of the Senedd] are to be returned in accordance with the provision made by and under this Act for—
 - (a) the holding of general elections of [^{F7}Members of the Senedd] (for the return of the entire [^{F2}Senedd]), and
 - (b) the filling of vacancies in [^{F2}Senedd] seats.
- (4) The validity of any [^{F2}Senedd] proceedings is not affected by any vacancy in its membership.
- (5) In this Act “[^{F2}Senedd] proceedings” means any proceedings of—
 - (a) the [^{F2}Senedd] ,
 - (b) committees of the [^{F2}Senedd] , or
 - (c) sub-committees of such committees.

Textual Amendments

F3 Words in s. 1(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(3\)\(a\)](#)

F4 Words in s. 1(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 2**, 42(2)

F5 S. 1(2A) inserted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 4**, 42(2)

F6 Words in s. 1(3) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(3\)\(b\)](#)

F7 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

I1 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

2 [^{F2}Senedd] constituencies and electoral regions

- [^{F8}(1) The [^{F2}Senedd] constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (S.I. 2006/1041) as amended by—
 - (a) the Parliamentary Constituencies and [^{F2}Senedd] Electoral Regions (Wales) (Amendment) Order 2008 (S.I. 2008/1791), and
 - (b) any Order in Council under the Parliamentary Constituencies Act 1986 giving effect (with or without modifications) to a report falling within section 13(3) or (4) of the Parliamentary Voting System and Constituencies Act 2011.]
- (2) There are five [^{F2}Senedd] electoral regions.
- (3) The [^{F2}Senedd] electoral regions are as specified in the Parliamentary Constituencies and [^{F2}Senedd] Electoral Regions (Wales) Order 2006.
- (4) There are four seats for each [^{F2}Senedd] electoral region.
- [^{F9}(5)
- [^{F9}(6)

Status: Point in time view as at 01/11/2021.

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Textual Amendments

- F8** S. 2(1) substituted (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), ss. [13\(1\)](#), [19\(1\)](#)
- F9** S. 2(5)(6) repealed (16.2.2011) by [Parliamentary Voting System and Constituencies Act 2011 \(c. 1\)](#), ss. [13\(2\)\(a\)](#), [19\(1\)](#), [Schs. 12](#)

Commencement Information

- I2** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

General elections

3 Ordinary general elections

- (1) The poll at an ordinary general election is to be held on the first Thursday in May in the [^{F10} fifth] calendar year following that in which the previous ordinary general election was held, [^{F11} unless—
- (a) subsection (1A) prevents the poll being held on that day, or
 - (b) the day of the poll is determined by a proclamation under section 4.]

- [^{F12}(1A) The poll is not to be held on the same date as the date of the poll at—
- (a) a parliamentary general election (other than an early parliamentary general election), ^{F13} ...
 - ^{F13}(b)

- (1B) Where subsection (1A) prevents the poll being held on the day specified in subsection (1), the poll is to be held on such day, subject to subsection (1A), as the Welsh Ministers may by order specify unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A).]

- (2) If the poll is to be held on the first Thursday in May [^{F14} or on the day specified by an order under subsection (1B)], the [^{F2} Senedd] —
- (a) is dissolved by virtue of this section at the beginning of the minimum period which ends with that day, and
 - (b) must meet within the period of [^{F15} fourteen] days beginning immediately after the day of the poll.

- (3) In subsection (2) “the minimum period” means the period determined in accordance with an order under section 13.

- (4) In calculating any period of days for the purposes of subsection (2)(b), the following days are to be disregarded—
- (a) Saturday and Sunday,
 - (b) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and
 - (c) any day appointed for public thanksgiving or mourning.

- [^{F16}(5) No order is to be made under subsection (1B) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the [^{F2} Senedd] .]

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Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F10** Word in s. 3(1) substituted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 1\(1\)](#), 29(2)(a)
- F11** Words in s. 3(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(2\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(b)
- F12** S. 3(1A)(1B) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(3\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(b)
- F13** S. 3(1A)(b) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 28](#) (with s. 19, [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), reg. 3(1) (with regs. 10, 22)
- F14** Words in s. 3(2) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(4\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(b)
- F15** Word in [s. 3\(2\)\(b\)](#) substituted (coming into force in accordance with s. 42(5) of the amending Act) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 36\(1\)](#)
- F16** S. 3(5) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(5\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(b)

Modifications etc. (not altering text)

- C2** S. 3(1) modified (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\)](#), [ss. 5\(2\)](#), 7(2) (with s. 6)
- C3** S. 3(1) modified (17.3.2021) by [Welsh Elections \(Coronavirus\) Act 2021 \(asc 2\)](#), [ss. 2\(2\)](#), 6, 18 (with s. 13)
- C4** S. 3(2)-(4) excluded (17.3.2021) by [Welsh Elections \(Coronavirus\) Act 2021 \(asc 2\)](#), [ss. 2\(1\)](#), 18 (with s. 13)

Commencement Information

- I3** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

4 Power to vary date of ordinary general election

[^{F17}(1) Subject to section 3(1A), the Presiding Officer may propose, for the holding of the poll at an ordinary general election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May.]

[^{F17}(2) If the Presiding Officer proposes a day under subsection (1), Her Majesty may by proclamation under the Welsh Seal—

- (a) dissolve the [^{F2}Senedd],
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the [^{F2}Senedd] to meet within the period of [^{F18}fourteen] days beginning immediately after the day of the poll.]

[^{F17}(2A) Where a day is specified by an order under section 3(1B), subsection (1) applies as if the reference to the first Thursday in May were a reference to that day.]

(3) In calculating any period of days for the purposes of provision made by virtue of subsection [^{F19}(2)(c)], the following days are to be disregarded—

- (a) Saturday and Sunday,
- (b) Good Friday,
- (c) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and

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- (d) any day appointed for public thanksgiving or mourning.
- (4) [^{F20}The Welsh Ministers may by order] make provision for—
- (a) any provision of, or made under, the Representation of the People Acts, or
 - (b) any other enactment relating to the election of [^{F7}Members of the Senedd],
- to have effect with such modifications or exceptions as the [^{F21}Welsh Ministers consider] appropriate in connection with the alteration of the day of the poll [^{F22} under this section].
- ^{F23}(5)
- (6) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of [^{F24}the [^{F2}Senedd]].

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F17** S. 4(1)-(2A) substituted for s. 4(1)(2) (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(7\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F18** Word in s. 4(2)(c) substituted (coming into force in accordance with s. 42(5) of the amending Act) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. [36\(2\)](#)
- F19** Word in s. 4(3) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(8\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F20** Words in s. 4(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(9\)\(a\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F21** Words in s. 4(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(9\)\(b\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F22** Words in s. 4(4) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(9\)\(c\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F23** S. 4(5) omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), [ss. 6\(10\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F24** Words in s. 4(6) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(11\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)

Modifications etc. (not altering text)

- C5** S. 4(2)(c) excluded (17.3.2021) by [Welsh Elections \(Coronavirus\) Act 2021 \(asc 2\)](#), [ss. 2\(3\)](#), 18 (with [s. 13](#))

Commencement Information

- I4** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

5 Extraordinary general elections

- (1) The [^{F25}Presiding Officer] must propose a day for the holding of a poll at an extraordinary general election if subsection (2) or (3) applies.
- (2) This subsection applies if—
- (a) the [^{F2}Senedd] resolves that it should be dissolved, and

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- (b) the resolution of the [F2Senedd] is passed on a vote in which the number of [F7Members of the Senedd] voting in favour of it is not less than two-thirds of the total number of [F2Senedd] seats.
- (3) This subsection applies if any period during which the [F2Senedd] is required under section 47 to nominate [F26a Member of the Senedd] for appointment as the First Minister ends without such a nomination being made.
- (4) If the [F27Presiding Officer] proposes a day under subsection (1), Her Majesty may by [F28proclamation under the Welsh Seal]—
- (a) dissolve the [F2Senedd] and require an extraordinary general election to be held,
 - (b) require the poll at the election to be held on the day proposed, and
 - (c) require the [F2Senedd] to meet within the period of [F29fourteen] days beginning immediately after the day of the poll.
- (5) If a poll is held under this section within the period of six months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4), that ordinary general election is not to be held.
- (6) But subsection (5) does not affect the year in which the subsequent ordinary general election is to be held.
- (7) In calculating any period of days for the purposes of subsection (4)(c), the following days are to be disregarded—
- (a) Saturday and Sunday,
 - (b) Christmas Eve, Christmas Day and Good Friday,
 - (c) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and
 - (d) any day appointed for public thanksgiving or mourning.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F25** Words in s. 5(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(13\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F27** Words in s. 5(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(14\)\(a\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F28** Words in s. 5(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(14\)\(b\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F29** Word in s. 5(4)(c) substituted (coming into force in accordance with s. 42(5) of the amending Act) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [s. 36\(3\)](#)

Commencement Information

- I5** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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6 Voting at general elections

- (1) Each person entitled to vote at a general election in [F30a Senedd] constituency has two votes.
- (2) One (referred to in this Act as a “constituency vote”) is a vote which may be given for a candidate to be the [F2Senedd] constituency member for the [F2Senedd] constituency.
- (3) The other (referred to in this Act as an “electoral region vote”) is a vote which may be given for—
 - (a) a registered political party which has submitted a list of candidates to be [F2Senedd] regional members for the [F2Senedd] electoral region in which the [F2Senedd] constituency is included, or
 - (b) an individual who is a candidate to be [F30a Senedd] regional member for that [F2Senedd] electoral region.
- (4) The [F2Senedd] constituency member for the [F2Senedd] constituency is to be returned under the simple majority system.
- (5) The [F2Senedd] regional members for the [F2Senedd] electoral region are to be returned under the additional member system of proportional representation provided for in this Part.
- (6) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I6** Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

