



Government of Wales Act 2006

2006 CHAPTER 32

PART 1

[^{F1}SENEDD CYMRU]

Legal issues

41 Proceedings by or against [^{F1}Senedd]etc.

- (1) Proceedings by or against the [^{F1}Senedd] are to be instituted by or against the [^{F1}Senedd] Commission on behalf of the [^{F1}Senedd] .
- (2) Proceedings by or against—
 - (a) the Presiding Officer or Deputy Presiding Officer, or
 - (b) a member of the staff of the [^{F1}Senedd] ,are (unless instituted against or by the [^{F1}Senedd] Commission) to be instituted by or against the [^{F1}Senedd] Commission on behalf of the Presiding Officer, Deputy Presiding Officer or member of staff.
- (3) In any proceedings against the [^{F1}Senedd] 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 [^{F2}Member of the Senedd] ,
 - (b) the Presiding Officer or Deputy Presiding Officer,
 - (c) any member of the staff of the [^{F1}Senedd] , or
 - (d) the [^{F1}Senedd] 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 [^{F1}Senedd] which could not have been given in proceedings against the [^{F1}Senedd] .

Status: Point in time view as at 01/01/2024.

Changes to legislation: Government of Wales Act 2006, Cross Heading: Legal issues is up to date with all changes known to be in force on or before 14 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)

(5) References in this section to an order include an order which is not final.

Textual Amendments

- F1** 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\(11\)-\(14\)](#))
- F2** 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

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

42 Defamation

- (1) For the purposes of the law of defamation—
- any statement made in [^{F1}Senedd] proceedings, and
 - the publication under the authority of the [^{F1}Senedd] 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 [^{F1}Senedd] .
- (4) In this section “statement” has the same meaning as in the Defamation Act 1996 (c. 31).

Textual Amendments

- F1** 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

- I2** 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—
- made in, for the purposes of, or for purposes incidental to, [^{F1}Senedd] proceedings, or
 - to the extent that it consists of a report of [^{F1}Senedd] proceedings which either is made by or under the authority of the [^{F1}Senedd] or is fair and accurate and made in good faith.
- (2) In subsection (1)—
- “the strict liability rule”, and
- “publication”,

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have the same meaning as in the Contempt of Court Act 1981 (c. 49).

Textual Amendments

- F1** 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

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

^{F3}**44** **Corrupt practices**

Textual Amendments

- F3** 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

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