

SENEDD AND ELECTIONS (WALES) ACT 2020

EXPLANATORY NOTES

INTRODUCTION

Part 4

Disqualification

Section 33 – Exceptions from disqualification by virtue of being a member of a county or county borough council

116. *Section 33* inserts new sections 17D, 17E and 17F into the 2006 Act. The sections provide for certain exceptions from disqualification from membership of the Senedd by virtue of being a member of the council of a county or county borough in Wales.
117. New section 17D of the 2006 Act would provide for an exception from disqualification for newly elected Members. A person returned as a Member at an election of the Senedd would not be disqualified until that person purported to make the oath of allegiance (or corresponding affirmation). A Member of the Senedd who is returned as a member of a council of a county or county borough in Wales would also not be disqualified until that person made a declaration of acceptance.
118. New section 17E of the 2006 Act provides for a time limited exception from disqualification if a member of the council of a county or county borough in Wales is returned as a Member of the Senedd; and the expected day of the next ordinary election of members of the council is within 372 days of the return day. Section 17E(2) provides that the ‘grace period’ from disqualification will begin on the return day and will end with the fourth day after the day of the next ordinary general election of members of the council. The expected date of the next ordinary election is to be determined by reference to the circumstances as at the beginning of the return day. This is known as “the relevant time”. Section 17E(4) provides that for the purposes of determining the expected date of the next ordinary general election, account is not to be taken of the various powers to change when the election may occur.
119. New section 17F of the 2006 Act provides for a time limited exception from disqualification if a Member of the Senedd was returned as a member of a council of a county or county borough in Wales and the expected day of the next general election to the Senedd is within 372 days of the return day. Section 17F(2) provides that the ‘grace period’ from disqualification will begin on the return day and will end immediately before the day of the next general election of Members of the Senedd. The expected date of the next ordinary election is to be determined by reference to the circumstances as at the beginning of the return day. This is known as “the relevant time”. Where, at the relevant time, section 5(2) or (3) (extraordinary general election) of the 2006 Act applies, section 17F(4) makes various provision as to what the “expected date” will be. Section 5 provides a mechanism for an extraordinary general election to take place before the next scheduled ordinary general election in certain circumstances.
120. *Section 5(2)* applies if the Assembly resolves by at least a two-thirds majority that it should be dissolved and section 5(3) applies where the period during which the

*These notes refer to the Senedd and Elections (Wales) Act
2020 (c.1) which received Royal Assent on 15 January 2020*

Assembly is required to nominate a First Minister ends without such a nomination being made. Section 17F(5) provides that for the purposes of determining the expected date of the next ordinary general election, account is not to be taken of various powers to change when the election may occur.