7 Candidates at general elections

- (1) At a general election a person may not be a candidate to be the [F2Senedd] constituency member for more than one [F2Senedd] constituency.
- (2) Any registered political party may submit a list of candidates for return as [F2Senedd] regional members for a particular [F2Senedd] electoral region at a general election.
- (3) The list must be submitted to the regional returning officer.
- (4) The list must not include more than twelve persons (but may include only one).
- (5) The list must not include a person—
 - (a) who is included on any other list submitted for the [F2Senedd] electoral region or any list submitted for another [F2Senedd] electoral region,
 - (b) who is an individual candidate to be [F30a Senedd] regional member for the [F2Senedd] electoral region or another [F2Senedd] electoral region,

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- [^{F31}(c) who is a candidate to be the [^{F2}Senedd] constituency member for [^{F30}a Senedd] constituency which is not included in the [^{F2}Senedd] electoral region, or
- (d) who is a candidate to be the [^{F2}Senedd] constituency member for [^{F30}a Senedd] constituency included in the [^{F2}Senedd] electoral region but is not a candidate of the party.]
- (6) A person may not be an individual candidate to be [^{F30} a Senedd] regional member for the [^{F2}Senedd] electoral region if that person is—
- (a) included on a list submitted by a registered political party for the [^{F2}Senedd] electoral region or another [^{F2}Senedd] electoral region,
- (b) an individual candidate to be [^{F30}a Senedd] regional member for another [^{F2}Senedd] electoral region,
- [^{F32}(c) a candidate to be the [^{F2}Senedd] constituency member for [^{F30}a Senedd] constituency which is not included in the [^{F2}Senedd] electoral region, or
- (d) a candidate of any registered political party to be the [^{F2}Senedd] constituency member for [^{F30}a Senedd] constituency included in the [^{F2}Senedd] electoral region.]
- (7) In this Act “regional returning officer”, in relation to [^{F30}a Senedd] electoral region, means the person designated as the regional returning officer for the [^{F2}Senedd] electoral region in accordance with an order under section 13.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F31** S. 7(5)(c)(d) substituted for s. 7(5)(c) and word (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 2\(2\)\(a\)](#), [29\(2\)\(a\)](#)
- F32** S. 7(6)(c)(d) substituted for s. 7(6)(c) and word (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 2\(2\)\(b\)](#), [29\(2\)\(a\)](#)

Commencement Information

- I7** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

8 Calculation of electoral region figures

- (1) This section and section 9 are about the return of [^{F2}Senedd] regional members for an electoral region at a general election.
- (2) The person who is to be returned as the [^{F2}Senedd] constituency member for each [^{F2}Senedd] constituency in the [^{F2}Senedd] electoral region is to be determined before it is determined who are to be returned as the [^{F2}Senedd] regional members for the [^{F2}Senedd] electoral region.
- (3) For each registered political party by which a list of candidates has been submitted for the [^{F2}Senedd] electoral region—
- (a) there is to be added together the number of electoral region votes given for the party in the [^{F2}Senedd] constituencies included in the [^{F2}Senedd] electoral region, and

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- (b) the number arrived at under paragraph (a) is then to be divided by the aggregate of one and the number of candidates of the party returned as [F²Senedd] constituency members for any of those [F²Senedd] constituencies.
- (4) For each individual candidate to be [F³⁰a Senedd] regional member for the [F²Senedd] electoral region there is to be added together the number of electoral region votes given for the candidate in the [F²Senedd] constituencies included in the [F²Senedd] electoral region.
- (5) The number arrived at—
- (a) in the case of a registered political party, under subsection (3)(b), or
 - (b) in the case of an individual candidate, under subsection (4),
- is referred to in this Act as the electoral region figure for that party or individual candidate.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I8** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

9 Allocation of seats to electoral region members

- (1) The first seat for the [F²Senedd] electoral region is to be allocated to the party or individual candidate with the highest electoral region figure.
- (2) The second and subsequent seats for the [F²Senedd] electoral region are to be allocated to the party or individual candidate with the highest electoral region figure after any recalculation required by subsection (3) has been carried out.
- (3) This subsection requires a recalculation under paragraph (b) of section 8(3) in relation to a party—
- (a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation of [F³⁰a Senedd] seat to the party, or
 - (b) for any subsequent application of subsection (2), if the previous application of that subsection did so,
- and a recalculation is to be carried out after adding one to the aggregate mentioned in that paragraph.
- (4) An individual candidate already returned as an [F³³[F²Senedd] constituency member or][F²Senedd] regional member is to be disregarded.
- (5) Seats for the [F²Senedd] electoral region which are allocated to a party are to be filled by the persons on the party's list in the order in which they appear on the list[F³⁴ (disregarding anyone already returned as [F³⁰a Senedd] constituency member, including anyone whose return is void)].

Status: Point in time view as at 01/11/2021.

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- (6) Once a party's list has been exhausted [^{F35}(by the return of persons included on it as [^{F2}Senedd] constituency members or by the previous application of subsection (1) or (2))], the party is to be disregarded.
- (7) If (on the application of subsection (1) or any application of subsection (2)) the highest electoral region figure is the electoral region figure of two or more parties or individual candidates, the subsection applies to each of them.
- (8) However, if subsection (7) would mean that more than the full number of seats for the [^{F2}Senedd] electoral region were allocated, subsection (1) or (2) does not apply until—
 - (a) a recalculation has been carried out under section 8(3)(b) after adding one to the number of votes given for each party with that electoral region figure, and
 - (b) one has been added to the number of votes given for each individual candidate with that electoral region figure.
- (9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer must decide between them by lots.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F33** Words in s. 9(4) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 2\(3\)\(a\)](#), 29(2)(a)
- F34** Words in s. 9(5) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 2\(3\)\(b\)](#), 29(2)(a)
- F35** Words in s. 9(6) substituted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 2\(3\)\(c\)](#), 29(2)(a)

Commencement Information

- I9** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Vacancies

10 Constituency vacancies

- (1) This section applies if the seat of [^{F30}a Senedd] constituency member returned for [^{F30}a Senedd] constituency is vacant.
- (2) Subject to subsection (7), an election must be held in the [^{F2}Senedd] constituency to fill the vacancy.
- (3) At the election, each person entitled to vote only has a constituency vote; and the [^{F2}Senedd] constituency member for the [^{F2}Senedd] constituency is to be returned under the simple majority system.
- (4) The date of the poll at the election must be fixed by the Presiding Officer.
- (5) The date must fall within the period of three months beginning with the occurrence of the vacancy.

Status: Point in time view as at 01/11/2021.

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- (6) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.
- (7) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4).
- (8) The standing orders must make provision for determining the date on which a vacancy occurs for the purposes of this section.
- (9) A person may not be a candidate in an election to fill a vacancy if the person is—
 - (a) ^{F26}a Member of the Senedd], or
 - (b) a candidate in another such election.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Modifications etc. (not altering text)

- C6** [S. 10](#) modified (17.3.2021) by [Welsh Elections \(Coronavirus\) Act 2021 \(asc 2\)](#), [ss. 2\(4\), 10, 18](#) (with [s. 13](#))

Commencement Information

- I10** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

11 Electoral region vacancies

- (1) This section applies if the seat of ^{F30}a Senedd] regional member returned for ^{F30}a Senedd] electoral region is vacant.
- (2) If the ^{F2}Senedd] regional member was returned (under section 9 or this section) from the list of a registered political party, the regional returning officer must notify to the Presiding Officer the name of the person who is to fill the vacancy.
- (3) A person's name may only be so notified if the person—
 - (a) is included on the list submitted by the registered political party for the last general election,
 - (b) is willing to serve as ^{F30}a Senedd] regional member for the ^{F2}Senedd] electoral region, and
 - (c) is not a person to whom subsection (4) applies.
- (4) This subsection applies to a person if—
 - (a) the person is not a member of the registered political party, and

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- (b) the registered political party gives notice to the regional returning officer that the person's name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.
- (5) But if there is more than one person who satisfies the conditions in subsection (3), the regional returning officer may only notify the name of whichever of them was the higher, or the highest, on that list.
- (6) A person whose name is notified under subsection (2) is to be treated as having been declared to be returned as ^{F30}a Senedd regional member for the ^{F2}Senedd electoral region on the day on which notification of the person's name is received by the Presiding Officer.
- (7) The seat remains vacant until the next general election—
- (a) if the ^{F2}Senedd regional member was returned as an individual candidate, or
- (b) if that ^{F2}Senedd regional member was returned from the list of a registered political party but there is no-one who satisfies the conditions in subsection (3).
- (8) For the purposes of this section, a person included on the list submitted by a registered political party for the last general election who—
- ^{F36}(a) was returned as ^{F26}a Member of the Senedd] at that election (even if the return was void), or
- (b) has subsequently been returned under section 10 or this section (even if the return was void),]
- is treated on and after the return of the person^{F37} ..., as not having been included on the list.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F26** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F30** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(18)** (with *Sch. 1 para. 2(11)-(14)*)
- F36** S. 11(8)(a)(b) substituted for s. 11(8)(a)-(c) (17.2.2015) by *Wales Act 2014 (c. 29)*, **ss. 2(4)(a)**, 29(2)(a)
- F37** Words in s. 11(8) omitted (17.2.2015) by virtue of *Wales Act 2014 (c. 29)*, **ss. 2(4)(b)**, 29(2)(a)

Commencement Information

- I11** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Franchise and conduct of elections

12 Entitlement to vote

- (1) The persons entitled to vote at an election of ^{F7}Members of the Senedd] (or of ^{F26}a Member of the Senedd]) in ^{F30}a Senedd constituency are those who on the day of the poll—
- (a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the ^{F2}Senedd constituency ^{F38}or

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fall within the extended franchise for Senedd elections as described in this section], and

- (b) are registered in the register of local government electors at an address within the [^{F2}Senedd] constituency.

