

Status: Point in time view as at 12/02/2015.

Changes to legislation: Government of Wales Act 2006, SCHEDULE 2 is up to date with all changes known to be in force on or before 12 August 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)

SCHEDULES

SCHEDULE 2

Section 27

ASSEMBLY COMMISSION

Membership

- 1 (1) The Presiding Officer holds office as a member of the Assembly Commission until another person is elected to the office of Presiding Officer unless the Presiding Officer ceases to be an Assembly member otherwise than by reason of a dissolution.
- (2) Any other member of the Assembly Commission holds office until another Assembly member is appointed as a replacement unless sub-paragraph (3) applies.
- (3) This sub-paragraph applies if the person—
- (a) resigns office as a member of the Assembly Commission,
 - (b) ceases to be an Assembly member otherwise than by reason of a dissolution, or
 - (c) is removed from office as a member of the Assembly Commission by the Assembly.

Commencement Information

11 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Property

- 2 The Assembly Commission may acquire, hold and dispose of property.

Commencement Information

12 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Staff

- 3 (1) The Assembly Commission may appoint staff.
- (2) The Clerk and the other persons appointed by the Assembly Commission are referred to in this Act as the members of the staff of the Assembly.
- (3) Employment as a member of the staff of the Assembly is not employment under the Crown (but see paragraph 12).
- (4) The Assembly Commission must ensure that—
- (a) the procedures for the recruitment and selection of persons as members of the staff of the Assembly are broadly in line with those applying to the

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- recruitment and selection of persons as members of the staff of the Welsh Assembly Government, and
- (b) the terms and conditions of employment of the members of the staff of the Assembly are broadly in line with those of the members of the staff of the Welsh Assembly Government.
- (5) The Assembly Commission is to pay the salaries and expenses of the members of the staff of the Assembly.
- (6) The Assembly Commission may make arrangements for the payment of pensions, gratuities or allowances to or in respect of anyone who has ceased to be a member of the staff of the Assembly.
- (7) The Assembly Commission may, in particular, make contributions to, or payments towards the provision of, such pensions, gratuities or allowances.
- (8) In Schedule 1 to the Superannuation Act 1972 (c. 11) (employments etc. to which section 1 of the Act applies), in the appropriate place in the list of “Other Bodies” insert— “Employment as a member of the staff of the National Assembly for Wales.”
- (9) The Assembly Commission must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of—
- (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of persons who are or have been members of the staff of the Assembly, and
- (b) the expenses incurred in administering those pensions, allowances and gratuities.

Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Powers

- 4 (1) The Assembly Commission may do anything which appears to it necessary or appropriate for the purpose of, or in connection with, the discharge of its functions.
- (2) That includes, in particular—
- (a) entering into contracts,
- (b) charging for goods or services,
- (c) investing sums not immediately required for the discharge of its functions, and
- (d) accepting gifts.
- (3) Where (by will or otherwise) any property is (by whatever words used) expressed to be given to the Assembly, the gift takes effect as a gift to the Assembly Commission.
- (4) The Assembly Commission may—
- (a) sell goods or provide services to the public, or
- (b) make arrangements for the sale of goods or the provision of services to the public.

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- (5) The Assembly Commission may borrow sums in sterling by way of overdraft or otherwise for the purpose of meeting a temporary excess of expenditure over sums otherwise available to meet expenditure.
- (6) The Assembly Commission—
 - (a) may not borrow money otherwise than under sub-paragraph (5), and
 - (b) may borrow under that sub-paragraph only in accordance with special or general directions given by the Assembly to the Assembly Commission under section 27(6).
- (7) The Secretary of State may by order provide that the Local Government (Contracts) Act 1997 (c. 65) applies in relation to contracts entered into by the Assembly Commission but subject to any appropriate modifications.
- (8) A statutory instrument containing an order under sub-paragraph (7) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I4 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Promotion of awareness of election system and devolved government

- 5 (1) The Assembly Commission may promote public awareness of—
 - (a) the current or any pending system for the election of Assembly members, and
 - (b) the current or any pending system of devolved government in Wales.
- (2) For the purposes of this paragraph and paragraph 6 a system is “pending” if arrangements for giving effect to it have been made by any enactment but the arrangements are not yet in force.
- (3) The Assembly Commission may exercise its power under sub-paragraph (1) in such manner as it thinks fit but may, in particular, do so by—
 - (a) carrying out programmes of education or information to promote public awareness, or
 - (b) making grants to other persons or bodies for the purpose of enabling them to carry out such programmes.
- (4) Any grant under sub-paragraph (3)(b) may be made subject to such conditions as the Assembly Commission considers appropriate.
- 6 The Assembly Commission may provide financial assistance to the Electoral Commission for the purpose of enabling it to carry out its functions under section 13(1) of the Political Parties, Elections and Referendums Act 2000 (c. 41) so far as relating to the promotion of public awareness of—
 - (a) the current or any pending system for the election of Assembly members, and
 - (b) the current or any pending system of devolved government in Wales.

Delegation

- 7 The Assembly Commission may delegate any of its functions to—

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- (a) the Presiding Officer, or
- (b) the Clerk.

