
DRAFT STATUTORY INSTRUMENTS

2020 No.

CONSTITUTIONAL LAW

REPRESENTATION OF THE PEOPLE, WALES

The Senedd Cymru (Disqualification) Order 2020

Made 11th November 2020

Coming into force 12th November 2020

At the Court at Buckingham Palace, the 11th day of November 2020

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 16(6) of the Government of Wales Act 2006⁽¹⁾ a draft of this Order was laid before, and approved by a resolution of, Senedd Cymru.

Accordingly, Her Majesty, in pursuance of sections 16(1) and (5) and 157(2) of that Act, is pleased, by and with the advice of Her Privy Council, to order as follows:

Title and commencement

1.—(1) The title of this Order is the Senedd Cymru (Disqualification) Order 2020.

(2) It comes into force on 12th November 2020 but articles 2 and 3 only have effect for the purposes of a Senedd Cymru election at which the poll is held on or after 5th April 2021.

Designation of disqualifying offices

2. The offices described in the Schedule are designated as offices disqualifying the holders of those offices from being Members of the Senedd.

Revocation

3. The National Assembly for Wales (Disqualification) Order 2015⁽²⁾ is revoked.

(1) 2006 c. 32. Relevant amendments were made to section 16 by the Senedd and Elections (Wales) Act 2020 (anaw 1).

(2) S.I. 2015/1536.

Name
Clerk of the Privy Council

SCHEDULE

Article 2

Offices disqualifying holders from membership of the Senedd

<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>
A National Park authority for a National Park in Wales	All members
A tribunal constituted under section 27 of, and Schedule 3 to the Education Act 2005 ⁽¹⁾	All members
A tribunal referred to in paragraph 10 of Schedule 26 to the School Standards and Framework Act 1998 ⁽²⁾	All members
Adjudication Panel for Wales	All members
Advisory Committee on Dangerous Pathogens	All members
The advisory committee for Wales established under section 5(1) of the Food Standards Act 1999 ⁽³⁾	All members
Advisory, Conciliation and Arbitration Service	All members of the Council
Agricultural Land Tribunal for Wales	All members
Arts Council of Wales	All members
Big Lottery Fund	All members appointed under paragraph 1 of Schedule 4A to the National Lottery etc. Act 1993 ⁽⁴⁾ or of a committee established under paragraph 7(1)(b) of that Schedule
The Board of Community Health Councils in Wales	Chair, and members appointed by the Welsh Ministers under regulation 34(1)(f) of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010 ⁽⁵⁾
Board of Medical Referees	All members appointed by the Welsh Ministers ⁽⁶⁾
Boundary Commission for Wales	Commissioners and Secretary
British Broadcasting Corporation Board	All members
British Council	Chair and Chief Executive
British Tourist Authority	The member appointed by the Welsh Ministers
British Transport Police Authority	All members
Certification Officer and any assistant certification officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992 ⁽⁷⁾	Certification Officer and any Assistant Certification Officer
Citizen Voice Body	Non-executive members
Consumer Council for Water	All members of the Council and each regional committee of the Council established under section 27A of the Water Industry Act 1991 ⁽⁸⁾
Channel Four Television Corporation	All members
Community Health Councils	All members appointed under regulations 3(1), 6, 7 and 8, and members co-opted by the Welsh Ministers under regulation 3(3A), of the Community Health Councils (Constitution, Membership and Procedures) (Wales)

Competition and Markets Authority	Regulations 2010(9) All members
Development Bank of Wales Public Limited Company or any wholly owned subsidiary of Development Bank of Wales Public Limited Company	All Directors
Education Workforce Council	All members
Emergency Ambulance Services Committee	Chair
Employment Tribunals and Employment Appeal Tribunal	All members
Financial Conduct Authority	All members
Fire and Rescue Service	Inspector or Assistant Inspector appointed under section 28 of the Fire and Rescue Services Act 2004(10)
Firefighters' Pension Scheme Advisory Board for Wales	All members
First-tier tribunal	All members
Food Standards Agency	All members
Future Generations Commissioner	Advisory Panel
Gas and Electricity Markets Authority	All members
Health and Safety Executive	All members
Higher Education Funding Council for Wales	All members, other than a member who is also an employee of the Council
Human Fertilisation and Embryology Authority	All members
Human Tissue Authority	All members
Independent Adjudicator to Local Authorities in Wales	
Independent Case Examiner for the Department of Work and Pensions	The Independent Case Examiner
Independent Groundwater Complaints Administrator appointed under section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act 1993(11)	
Independent Monitoring Authority for the Citizens' Rights Agreements	All members
Independent Office for Police Conduct Information Commissioner	All members
Joint Nature Conservation Committee	All members
Judicial Appointments Commission	Commissioners
Judicial Appointments and Conduct Ombudsman	
Law Commission	Commissioners and Non-Executive Board members
Local Government Pension Scheme Advisory Board	Chair and Deputy Chair
Local Health Board for an area in Wales	All members, other than a member who is also an employee of the Board
Marine Management Organisation	All members
Meat Promotion Wales	All members
Mental Health Review Tribunal for Wales	All members
National Employment Savings Trust	All members