[^{F39}(1A) A person falls within the extended franchise for Senedd elections if the person—

- (a) has attained the age of 16, but not the age of 18, and
(b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.]

[^{F40}(1B) A person falls within the extended franchise for Senedd elections if the person—

- (a) is a qualifying foreign citizen (within the meaning given by section 203(1) of the Representation of the People Act 1983 (c. 2)), and
(b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.]

(2) But a person is not entitled as an elector—

- (a) to cast more than one constituency vote, or more than one electoral region vote, in the same [^{F2}Senedd] constituency at any general election,
(b) to vote in more than one [^{F2}Senedd] constituency at any general election, or
(c) to cast more than one vote in any election held under section 10.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F38** Words in s. 12(1)(a) inserted (15.1.2020 with effect for the purposes of an election for membership of the Senedd at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 10\(2\)\(4\)](#), [42\(1\)\(b\)\(i\)](#)
- F39** S. 12(1A) inserted (15.1.2020 with effect for the purposes of an election for membership of the Senedd at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 10\(3\)\(4\)](#), [42\(1\)\(b\)\(i\)](#)
- F40** S. 12(1B) inserted (15.1.2020 with effect for the purposes of an election for membership of the Senedd at which a poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 11\(1\)\(2\)](#), [42\(1\)\(b\)\(ii\)](#)

Commencement Information

- I12** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

[^{F41}13 Power of the Welsh Ministers to make provision about elections etc

- (1) The Welsh Ministers may by order make provision that would be within the legislative competence of the [^{F2}Senedd] , if included in an Act of the [^{F2}Senedd], as to—

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- (a) the conduct of elections of [^{F7}Members of the Senedd],
 - (b) the questioning of an election of [^{F7}Members of the Senedd] and the consequences of irregularities, and
 - (c) the return of [^{F26}a Member of the Senedd] otherwise than at an election.
- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision—
- (a) about the registration of electors,
 - (b) for disregarding alterations in a register of electors,
 - (c) about the limitation of the election expenses of candidates (and the creation of criminal offences in connection with the limitation of such expenses),
 - (d) for the combination of polls,
 - (e) for modifying the application of sections 6 and 8(2) where the poll at an election for the return of [^{F30}a Senedd] constituency member is abandoned (or notice of it is countermanded), and
 - (f) for modifying section 9(7) to ensure the allocation of the correct number of seats for the region.
- (3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 11(3) to (5).
- (4) An order under this section may—
- (a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments, and
 - (b) so far as may be necessary in consequence of any provision made by an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.
- (5) In subsection (4)(a) “the election enactments” means—
- (a) the Representation of the People Acts,
 - (b) the Political Parties, Elections and Referendums Act 2000,
 - (c) ^{F42}... and
 - (d) any other enactments relating to parliamentary elections ^{F43}... or local government elections.
- (6) No return of [^{F26}a Member of the Senedd] at an election [may be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied or incorporated in an order under this section.
- (7) No order is to be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the [^{F2}Senedd].]

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by Senedd and Elections (Wales) Act 2020 (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with Sch. 1 para. 2(11)-(14))
- F7** Words in Act substituted (6.5.2020) by Senedd and Elections (Wales) Act 2020 (anaw 1), s. 42(2), **Sch. 1 para. 2(17)** (with Sch. 1 para. 2(11)(12)(14))
- F26** Words in Act substituted (6.5.2020) by Senedd and Elections (Wales) Act 2020 (anaw 1), s. 42(2), **Sch. 1 para. 2(15)** (with Sch. 1 para. 2(11)(12)(14))

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- F30** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F41** Ss. 13, 13A substituted for s. 13 (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 5\(1\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F42** [S. 13\(5\)\(c\)](#) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 29\(a\)](#) (with [s. 19](#), [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))
- F43** Words in [s. 13\(5\)\(d\)](#) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 29\(b\)](#) (with [s. 19](#), [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))

[^{F41}13A Power of the Secretary of State to make provision about the combination of polls

- (1) The Secretary of State may by regulations make provision for—
 - (a) the combination of polls at ordinary general elections of [^{F7}Members of the Senedd] with polls at the elections listed in subsection (2), and
 - (b) the combination of polls at extraordinary general elections of [^{F7}Members of the Senedd], and by-elections for the return of [^{F7}Members of the Senedd], with polls at the elections listed in subsections (2) and (3).
- (2) The elections are—
 - (a) early parliamentary general elections, [^{F44}and]
 - (b) parliamentary by-elections, ^{F45}...
 - ^{F45}(c)
- (3) The elections are—
 - (a) parliamentary general elections, ^{F46}...
 - ^{F46}(b)
- (4) The Secretary of State may not make regulations under this section without the agreement of the Welsh Ministers.
- (5) Regulations under this section may—
 - (a) apply or incorporate, with or without modifications or exceptions, any provision made by or under the election enactments, and
 - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections of [^{F7}Members of the Senedd].
- (6) In subsection (5)(a) “the election enactments” has the meaning given by section 13(5).
- (7) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.]

Textual Amendments

- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F41** Ss. 13, 13A substituted for s. 13 (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 5\(1\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)

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- F44** Word in s. 13A(2)(a) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 30\(2\)\(a\)](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F45** S. 13A(2)(c) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 30\(2\)\(b\)](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F46** S. 13A(3)(b) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 30\(3\)](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)

Duration of membership

14 Term of office of ^{F7}Members of the Senedd]

The term of office of ^{F26}a Member of the Senedd] —

- (a) begins when the ^{F47}Member of the Senedd] is declared to be returned, and
- (b) ends with the dissolution of the ^{F2}Senedd].

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F47** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(16\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

- I13** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

15 Resignation of members

^{F26}A Member of the Senedd] may at any time resign by giving notice in writing to the Presiding Officer.

Textual Amendments

- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

- I14** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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Disqualification

16 Disqualification from being ^{F47}Member of the Senedd]

^{F48}(A1) A person is disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, if that person—

(a) falls within any of the categories of person specified in Part 1 of Schedule 1A, or

(b) holds any of the offices specified in the Table in Part 2 of Schedule 1A.]

(1) ^{F49}A person is disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd) if that person—]

^{F50}(za) is a member of the House of Commons (but see sections 17A and 17B),]

^{F51}(zb) is a member of the House of Lords (but see section 17C),

(zc) is a member of the council of a county or county borough in Wales (but see sections 17D, 17E and 17F),

(zd) is a member of the Scottish Parliament,

(ze) is a member of the Northern Ireland Assembly,

(zf) is a member of the European Parliament, or]

^{F52}(a)

(b) holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being ^{F7}Members of the Senedd],

^{F53}(c)

^{F53}(d)

^{F53}(e)

^{F54}(1A) A person returned at an election as a Member of the Senedd is not disqualified under subsection (1)(zd), (ze), (zf) or (b) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).]

^{F55}(2)

^{F56}(3)

^{F55}(4)

(5) An Order in Council under paragraph (b) of subsection (1)—

(a) may designate particular offices or offices of any description, and

(b) may designate an office by reference to any characteristic of a person holding it,

and ^{F57}for the purposes of this section] “office” includes any post or employment.

(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, the ^{F2}Senedd].

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F47** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(16\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F48** S. 16(A1) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(2), 42(1)(c)
- F49** Words in s. 16(1) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(a), 42(1)(c)
- F50** S. 16(1)(za) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 3\(1\)](#), 29(2)(a)
- F51** S. 16(1)(zb)-(zf) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(b), 42(1)(c)
- F52** S. 16(1)(a) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(c), 42(1)(c)
- F53** S. 16(1)(c)-(e) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(d), 42(1)(c)
- F54** S. 16(1A) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(4), 42(1)(c)
- F55** S. 16(2)-(4) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(5), 42(1)(c)
- F56** S. 16(2)-(4) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(5), 42(1)(c); and s. 16(3) in so far as it is still in force amended (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 3 para. 31](#) (with s. 19, [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), [reg. 3\(l\)](#) (with [regs. 10, 22](#))
- F57** Words in s. 16(5) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(6), 42(1)(c)

Commencement Information

- I15** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

17 [^{F58}Relief] from disqualification

^{F59}(1)

^{F59}(2)

(3) The [^{F2}Senedd] may resolve that the disqualification of any person who was, or is alleged to have been, disqualified from being [^{F26}a Member of the Senedd] on a ground within section 16(1) ^{F60}... is to be disregarded if it appears to the [^{F2}Senedd] —

- (a) that the ground has been removed, and
- (b) that it is proper so to resolve.

(4) A resolution under subsection (3) does not—

- (a) affect any proceedings under Part 3 of the Representation of the People Act 1983 (c. 2) as applied by or incorporated in an order under section 13, or
- (b) enable the [^{F2}Senedd] to disregard any disqualification which has been established in such proceedings or in proceedings under section 19.