Commencement Information

I5 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Principles in accordance with which functions are to be exercised

- 8 (1) The Assembly Commission must make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people.
- (2) In the exercise of the functions of the Assembly Commission due regard must be had to the principle of promoting sustainable development.
- [^{F1}(3) The Assembly Commission must, in the exercise of its functions—
- (a) treat the official languages of the Assembly on a basis of equality, and
 - (b) make arrangements for enabling effect to be given to section 35(1), (1A), (1B) and (1C).
- (4) The Assembly Commission must—
- (a) adopt, and
 - (b) publish,
- a scheme, to be known as the Assembly Commission's Official Languages Scheme (“the Scheme”), specifying the measures which it proposes to take in order to comply with its duties under sub-paragraph (3).
- (5) The Scheme must include (amongst other things) provision about—
- (a) simultaneous interpretation from one official language into the other—
 - (i) in all Assembly proceedings,
 - (ii) in public meetings conducted on behalf of the Assembly Commission, and
 - (iii) in such other meetings connected with the functions of the Assembly or the Assembly Commission as may be provided for in the Scheme,
 - (b) publication of documents in both official languages, subject to any exceptions identified in the Scheme,
 - (c) public engagement with—
 - (i) Assembly proceedings, and
 - (ii) other functions of the Assembly and of the Assembly Commission, through the medium of either of the official languages,
 - (d) practical measures to foster and continually improve freedom of choice of official language—
 - (i) on the part of those participating in Assembly proceedings, and
 - (ii) in relation to the functions of the Assembly or the Assembly Commission generally,
 - (e) the setting of targets and timescales relating to implementation of the Scheme,
 - (f) the allocation of responsibilities for implementing the Scheme,

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- (g) objective means of measuring progress in implementing the Scheme, and
 - (h) a strategy for ensuring that the staff of the Assembly have, collectively, the language skills necessary to enable the Scheme to be implemented.
- (6) The Scheme must include provision relating to the receipt, investigation and consideration of complaints of failures to give effect to provisions of the Scheme.
- (7) The Scheme must identify those services provided or to be provided in the official languages and explain how those services are to be provided in accordance with paragraph 8(5).
- (8) The Assembly Commission must, in respect of each financial year, lay before the Assembly a report setting out how the Commission has, during the year in question, given effect to the Scheme.
- (9) The report prepared by the Assembly Commission under sub-paragraph (8) must include—
- (a) whether and to what degree the services referred to in sub-paragraph (7) have been provided, and
 - (b) if applicable, the reasons why the Commission has not provided any of the services referred to in sub-paragraph (7) in both official languages.
- (10) The Assembly Commission—
- (a) must review the Scheme as soon as is reasonably practicable after each ordinary general election, or after an extraordinary general election to which section 5(5) applies, and
 - (b) may, at any time, adopt a new Scheme or an amendment to the existing Scheme.
- (11) The Assembly Commission may not adopt a Scheme, or an amendment to a Scheme, unless (whether before or after the coming into force of this paragraph)—
- (a) a draft of the Scheme (or of the amendment) has been—
 - (i) published, and
 - (ii) laid before the Assembly,
 - (b) the Assembly Commission has given—
 - (i) those persons whom the Assembly Commission considers it appropriate to consult in relation to the Scheme, and
 - (ii) the Assembly,reasonable opportunity to make representations in relation to the draft,
 - (c) the Assembly Commission has considered any representations made about the draft Scheme (or draft amendment) by—
 - (i) the persons consulted under sub-paragraph (b)(i), and
 - (ii) the Assembly, and
 - (d) the Scheme (or the amendment) incorporating such modifications as the Assembly Commission may, having considered such representations, make, has been laid before and approved by resolution of, the Assembly.
- (12) The Assembly Commission must give effect to the Scheme.]

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Textual Amendments

- F1** Sch. 2 para. 8(3)-(12) substituted for Sch. 2 para. 8(3) (13.11.2012) by [National Assembly for Wales \(Official Languages\) Act 2012 \(anaw 1\), ss. 2, 3\(b\)](#)

Commencement Information

- I6** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Annual report

- 9 After each financial year the Assembly Commission must—
- (a) publish a report relating to the exercise of its functions during the financial year, and
 - (b) lay a copy of the report before the Assembly.

Commencement Information

- I7** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Validity of acts

- 10 The validity of any act of the Assembly Commission is not affected by—
- (a) any vacancy in its membership,
 - (b) any defect in the appointment of any member, or
 - (c) any lack of qualification for membership of any member.

Commencement Information

- I8** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Proceedings

- 11 (1) The Assembly Commission may determine its own procedure.
- (2) The Presiding Officer is to preside at meetings of the Assembly Commission but the Assembly Commission may appoint another of its members to preside if—
- (a) the office of Presiding Officer is vacant, or
 - (b) the Presiding Officer is for any reason unable to act.

Commencement Information

- I9** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Crown status

- 12 (1) Her Majesty may by Order in Council provide for the Assembly Commission to be treated to any extent as a Crown body for the purposes of any enactment.
- (2) In particular, the Order in Council may for the purposes of any enactment provide—

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- (a) for employment as a member of the staff of the Assembly to be treated as employment by the Assembly Commission as a Crown body, or
 - (b) for land held, used or managed by the Assembly Commission, or operations carried out by or on behalf of the Assembly Commission, to be treated as land held, used or managed by, or operations carried out by or on behalf of, the Assembly Commission as a Crown body.
- (3) For the purposes of this paragraph “Crown body” means a body which is a servant or agent of the Crown, and includes a government department.
- (4) A statutory instrument containing an Order in Council under this paragraph is subject to annulment in pursuance of—
- (a) a resolution of either House of Parliament, or
 - (b) a resolution of the Assembly.

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