Corporation	
National Health Service Trust all or some of whose hospital establishments or other facilities are situated in Wales	Chair and Non-Executive Director
National Library of Wales	Trustees appointed by the Welsh Ministers
National Museum Wales	Trustees appointed by the Welsh Ministers
Natural Resources Body for Wales known as Natural Resources Wales	Chief Executive, Chair and members
Office of Communications	All members
The Pensions Advisory Service	Directors
Pensions Ombudsman appointed under section 145 of the Pension Schemes Act 1993 ⁽¹²⁾ and any deputy to that Ombudsman appointed under section 145A of that Act	
Pension Protection Fund	All members, and the Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004 ⁽¹³⁾ and any deputy to that Ombudsman appointed under section 210 of that Act
Pensions Regulator	All members, and committee members established by the Pensions Regulator under section 9 of the Pensions Act 2004 ⁽¹⁴⁾
Person holding a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989 ⁽¹⁵⁾ , in:	
(a) a local authority in Wales, within the meaning of that Part,	
(b) a National Park Authority for a National Park in Wales	
Police and Crime Commissioner as established by section 1 of the Police Reform and Social Responsibility Act 2011 ⁽¹⁶⁾ , and any Deputy appointed by the Commissioner under section 18 of that Act	
Professional Standards Authority for Health and Social Care	All members
Qualifications Wales	All members
Rent assessment committees for an area or areas every part of which is in Wales	All members of a panel established under Schedule 10 to the Rent Act 1977 ⁽¹⁷⁾
Royal Commission on the Ancient and Historical Monuments of Wales	Commissioners
Sianel Pedwar Cymru	All members
Social Care Wales	All members
Special Educational Needs Tribunal for Wales	All members
Special Health Authority performing functions partly or wholly in respect of Wales	Chair and all members, other than a member who is also an employee of the Authority
Sports Council for Wales known as Sport Wales	All members
Statistics Board established by the Statistics and Registration Service Act 2007 ⁽¹⁸⁾	All members
Student Loans Company Limited	Chair and Chief Executive
Transport for Wales	Directors
Upper Tribunal	All members, other than Judges of the Upper Tribunal ⁽¹⁹⁾
Valuation Tribunal for Wales	All members

Wales Audit Office	All staff and auditors providing audit services to the Wales Audit Office or Auditor General for Wales
Water Services Regulation Authority	All members
Welsh Health Specialised Services Committee	Chair
Welsh Industrial Development Advisory Board	All members
Welsh Language Partnership Council	All members
Welsh Language Tribunal	All members
Welsh Revenue Authority	Chairperson and other non-executive members

⁽¹⁾ 2005 c. 18. There have been amendments to Schedule 3 to this Act that are not relevant to this Order.

⁽²⁾ 1998 c. 31. There have been amendments to paragraph 10(2) of Schedule 26 to this Act by section 53 of, and paragraphs 8 and 16(1) and (2) of Part 2 of Schedule 7 to, the Education Act 2005.

⁽³⁾ 1999 c. 28.

⁽⁴⁾ 1993 c. 39.

⁽⁵⁾ S.I. 2010/288 (W. 37). Regulation 34(1)(f) was inserted by regulation 23(7) of the Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2015 (S.I. 2015/509 (W. 43)).

⁽⁶⁾ See paragraph 3 of Annex 2 to the Scheme in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 (S.I. 2007/1072 (W. 110)) and paragraph 3 of Schedule 5 to the Scheme in Schedule 1 to the Firefighters' Compensation Scheme (Wales) Order 2007 (S.I. 2007/1073 (W. 111)).

⁽⁷⁾ 1992 c. 52.

⁽⁸⁾ 1991 c. 56. Section 27A was inserted by section 35(1) of the Water Act 2003 (c. 37).

⁽⁹⁾ S.I. 2010/288 (W. 37). Regulation 3(3A) was inserted by regulation 4(4), and regulation 6 was amended by regulation 6(2) and (3), of the Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2015 (S.I. 2015/509 (W. 43)).

⁽¹⁰⁾ 2004 c. 21. Relevant amendments were made to section 28 of this Act by section 11 of the Policing and Crime Act 2017 (c. 3).

⁽¹¹⁾ 1993 c. 42. There have been amendments to paragraph 27 of Schedule 7 to this Act that are not relevant to this Order.

⁽¹²⁾ 1993 c. 48. There have been amendments to section 145 of this Act that are not relevant to this Order.

⁽¹³⁾ 2004 c. 35. There have been amendments to section 209 of this Act that are not relevant to this Order.

⁽¹⁴⁾ 2004 c. 35. The Pensions Regulator is established by section 1 of this Act.

⁽¹⁵⁾ 1989 c. 42.

⁽¹⁶⁾ 2011 c. 13. There have been amendments to section 1 of this Act that are not relevant to this Order.

⁽¹⁷⁾ 1977 c. 42. There have been amendments to Schedule 10 to this Act that are not relevant to this Order.

⁽¹⁸⁾ 2007 c. 18.

⁽¹⁹⁾ Judges of the Upper Tribunal are disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, by virtue of section 16(A1)(b) of, and the Table in Part 2 of Schedule 1A to, the Government of Wales Act 2006.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates, for the purposes of a Senedd Cymru election at which the poll is held on or after 5 April 2021, offices whose holders are disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd). The offices are described in the Schedule to this Order.

Other disqualifying offices and categories of person disqualified from being a Member of the Senedd (and in some cases from being a candidate to be a Member of the Senedd) are prescribed by section 16 of, and Schedule 1A to, the Government of Wales Act 2006 (c. 32). This Order should be read with those provisions.

This Order revokes the National Assembly for Wales (Disqualification) Order 2015 (S.I. 2015/1536), though that Order continues to have effect for a Senedd Cymru election at which the poll is held before 5 April 2021.