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F58** Words in s. 17 heading substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 30\(4\)](#), [42\(1\)\(c\)](#)
- F59** S. 17(1)(2) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 30\(2\)](#), [42\(1\)\(c\)](#)
- F60** Words in s. 17(3) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 30\(3\)](#), [42\(1\)\(c\)](#)

Commencement Information

- I16** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

[^{F61}17A Exception from disqualification by virtue of being an MP: recently elected members

- (1) A person returned at an election as [^{F26}a Member of the Senedd] is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period of 8 days beginning with the day the person is so returned.
- (2) Subsection (3) applies where a person—
 - (a) is returned at an election as [^{F26}a Member of the Senedd],
 - (b) on being so returned is a candidate for election to the House of Commons, and
 - (c) is subsequently returned at that election as a member of that House.
- (3) The person is not disqualified under section 16(1)(za) at any time in the period of 8 days beginning with the day the person is returned as a member of the House of Commons.
- (4) A person is a “candidate for election to the House of Commons” if the person's nomination paper for election as a member of the House of Commons has been delivered to the returning officer under rule 6 of Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules).

Textual Amendments

- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F61** Ss. 17A, 17B inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 3\(2\)](#), [29\(2\)\(a\)](#)

17B Exception from disqualification by virtue of being an MP: general election of [^{F7}Members of the Senedd] within 372 days

- (1) This section applies if—

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) [^{F26}a Member of the Senedd] is returned as a member of the House of Commons, and
 - (b) the expected day of the next general election of [^{F7}Members of the Senedd] is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period—
- (a) beginning with the return day, and
 - (b) ending immediately before the day of the next general election of [^{F7}Members of the Senedd].
- (3) For the purposes of subsection (1)(b) the expected day of the next general election of [^{F7}Members of the Senedd] is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- [Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general ^{F62}(3A) election being held on the day specified in section 3(1)—
- (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
 - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
- (3B) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
- (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
 - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).]

(4) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—

 - (a) if [^{F63}a proclamation under section 5(4) has been issued], the expected day is the day on which the poll is required to be held in accordance with that [^{F64}proclamation];
 - (b) if no [^{F65}proclamation under section 5(4) has been issued] but a day has been proposed under section 5(1), that is the expected day;
 - (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).

(5) For the purpose of determining the expected day, no account is to be taken of the possibility of—

 - (a) [^{F66}a day being proposed under section 4(1) (power to vary date of ordinary general election)] after the relevant time, or
 - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.

(6) References in this section to the “day” of the election are to the day on which the poll at the election is held.]

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F61** Ss. 17A, 17B inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 3\(2\)](#), 29(2)(a)
- F62** S. 17B(3A)(3B) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 31\(2\)](#), 42(1)(c)
- F63** Words in s. 17B(4)(a) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 31\(3\)\(a\)](#) (i), 42(1)(c)
- F64** Word in s. 17B(4)(a) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 31\(3\)\(a\)](#) (ii), 42(1)(c)
- F65** Words in s. 17B(4)(b) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 31\(3\)\(b\)](#), 42(1)(c)
- F66** Words in s. 17B(5)(a) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 31\(4\)](#), 42(1)(c)

[^{F67}17C Exception from disqualification by virtue of being a member of the House of Lords

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zb) (disqualification by virtue of being a member of the House of Lords) at any time in the period of eight days beginning with the day the person is so returned.
- (2) A Member of the Senedd who becomes a member of the House of Lords is not disqualified under section 16(1)(zb) at any time before the end of the period of eight days beginning with the day the person makes and subscribes the oath required by the [Parliamentary Oaths Act 1866 \(c. 19\)](#) (or the corresponding affirmation).
- (3) A person is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time when the person—
 - (a) has leave of absence from the House of Lords, or
 - (b) has made an application for leave of absence which has not been withdrawn or refused.
- (4) A person who is on leave of absence from the House of Lords immediately before Parliament is dissolved is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time in the period—
 - (a) beginning with the dissolution of the old Parliament, and
 - (b) ending at the end of the period of eight days beginning with the day of the first meeting of the new Parliament.]

Textual Amendments

- F67** S. 17C inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 32](#), 42(1)(c)

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F68}17D Exception from disqualification by virtue of being a councillor: recently elected members

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).
- (2) A Member of the Senedd who is returned at an election as a member of the council of a county or county borough in Wales is not disqualified under section 16(1)(zc) at any time before the person makes a declaration of acceptance of office under section 83 of the [Local Government Act 1972 \(c. 70\)](#).

Textual Amendments

F68 Ss. 17D-17F inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 33, 42(1)(c)**

17E Exception from disqualification by virtue of being a councillor: ordinary election of councillors within 372 days

- (1) This section applies if—
 - (a) a member of the council of a county or county borough in Wales is returned as a Member of the Senedd, and
 - (b) the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
 - (a) beginning with the return day, and
 - (b) ending with the fourth day after the day of the next ordinary election of members of the council.
- (3) For the purposes of subsection (1)(b) the expected day of the next ordinary election of members of the council is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) For the purpose of determining the expected day, no account is to be taken of the possibility of—
 - (a) an order under section 37ZA(1) [^{F69}or (1A)] of the [Representation of the People Act 1983 \(c. 2\)](#) (power to vary ordinary day of local elections), or
 - (b) an order under section 87 of the [Local Government Act 2000 \(c. 22\)](#) (power to change year in which local election is held),
 being made after the relevant time.
- (5) References in this section and section 17F to the “day” of an election are to the day on which the poll at the election is held.

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F68** Ss. 17D-17F inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 33, 42(1)(c)**
- F69** Words in s. 17E(4)(a) inserted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(f), **Sch. 2 para. 12**

17F Exception from disqualification by virtue of being a councillor: general election of Members of the Senedd within 372 days

- (1) This section applies if—
- (a) a Member of the Senedd is returned as a member of the council of a county or county borough in Wales, and
 - (b) the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
- (a) beginning with the return day, and
 - (b) ending immediately before the day of the next general election of Members of the Senedd.
- (3) For the purposes of subsection (1)(b) the expected day of the next general election of Members of the Senedd is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—
- (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
 - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
- (5) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
- (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
 - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).
- (6) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—
- (a) if a proclamation under section 5(4) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
 - (b) if no proclamation under section 5(4) has been issued but a day has been proposed under section 5(1), that is the expected day;

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).
- (7) For the purpose of determining the expected day, no account is to be taken of the possibility of—
- (a) a day being proposed under section 4(1) (power to vary date of ordinary general election) after the relevant time, or
 - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.]

Textual Amendments

F68 Ss. 17D-17F inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 33, 42(1)(c)**

18 Effect of disqualification

[^{F70}(A1) If a person who is disqualified from being a candidate to be a Member of the Senedd (see section 16(A1)) is nominated as a candidate at a general election of Members of the Senedd or an election to fill a vacancy under section 10, the person's nomination is void.]

(1) If a person who is disqualified from being [^{F26}a Member of the Senedd] is returned as [^{F26}a Member of the Senedd], the person's return is void and the person's seat is vacant.

^{F71}(2)

(3) If a person who is [^{F26}a Member of the Senedd] becomes disqualified—

(a) from being [^{F26}a Member of the Senedd], ^{F72}...

^{F72}(b)

the person ceases to be [^{F26}a Member of the Senedd] (so that the person's seat is vacant).

(4) Subsections (1) to (3) have effect subject to any resolution of the [^{F2}Senedd] under section 17(3).

(5) In addition, subsection (3) has effect subject to—

^{F73}(a)

(b) section 427 of the Insolvency Act 1986 (c. 45) (bankruptcy etc.).

(6) If, in consequence of [^{F74}the provision] mentioned in subsection (5), the seat of a person who is disqualified from being [^{F26}a Member of the Senedd] is not vacant, the person does not cease to be [^{F26}a Member of the Senedd] until the person's seat becomes vacant.

(7) But for any period for which the person is disqualified but the person's seat is not vacant—

(a) the person must not participate in any [^{F2}Senedd] proceedings, and

(b) any of the person's other rights and privileges as [^{F26}a Member of the Senedd] may be withdrawn by the [^{F2}Senedd].

(8) The validity of any [^{F2}Senedd] proceedings is not affected by the disqualification of any person—

(a) from being [^{F26}a Member of the Senedd], ^{F75}...

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F75}(b)

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F70** S. 18(A1) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(2\)](#), 42(1)(c)
- F71** S. 18(2) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(3\)](#), 42(1)(c)
- F72** S. 18(3)(b) and word omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(4\)](#), 42(1)(c)
- F73** S. 18(5)(a) omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), [Sch. para. 5\(1\)\(a\)](#)
- F74** Words in s. 18(6) substituted (28.4.2013) by [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), [Sch. para. 5\(1\)\(b\)](#)
- F75** S. 18(8)(b) and word omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(5\)](#), 42(1)(c)

Commencement Information

- I17** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

19 Judicial proceedings as to disqualification

- (1) Any person who claims that a person purporting to be [^{F26}a Member of the Senedd] is, or at any time since being returned as [^{F26}a Member of the Senedd] has been, disqualified from being—
 - (a) [^{F26}a Member of the Senedd], ^{F76} ...
 - ^{F76}(b)
may apply to the High Court for a declaration to that effect.
- (2) An application under subsection (1) in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time when the person was returned or to have arisen subsequently.
- (3) No declaration may be made under this section in respect of any person—
 - (a) on grounds which subsisted when the person was returned, if an election petition is pending or has been tried in which the person's disqualification on those grounds is or was in issue, or
 - (b) on any ground, if a resolution of the [^{F2}Senedd] under section 17(3) requires that any disqualification incurred by the person on that ground is to be disregarded.
- (4) On an application under this section—
 - (a) the person in respect of whom the application is made is to be the respondent, and

Status: Point in time view as at 01/11/2021.

