



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Huw Irranca-Davies AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your ref:
Our ref: EJ/HG

26 October 2017

Dear Huw

Assembly reform: disqualification

In my letter of 18 August, I outlined the work that the Assembly Commission is leading on behalf of the Assembly to consider how the powers in the Wales Act 2017 relating to the Assembly's electoral and institutional arrangements might be exercised. I look forward to receiving your views on any legislative reforms required relating to defamation, contempt of court and Assembly privilege in due course.

As part of this work, careful consideration has been given to the Fourth Assembly's Constitutional and Legislative Affairs Committee's inquiry into disqualification from being an Assembly Member in 2014. The Committee's recommendations include a number calling for legislative change (see Annex to this letter). At the time, these issues were not within the Assembly's competence. However, the devolution of powers over the Assembly's electoral arrangements with effect from April 2018, and the development of Assembly Reform legislation, could provide an opportunity to give effect to the Committee's recommendations.

I would welcome your Committee's views on how your predecessors' recommendations should be taken forward, and whether there are any other issues relating to disqualification which should be considered as part of the development of an Assembly Reform Bill.

Cynulliad Cenedlaethol Cymru

Bae Caerdydd, Caerdydd, CF99 1NA

Llywydd@cynulliad.cymru

www.cynulliad.cymru

0300 200 7403

National Assembly for Wales

Cardiff Bay, Cardiff, CF99 1NA

Llywydd@assembly.wales

www.assembly.wales

0300 200 7403



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

I am acutely aware of your Committee's substantial workload and the need for you to balance competing priorities. For that reason, I thought it best to write to you as early as possible so that you have sufficient lead-in time and provide you with an opportunity to inform the development of the legislation. It would be helpful to receive your views on any issues which might require legislative change as part of the reform programme by the end of 2017.

Yours sincerely

Elin Jones AM
Llywydd



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Annex: Relevant recommendations on disqualification made by the Fourth Assembly's Constitutional and Legislative Affairs Committee

Recommendation 2 - we recommend that the UK Government brings forward appropriate legislation to amend the Government of Wales Act 2006 to provide that disqualification from a particular public office should take effect on taking the oath or affirmation of allegiance as an Assembly Member. This change should not apply to a very limited number of posts - as specified in section 16 of the 2006 Act or by order - where being a candidate would, for example, give rise to a conflict of interest or appear to undermine impartiality.

Recommendation 3 - we recommend that the UK Government brings forward appropriate legislation to remove the relevant provisions in The National Assembly for Wales (Representation of the People) Order 2007 requiring candidates, when accepting nomination, to declare that to the best of their knowledge and belief, they do not hold a disqualifying office.

Recommendation 5 - we recommend that the UK Government amends section 16 of the Government of Wales Act 2006 to ensure that any disqualifications it contains are set out fully rather than by reference to other legislation and that all disqualifications it specifies take effect on nomination.

Recommendation 6 - we recommend that the UK Government amends section 16(1) of the Government of Wales Act 2006 to remove the Auditor General and Public Services Ombudsman for Wales, so that they may be included in an appropriate disqualification order with other offices.

Recommendation 7 - we recommend that the UK Government amends section 16(4) of the Government of Wales Act 2006 so that a person who holds office as lord-lieutenant, lieutenant or high sheriff should be disqualified from being an Assembly Member.

Recommendation 21 - we recommend that the UK Government prohibits the practice of standing as an Assembly Member and a Member of the House of Lords, but that such a prohibition should not be applied to anyone who is currently serving as a member of both institutions.