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- (b) the applicant must give such security for the costs of the proceedings as the court may direct.
- (5) The amount of the security may not exceed £5,000 or such other sum as the Welsh Ministers may specify by order.
- (6) The decision of the court on an application under this section is final.
- (7) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of the [F2Senedd].

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F26** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F76** S. 19(1)(b) and word omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of *Senedd and Elections (Wales) Act 2020 (anaw 1)*, **ss. 34(6), 42(1)(c)**

Commencement Information

- I18** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Remuneration, oaths etc.

20 Remuneration of [F7Members of the Senedd]

- (1) [F77Provision must be made] for the payment of salaries to [F7Members of the Senedd].
- (2) [F78Provision may be made] for the payment of allowances to [F7Members of the Senedd].
- (3) [F79Provision may be made] for the payment of pensions, gratuities or allowances to, or in respect of, any person who—
- has ceased to be [F26a Member of the Senedd], or
 - has ceased to hold office as the Presiding Officer or Deputy Presiding Officer, or such other office in connection with the [F2Senedd] as the [F2Senedd] may determine, but continues to be [F26a Member of the Senedd].
- (4) Such provision may, in particular, include provision for—
- contributions or payments towards provision for such pensions, gratuities or allowances, and
 - the establishment and administration (whether by the [F2Senedd] Commission or otherwise) of one or more pension schemes.
- (5) Sums required for the making of payments by virtue of provision under subsection (1) or (3) to or in respect of a person who holds or has held the office of Presiding Officer or Deputy Presiding Officer are to be charged on the Welsh Consolidated Fund.
- [F80(6) Provision under this section is to be made by determination made by the Board.]

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F81}(7) The [^{F2}Senedd] Commission must give effect to any determination made by the Board under this section.

(8) In this section (and in sections 22, 24, 53 and 54) “ the Board ” means the [^{F82}Independent Remuneration Board of the Senedd] established by section 1 of the National [^{F2}Senedd] for Wales (Remuneration) Measure 2010 (nawm 4 —).]

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F77** Words in s. 20(1) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 1 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F78** Words in s. 20(2) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 2 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F79** Words in s. 20(3) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 3 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F80** S. 20(6) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 4 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F81** S. 20(7)(8) inserted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 5 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F82** Words in s. 20(8) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(4\)](#)

Commencement Information

- I19** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

21 Limit on salaries of [^{F7}Members of the Senedd]

(1) The [^{F2}Senedd] must make provision to ensure that the amount of the salary payable to [^{F26}a Member of the Senedd] in accordance with section 20 is reduced if a salary is payable to the [^{F47}Member of the Senedd] —

- [^{F83}(za) under section 4 of the Parliamentary Standards Act 2009 (salaries of members of the House of Commons),][^{F84}or]
- (a) pursuant to a resolution (or combination of resolutions) of [^{F85}the House of Lords] relating to the remuneration of members of that House, ^{F86}...
- ^{F86}(b)

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- (2) The provision made must ensure that the amount of salary is reduced—
- (a) to a particular proportion of what it otherwise would be or to a particular amount, or
 - (b) by the amount of any salary payable to the [^{F47}Member of the Senedd] as mentioned in subsection [^{F87}(1)(za) or (a)], by a particular proportion of that amount or by some other particular amount.
- (3) Provision may be made under this section by—
- (a) the standing orders, or
 - (b) resolutions of the [^{F2}Senedd],
- and may include provision conferring functions on the [^{F2}Senedd] Commission.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F7** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(17)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F26** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F47** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), *Sch. 1 para. 2(16)* (with *Sch. 1 para. 2(11)(12)(14)*)
- F83** S. 21(1)(za) inserted (24.5.2011) by *Constitutional Reform and Governance Act 2010* (c. 25), s. 52, **Sch. 5 para. 12(2)(a)**; S.I. 2011/1274, art. 2(b)
- F84** Word in s. 21(1)(za) inserted (31.12.2020) by *European Union (Withdrawal) Act 2018* (c. 16), s. 25(4), **Sch. 3 para. 32(2)(a)** (with s. 19, *Sch. 8 para. 37*); S.I. 2020/1622, reg. 3(l) (with reg. 10)
- F85** Words in s. 21(1)(a) substituted (24.5.2011) by *Constitutional Reform and Governance Act 2010* (c. 25), s. 52, **Sch. 5 para. 12(2)(b)**; S.I. 2011/1274, art. 2(b)
- F86** S. 21(1)(b) and word omitted (31.12.2020) by virtue of *European Union (Withdrawal) Act 2018* (c. 16), s. 25(4), **Sch. 3 para. 32(2)(b)** (with s. 19, *Sch. 8 para. 37*); S.I. 2020/1622, reg. 3(l) (with regs. 10, 22)
- F87** Words in s. 21(2)(b) substituted (31.12.2020) by *European Union (Withdrawal) Act 2018* (c. 16), s. 25(4), **Sch. 3 para. 32(3)** (with s. 19, *Sch. 8 para. 37*); S.I. 2020/1622, reg. 3(l) (with reg. 10)

Commencement Information

- I20** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

22 Remuneration: supplementary

- (1) Different provision may be made under section 20 or 21 for different cases.
- (2) [^{F88}The [^{F2}Senedd] Commission] must ensure that information concerning—
- (a) the amounts paid to each [^{F47}Member of the Senedd] as salary and allowances, and
 - (b) the total amount paid to [^{F7}Members of the Senedd] as salaries and allowances, is published for each financial year ^{F89}
- [^{F90}(3) The [^{F2}Senedd] Commission must lay before the [^{F2}Senedd] every determination made by the Board under section 20(6) as soon as is reasonably practicable after it is made.]
- (4) For the purposes of sections 20 and 21 a person who—

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- (a) ceases to be [F26a Member of the Senedd] when the [F2Senedd] is dissolved, but
- (b) is nominated as a candidate at the subsequent general election,
- is to be treated as [F26a Member of the Senedd] until the end of the day on which the poll at the election is held.
- (5) Where a person—
- (a) ceases to be [F26a Member of the Senedd] when the [F2Senedd] is dissolved, but
- (b) continues to hold office as Presiding Officer or as a member of the [F2Senedd] Commission by virtue of paragraph 1(1) or (2) of Schedule 2,
- the fact that the person is no longer [F26a Member of the Senedd] does not affect any entitlement under sections 20 and 21 in respect of the holding of office as Presiding Officer or as a member of the [F2Senedd] Commission (or both) until the end of the day on which the person ceases to hold it.
- (6) Provision made under section 20(3) does not affect pensions or allowances in payment before the provision was made.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F47** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(16\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F88** Words in s. 22(2) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), [Sch. 3 para. 6](#) (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F89** Words in s. 22(2) omitted (24.9.2010) by virtue of National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), [Sch. 3 para. 6](#) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F90** S. 22(3) substituted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), [Sch. 3 para. 7](#) (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)

Commencement Information

- I21** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

23 Oath or affirmation of allegiance

- (1) [F26A Member of the Senedd] must take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (c. 72) (or make the corresponding affirmation) as soon as is reasonably practicable after being returned as [F26a Member of the Senedd] (whether for the first time or subsequently).
- (2) The standing orders must specify the person before whom the oath is to be taken (or the affirmation made).

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- (3) Subsection (1) does not require [F26a Member of the Senedd] to take the oath of allegiance (or make the corresponding affirmation) again if it has been taken (or made) by the [F47Member of the Senedd] in compliance with section 55(2) since being returned (or last returned).
- (4) Until [F26a Member of the Senedd] has taken the oath (or made the affirmation) the [F47Member of the Senedd] must not do anything as [F26a Member of the Senedd], other than—
- (a) take part in proceedings of the [F2Senedd] at which [F7Members of the Senedd] take the oath or make the affirmation, or
 - (b) take part in any earlier proceedings for the election of the Presiding Officer or Deputy Presiding Officer.
- (5) If [F26a Member of the Senedd] has not taken the oath (or made the affirmation) within—
- (a) the period of two months beginning with the day on which the [F47Member of the Senedd] was declared to be returned, or
 - (b) such longer period as the [F2Senedd] may have allowed before the end of that period of two months,
- at the end of that period of two months or longer period the [F47Member of the Senedd] ceases to be [F26a Member of the Senedd] (so that the [F91Member's] seat is vacant).
- (6) Until [F26a Member of the Senedd] has taken the oath (or made the affirmation), no salary, allowance, gratuity or payment towards the provision of a pension, allowance or gratuity is to be paid under this Act to or in respect of the [F47Member of the Senedd].
- (7) But subsection (6) does not affect any entitlement to payments in respect of the period before the [F47Member of the Senedd] took the oath (or made the affirmation) once the [F47Member of the Senedd] has done so.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F7** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(17)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F26** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F47** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), *Sch. 1 para. 2(16)* (with *Sch. 1 para. 2(11)(12)(14)*)
- F91** Word in s. 23(5) substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(5)**

Commencement Information

- I22** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

24 Assistance to groups of [F7Members of the Senedd]

- (1) The [F2Senedd] Commission must make to (or in respect of) political groups to which [F7Members of the Senedd] belong such payments [F92as the Board from time to time

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determines] for the purpose of assisting [^{F7}Members of the Senedd] who belong to those political groups to perform their functions as [^{F7}Members of the Senedd].

- (2) A determination under subsection (1) may make provision—
- (a) for calculating the amount of any payment to (or in respect of) a political group,
 - (b) for the conditions subject to which payments to (or in respect of) a political group are to be made, and
 - (c) for claims for such payments to be made to the [^{F2}Senedd] Commission.
- (3) A determination under subsection (1) may make different provision for different political groups.
- (4) ^{F93}
- (5) The standing orders must include provision for determining for the purposes of this Act whether any [^{F47}Member of the Senedd] belongs to a political group and, if so, to which; and (in particular)—
- (a) may include provision for treating [^{F26}a Member of the Senedd] as not belonging to a political group unless a specified number of [^{F7}Members of the Senedd] belong to it, and
 - (b) must include provision requiring the Presiding Officer to decide any questions arising under the provision included by virtue of this subsection.
- [^{F94}(6) The [^{F2}Senedd] Commission must lay before the [^{F2}Senedd] every determination made by the Board under section 24(1) as soon as is reasonably practicable after it is made.]
- [^{F95}(7) The [^{F2}Senedd] Commission must ensure that information concerning the sums paid under this section is published for each financial year.]

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F47** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(16\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F92** Words in s. 24(1) substituted (24.9.2010) by virtue of [National Assembly for Wales \(Remuneration\) Measure 2010 \(nawm 4\)](#), ss. 16, 20(3)(4), [Sch. 3 para. 8](#) (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F93** S. 24(4) omitted (24.9.2010) by virtue of [National Assembly for Wales \(Remuneration\) Measure 2010 \(nawm 4\)](#), ss. 16, 20(3)(4), [Sch. 3 para. 9](#) (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)
- F94** S. 24(6) substituted (24.9.2010) by [National Assembly for Wales \(Remuneration\) Measure 2010 \(nawm 4\)](#), ss. 16, 20(3)(4), [Sch. 3 para. 10](#) (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)

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F95 S. 24(7) inserted (24.9.2010) by National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), ss. 16, 20(3)(4), Sch. 3 para. 11 (with s. 19) (the amending provision coming into force the day after notice under s. 20(3)(4) of the amending Measure was laid before the Assembly on 23.9.2010)

Commencement Information

I23 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Presiding Officer and administration

25 Presiding Officer etc.

- (1) The [^{F2}Senedd] must, at its first meeting following a general election, elect from among the [^{F7}Members of the Senedd] —
 - (a) a presiding officer (referred to in this Act as “the Presiding Officer”), and
 - (b) a deputy presiding officer (referred to in this Act as “the Deputy Presiding Officer”).
- (2) The person elected under paragraph (a) of subsection (1) is to be known as the Presiding Officer or by such other title as the standing orders may provide; and the person elected under paragraph (b) of that subsection is to be known as the Deputy Presiding Officer or by such other title as the standing orders may provide.
- (3) The Presiding Officer holds office until the conclusion of the next election of a Presiding Officer under subsection (1).
- (4) The Deputy Presiding Officer holds office until the [^{F2}Senedd] is dissolved.
- (5) But the Presiding Officer or Deputy Presiding Officer—
 - (a) may at any time resign,
 - (b) ceases to hold office on ceasing to be [^{F26}a Member of the Senedd] otherwise than by reason of a dissolution, and
 - (c) may be removed from office by the [^{F2}Senedd].
- (6) If the Presiding Officer or the Deputy Presiding Officer ceases to hold office under subsection (5) (or dies), the [^{F2}Senedd] must elect a replacement from among the [^{F7}Members of the Senedd].
- (7) Subject to subsection (9), the Presiding Officer and the Deputy Presiding Officer must not belong to—
 - (a) the same political group, or
 - (b) different political groups both of which are political groups with an executive role.
- (8) For the purposes of this Act a political group is a political group with an executive role if the First Minister or one or more of the Welsh Ministers appointed under section 48 belong to it.
- (9) The [^{F2}Senedd] may resolve that subsection (7) is not to apply for so long as the resolution so provides; but if the motion for the resolution is passed on a vote it is of no effect unless at least two-thirds of the [^{F7}Members of the Senedd] voting support it.
- (10) The Presiding Officer's functions may be exercised by the Deputy Presiding Officer if—

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- (a) the office of Presiding Officer is vacant, or
 - (b) the Presiding Officer is for any reason unable to act.
- (11) The Presiding Officer may (subject to the standing orders) authorise the Deputy Presiding Officer to exercise functions of the Presiding Officer.
- (12) The standing orders may include provision for the Presiding Officer's functions to be exercisable by any person specified in, or determined in accordance with, the standing orders if—
- (a) the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act, and
 - (b) the office of Deputy Presiding Officer is vacant or the Deputy Presiding Officer is for any reason unable to act.
- (13) The standing orders may include provision as to the participation (including voting) in [F2Senedd] proceedings of the Presiding Officer and Deputy Presiding Officer and any person acting by virtue of subsection (12).
- (14) The validity of any act of a person as Presiding Officer or Deputy Presiding Officer, or of any person acting by virtue of subsection (12), is not affected by any defect in the person's appointment by the [F2Senedd].
- (15) Subsections (10) to (12) are subject to paragraph 11 of Schedule 2.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

- I24** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

26 Clerk of [F2Senedd]

- (1) The [F2Senedd] Commission must appoint a person to be the Clerk of the [F2Senedd] (referred to in this Act as “the Clerk”).
- (2) The person appointed under subsection (1) is to be known as the Clerk of the [F96Senedd, Clerc y Senedd] or by such other title as the standing orders may provide.
- (3) The Clerk's functions may be exercised by any other member of the staff of the [F2Senedd] (or person seconded to work at the [F2Senedd]) authorised by the [F2Senedd] Commission if—
- (a) the office of Clerk is vacant, or
 - (b) the Clerk is for any reason unable to act.
- (4) The Clerk may authorise any other member of the staff of the [F2Senedd] (or person seconded to work at the [F2Senedd]) to exercise functions on the Clerk's behalf.

Status: Point in time view as at 01/11/2021.

Changes to legislation: Government of Wales Act 2006, Part 1 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F96** Words in s. 26(2) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 5, 42\(2\)](#)

Commencement Information

- I25** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

27 A ^{F2}Senedd] Commission

- (1) There is to be a body corporate to be known as the ^{F97}Senedd Commission or Comisiwn y Senedd] (referred to in this Act as “the ^{F2}Senedd] Commission”).
- (2) The members of the ^{F2}Senedd] Commission are to be—
 - (a) the Presiding Officer, and
 - (b) four other ^{F7}Members of the Senedd].
- (3) The standing orders must make provision for the appointment of the four other ^{F7}Members of the Senedd] as members of the ^{F2}Senedd] Commission.
- (4) The provision included in the standing orders in compliance with subsection (3) must (so far as it is reasonably practicable to do so) secure that not more than one of the members of the ^{F2}Senedd] Commission (other than the Presiding Officer) belongs to any one political group.
- (5) The ^{F2}Senedd] Commission must—
 - (a) provide to the ^{F2}Senedd], or
 - (b) ensure that the ^{F2}Senedd] is provided with,

the property, staff and services required for the ^{F2}Senedd's] purposes.
- (6) The ^{F2}Senedd] may give special or general directions to the ^{F2}Senedd] Commission for the purpose of, or in connection with, the exercise of the ^{F2}Senedd] Commission's functions.
- (7) Any property, rights or liabilities acquired or incurred in relation to matters to which the ^{F2}Senedd] would otherwise be entitled or subject are to be treated for all purposes as property, rights or liabilities of the ^{F2}Senedd] Commission.
- (8) For further provision about the ^{F2}Senedd] Commission see Schedule 2.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F97** Words in s. 27(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 6, 42\(2\)](#)

Status: Point in time view as at 01/11/2021.

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Commencement Information

I26 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Committees

28 Committees and sub-committees

- (1) The standing orders may provide—
 - (a) for the appointment of committees of the [F2Senedd], and
 - (b) for such committees to have power to appoint sub-committees.
- (2) The members of a committee of the [F2Senedd], or of a sub-committee of such a committee, may not include anyone who is not [F26a Member of the Senedd].
- (3) The standing orders must make provision about the membership, chairing and procedure of committees of the [F2Senedd] and sub-committees of such committees.
- (4) The standing orders may include provision for excluding from the proceedings of a committee of the [F2Senedd], or a sub-committee of such a committee, [F26a Member of the Senedd] who is not a member of the committee or sub-committee.
- (5) The validity of any proceedings of a committee of the [F2Senedd], or of a sub-committee of such a committee, is not affected by—
 - (a) any vacancy in its membership,
 - (b) any defect in the appointment of its members or of the person who chairs it, or
 - (c) any failure to comply with provisions of the standing orders relating to procedure.

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

F26 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

I27 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

^{F98}29 Composition of committees

Textual Amendments

F98 S. 29 omitted (31.3.2017) by virtue of [Wales Act 2017 \(c. 4\)](#), [ss. 14](#), 71(2)(b) (with [Sch. 7 paras. 1, 6](#))

Status: Point in time view as at 01/11/2021.

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30 Audit Committee

- (1) The committees of the [F2Senedd] must include one to be known as the Audit Committee or Pwyllgor Archwilio or by such other name as the [F2Senedd] may determine; and, if the [F2Senedd] makes such a determination, references to the committee in—
 - (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
 - (b) any other instrument or document,
 have effect accordingly.
- (2) The Audit Committee is to have the number of members specified by the standing orders.
- (3) None of the following may be a member of the Audit Committee—
 - (a) the First Minister or any person designated to exercise the functions of the First Minister,
 - (b) a Welsh Minister appointed under section 48,
 - (c) the Counsel General or any person designated to exercise the functions of the Counsel General, or
 - (d) a Deputy Welsh Minister.
- (4) The Audit Committee must not be chaired by [F26a Member of the Senedd] who is a member of a political group with an executive role.

Textual Amendments

F2 Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)

F26 Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)

Commencement Information

I28 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Proceedings etc.

31 Standing orders

- (1) [F2Senedd] proceedings are to be regulated by standing orders (referred to in this Act as “the standing orders”).
- (2) The standing orders must include provision for preserving order in [F2Senedd] proceedings, including provision for—
 - (a) preventing conduct which would constitute a criminal offence or contempt of court, and
 - (b) a sub judice rule.
- (3) The standing orders may include provision for excluding [F26a Member of the Senedd] from [F2Senedd] proceedings.

Status: Point in time view as at 01/11/2021.

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- (4) The standing orders may include provision for withdrawing from [^{F26}a Member of the Senedd] any or all of the rights and privileges of membership of the [^{F2}Senedd].
- (5) The standing orders—
 - (a) must include provision requiring the proceedings of the [^{F2}Senedd] to be held in public, and for proceedings of a committee of the [^{F2}Senedd] or a sub-committee of such a committee to be held in public except in circumstances provided for in the standing orders, and
 - (b) may include provision as to the conditions to be complied with by members of the public attending the proceedings (including provision for excluding any member of the public who does not comply with the conditions).
- (6) The standing orders must include provision—
 - (a) for reporting the proceedings of the [^{F2}Senedd], and for reporting proceedings of committees of the [^{F2}Senedd] and sub-committees of such committees which are held in public, and
 - (b) for publishing the reports of proceedings as soon as reasonably practicable after the proceedings take place.
- (7) The [^{F2}Senedd] may by resolution remake or revise the standing orders; but if the motion for a resolution to remake or revise the standing orders is passed on a vote, it has no effect unless at least two-thirds of the [^{F7}Members of the Senedd] voting support it.
- (8) The Clerk must from time to time publish the standing orders.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F26** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

- I29** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

^{F99}**32 Participation by UK Ministers etc.**

.....

Textual Amendments

- F99** S. 32 omitted (31.3.2017) by virtue of [Wales Act 2017 \(c. 4\)](#), [ss. 15\(a\)](#), [71\(2\)\(b\)](#) (with [Sch. 7 paras. 1, 6](#))

^{F100}**33 Consultation about UK Government's legislative programme**

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Status: Point in time view as at 01/11/2021.

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Textual Amendments

F100 S. 33 omitted (31.3.2017) by virtue of [Wales Act 2017 \(c. 4\)](#), **ss. 15(b)**, [71\(2\)\(b\)](#) (with [Sch. 7 paras. 1, 6](#))

34 Participation by Counsel General

- (1) If not ^[F26]a Member of the Senedd] the Counsel General may participate in ^[F2]Senedd] proceedings to the extent permitted by the standing orders, but may not vote.
- (2) And the standing orders may in other respects provide that they are to apply to the Counsel General if not ^[F26]a Member of the Senedd] as to ^[F26]a Member of the Senedd].
- (3) The Counsel General may, in any ^[F2]Senedd] proceedings, decline to answer any question or produce any document concerning the operation of the system of criminal prosecution in any particular case if considering that answering the question or producing the document—
 - (a) might prejudice criminal proceedings in the case, or
 - (b) would otherwise be contrary to the public interest.

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(19)** (with [Sch. 1 para. 2\(11\)-\(14\)](#))

F26 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(15)** (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

I30 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

35 Equality of treatment

- ^[F101](1) The ^[F2]Senedd] must, in the conduct of ^[F2]Senedd] proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Welsh languages should be treated on a basis of equality.]
- ^[F101](1) The official languages of the ^[F2]Senedd] are English and Welsh.
- (1A) The official languages must, in the conduct of ^[F2]Senedd] proceedings, be treated on a basis of equality.
 - (1B) All persons have the right to use either official language when participating in ^[F2]Senedd] proceedings.
 - (1C) Reports of ^[F2]Senedd] proceedings must, in the case of proceedings which fall within section 1(5)(a) (proceedings of the ^[F2]Senedd]), contain a record of what was said, in the official language in which it was said, and also a full translation into the other official language.
 - (1D) Paragraph 8 of Schedule 2 makes provision about how the ^[F2]Senedd] Commission must enable effect to be given to subsections (1) to (1C).]

Status: Point in time view as at 01/11/2021.

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- (2) The [F2Senedd] must make appropriate arrangements with a view to securing that [F2Senedd] proceedings are conducted with due regard to the principle that there should be equality of opportunity for all people.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F101** S. 35(1)-(1D) substituted for s. 35(1) (13.11.2012) by [National Assembly for Wales \(Official Languages\) Act 2012 \(anaw 1\)](#), [ss. 1, 3\(b\)](#)

Commencement Information

- I31** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

36 Integrity

- (1) The standing orders must include provision—
- for a register of interests of [F7Members of the Senedd], and
 - for the register to be published and made available for public inspection.
- (2) The standing orders must require [F7Members of the Senedd] to register in the register of interests registrable interests, as defined for the purposes of this subsection.
- (3) The standing orders must require any [F47Member of the Senedd] who has—
- a financial interest, as defined for the purposes of this subsection, or
 - any other interest, or an interest of any other kind, as so defined,
- in any matter to declare that interest before taking part in [F2Senedd] proceedings relating to that matter.
- (4) The standing orders may include provision for preventing or restricting the participation in any [F2Senedd] proceedings of [F26a Member of the Senedd] who has an interest within subsection (2) or (3) in any matter to which the proceedings relate.
- (5) The standing orders must include provision prohibiting [F26a Member of the Senedd] from—
- advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or
 - urging, in consideration of any such payment or benefit in kind, any other [F47Member of the Senedd] to advocate or initiate any cause or matter on behalf of any person by any such means.
- (6) The standing orders must include provision about (or for the making of a code or protocol about) the different roles and responsibilities of [F2Senedd] constituency members and [F2Senedd] regional members; and—
- [F2Senedd] constituency members must not describe themselves in a manner which suggests that they are [F2Senedd] regional members, and
 - [F2Senedd] regional members must not describe themselves in a manner which suggests that they are [F2Senedd] constituency members.
- (7) [F26a Member of the Senedd] who—

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- (a) takes part in [F2Senedd] proceedings without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsections (2) to (4), or
 - (b) contravenes any provision included in the standing orders in pursuance of subsection (5),
- commits an offence.
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (9) A prosecution for an offence under subsection (7) cannot be instituted except by or with the consent of the Director of Public Prosecutions.
- (10) The validity of any [F2Senedd] proceedings is not affected by any contravention or failure to comply with any provision included in the standing orders in pursuance of this section.
- (11) In this section—
- (a) references to [F26a Member of the Senedd] (apart from those in subsection (6)) include the Counsel General, if not [F26a Member of the Senedd], and
 - (b) “financial interest” includes a benefit in kind.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F7** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(17)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F26** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F47** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020 (anaw 1)*, s. 42(2), *Sch. 1 para. 2(16)* (with *Sch. 1 para. 2(11)(12)(14)*)

Commencement Information

- I32** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Witnesses and documents

37 Power to call

- (1) Subject as follows, the [F2Senedd] may require any person—
- (a) to attend [F2Senedd] proceedings for the purpose of giving evidence, or
 - (b) to produce for the purposes of the [F2Senedd] (or a committee of the [F2Senedd] or a sub-committee of such a committee) documents in the possession, or under the control, of the person,
- concerning any matter relevant to the exercise by the Welsh Ministers of any of their functions[F102], relevant to the exercise of any of the Auditor General for Wales' functions, or relevant to the oversight and supervision of the Auditor General for Wales, or to the oversight and supervision of the exercise of any of his or her functions].

Status: Point in time view as at 01/11/2021.

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- (2) The [F²Senedd] may not impose a requirement under subsection (1) on a person who is not involved in the exercise of functions, or the carrying on of activities, in relation to Wales [F¹⁰³ or the Welsh zone].
- (3) The [F²Senedd] may not impose a requirement under subsection (1) on a person who—
 - (a) is or has been a Minister of the Crown, or
 - (b) serves or has served in the department of a Minister of the Crown,in relation to the exercise of any functions of a Minister of the Crown.
- (4) The [F²Senedd] —
 - (a) may not impose a requirement under subsection (1) on a person who is a full-time judge of any court, and
 - (b) may not impose such a requirement on a person who is not within paragraph (a) but who is or has been a member of any court or tribunal in connection with the exercise of functions as such a member.
- (5) Where a requirement under subsection (1) is imposed on a person who is or has been a member of the staff of the Welsh F¹⁰⁴ ... Government (or a person seconded to work for the Welsh F¹⁰⁴ ... Government) in relation to the exercise of any functions of the Welsh Ministers, the First Minister or the Counsel General, any of them may issue a direction under subsection (6).
- (6) A direction under this subsection is a direction—
 - (a) that the person on whom the requirement was imposed need not comply with it, and
 - (b) that the requirement is instead to be complied with by another person specified in the direction.
- [F¹⁰⁵(6A) Subsection (1) applies in relation to requirements imposed on a person in connection with the discharge of the functions of the Gas and Electricity Markets Authority in relation to Wales with the omission of the words after paragraph (b).]
- [F¹⁰⁶(6B) Subsection (1) applies in relation to things done by the Domestic Abuse Commissioner by virtue of section 7(4)(b) or (c) of the Domestic Abuse Act 2021 (functions exercisable in relation to devolved Welsh authorities etc) as it applies in relation to the exercise by the Welsh Ministers of their functions.]
- (7) The powers conferred by subsection (1)—
 - (a) may be exercised by and for the purposes of the Audit Committee, and
 - (b) may be exercised by and for the purposes of any other committee of the [F²Senedd] , or any sub-committee of any committee of the [F²Senedd] , if the committee or sub-committee is expressly authorised to do so by the [F²Senedd] (whether by the standing orders or otherwise).
- (8) A person is not obliged under this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.
- (9) A person acting as prosecutor in criminal proceedings is not obliged under this section to answer any question or produce any document concerning the operation of the system of criminal prosecution in any particular case if the appropriate officer—

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- (a) considers that answering the question or producing the document might prejudice criminal proceedings in the case or would otherwise be contrary to the public interest, and
 - (b) has authorised the person to decline to answer the question or produce the document on that ground.
- (10) In subsection (9) “the appropriate officer” means—
- (a) if the proceedings were instituted by or on behalf of the Welsh Ministers, the First Minister or the Counsel General, the Counsel General, and
 - (b) otherwise, the Attorney General.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F102** Words in s. 37(1) inserted (1.4.2014) by [Public Audit \(Wales\) Act 2013](#) (anaw 3), s. 35(2), [Sch. 4 para. 71](#) (with [Sch. 3 para. 3](#)); S.I. 2013/1466, art. 3(1)
- F103** Words in s. 37(2) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by [Marine and Coastal Access Act 2009](#) (c. 23), ss. 43, 324, [Sch. 4 Pt. 2 para. 6\(2\)](#); S.I. 2009/3345, [art. 2](#), [Sch. para. 7](#)
- F104** Words in Act omitted (17.2.2015) by virtue of [Wales Act 2014](#) (c. 29), s. 4(2)(a) (with s. 4(3))
- F105** S. 37(6A) inserted (1.4.2018) by [Wales Act 2017](#) (c. 4), ss. 66(1), 71(4) (with [Sch. 7 paras. 1, 6](#)); S.I. 2017/1179, [reg. 3\(m\)](#)
- F106** S. 37(6B) inserted (1.11.2021) by [Domestic Abuse Act 2021](#) (c. 17), ss. 21(3), 90(6); S.I. 2021/1038, [reg. 3\(b\)](#)

Commencement Information

- I33** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

38 Notice

- (1) A requirement under section 37 is to be imposed on a person by the Clerk giving the person notice in writing specifying—
- (a) whether the requirement is imposed for the purposes of the [F²Senedd] or a specified committee or sub-committee, and
 - (b) the matters mentioned in either paragraph (a) or paragraph (b) of subsection (2).
- (2) Those matters are—
- (a) the time and place at which the person is to attend and the particular subject concerning which the person is required to give evidence;
 - (b) the documents, or types of documents, which the person is to produce, the date by which and person to whom they are to be produced and the particular subject concerning which they are required.
- (3) Notice under subsection (1) is to be given—
- (a) in the case of an individual, by sending it in accordance with subsection (4) addressed to the person at the person's usual or last known address or, where the person has given an address for service of the notice, at that address, or
 - (b) in any other case, by so sending it addressed to the person at the person's registered or principal office.

Status: Point in time view as at 01/11/2021.

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- (4) A notice is sent in accordance with this subsection if it is sent—
- (a) by a registered post service (within the meaning of the Postal Services Act 2000 (c. 26)), or
 - (b) by a postal service which provides for its delivery by post to be recorded.
- (5) If a direction is issued under subsection (6) of section 37 in relation to a requirement imposed under subsection (1) of that section, the person or persons by whom it is issued must give notice in writing that the direction has been issued—
- (a) if the requirement was imposed for the purposes of the [F2Senedd] , to the Presiding Officer, and
 - (b) otherwise, to the person who chairs the committee or sub-committee for the purposes of which it was imposed.

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I34 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

39 Offences

- (1) A person to whom a notice under section 38(1) has been given commits an offence if the person—
- (a) refuses or fails without reasonable excuse to attend proceedings as required by the notice,
 - (b) refuses or fails without reasonable excuse, when attending proceedings as required by the notice, to answer any question concerning the subjects specified in the notice,
 - (c) refuses or fails without reasonable excuse to produce any document required to be produced by the notice, or
 - (d) intentionally alters, suppresses, conceals or destroys any such document.
- (2) Subsection (1) is subject to sections 34(3) and 37(5), (6), (8) and (9).
- (3) If a person charged with an offence under subsection (1)(a), (b) or (c) adduces evidence of a reasonable excuse for the refusal or failure, it is for the prosecution to prove that the person did not have such an excuse.
- (4) A person guilty of an offence under subsection (1) is liable on summary conviction—
- (a) to a fine not exceeding level 5 on the standard scale,
 - (b) to imprisonment for a term not exceeding 51 weeks, or
 - (c) to both.
- (5) Where an offence under subsection (1) which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
- (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) any person who was purporting to act in any such capacity,

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that person, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.

- (6) In subsection (5) “director”, in the case of a body corporate whose affairs are managed by its members, means a member of the body corporate.

Commencement Information

I35 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

40 General

- (1) The Presiding Officer or such other person as may be authorised by the standing orders may—
- (a) require any person giving evidence in [F²Senedd] proceedings to take an oath (or make an affirmation), and
 - (b) administer the oath (or affirmation) to the person.
- (2) A person commits an offence if the person—
- (a) is required to attend [F²Senedd] proceedings for the purpose of giving evidence by a notice under section 38(1), and
 - (b) refuses to take an oath (or make an affirmation) when required to do so for the purposes of the [F²Senedd] proceedings.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction—
- (a) to a fine not exceeding level 5 on the standard scale,
 - (b) to imprisonment for a term not exceeding 51 weeks, or
 - (c) to both.
- (4) The standing orders may provide for the payment of allowances and expenses to persons—
- (a) attending [F²Senedd] proceedings for the purpose of giving evidence, or
 - (b) producing for the purposes of the [F²Senedd] (or a committee of the [F²Senedd] or a sub-committee of such a committee) documents which they have been required or requested to produce,
- whether or not in pursuance of a notice under section 38(1).
- (5) The provision made by virtue of subsection (4) may confer functions on the [F²Senedd] Commission.
- (6) For the purposes of sections 37 to 39 and this section—
- (a) a person is to be taken to comply with a requirement to produce a document if the person produces a copy of the document or an extract of the relevant part of the document,
 - (b) “document” means anything in which information is recorded in any form, and
 - (c) references to producing a document are to producing the information recorded in it in a visible and legible form.

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Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I36** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Legal issues

41 Proceedings by or against [F²Senedd] etc.

- (1) Proceedings by or against the [F²Senedd] are to be instituted by or against the [F²Senedd] Commission on behalf of the [F²Senedd] .
- (2) Proceedings by or against—
 - (a) the Presiding Officer or Deputy Presiding Officer, or
 - (b) a member of the staff of the [F²Senedd] ,are (unless instituted against or by the [F²Senedd] Commission) to be instituted by or against the [F²Senedd] Commission on behalf of the Presiding Officer, Deputy Presiding Officer or member of staff.
- (3) In any proceedings against the [F²Senedd] the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings but may instead make a declaration.
- (4) In any proceedings against—
 - (a) any [F⁴⁷Member of the Senedd] ,
 - (b) the Presiding Officer or Deputy Presiding Officer,
 - (c) any member of the staff of the [F²Senedd] , or
 - (d) the [F²Senedd] Commission,the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings if the effect of doing so would be to give any relief against the [F²Senedd] which could not have been given in proceedings against the [F²Senedd] .
- (5) References in this section to an order include an order which is not final.

Textual Amendments

- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F47** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(16\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

Commencement Information

- I37** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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42 Defamation

- (1) For the purposes of the law of defamation—
- (a) any statement made in [F2Senedd] proceedings, and
 - (b) the publication under the authority of the [F2Senedd] of any statement,
- is absolutely privileged.
- (2) The Welsh Ministers may by regulations make provision for and in connection with establishing in any legal proceedings that any statement or publication is absolutely privileged by virtue of subsection (1).
- (3) No regulations are to be made under subsection (2) unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, the [F2Senedd].
- (4) In this section “statement” has the same meaning as in the Defamation Act 1996 (c. 31).

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I38 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

43 Contempt of court

- (1) The strict liability rule does not apply in relation to any publication—
- (a) made in, for the purposes of, or for purposes incidental to, [F2Senedd] proceedings, or
 - (b) to the extent that it consists of a report of [F2Senedd] proceedings which either is made by or under the authority of the [F2Senedd] or is fair and accurate and made in good faith.
- (2) In subsection (1)—
- “the strict liability rule”, and
- “publication”,
- have the same meaning as in the Contempt of Court Act 1981 (c. 49).

Textual Amendments

F2 Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

I39 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

^{F107}44 Corrupt practices

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Textual Amendments

F107 S. 44 repealed (1.7.2011) by [Bribery Act 2010 \(c. 23\)](#), s. 19(1), [Sch. 2](#) (with ss. 16, 19(5)); S.I. 2011/1418, art. 2

Status:

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