

# NATIONAL ASSEMBLY FOR WALES COMMISSIONER FOR STANDARDS MEASURE 2009

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 11: Power to call for witnesses and documents and Section 12: Witnesses and documents: notice*

23. These sections, which follow the pattern of sections 37 and 38 of the Act, provide machinery whereby the Commissioner may require any person whom the Commissioner believes may have information relevant to an investigation to attend before the Commissioner to give oral evidence or to produce documentary evidence. In order to impose such a requirement the Commissioner must give the person in question written notice.
24. These are key provisions of the Measure. They provide the Commissioner with the powers to carry out rigorous investigation of complaints. The powers to be conferred on the Commissioner are in some respects wider than those which can be exercised by the Assembly (and Assembly Committees) under the Act. The Assembly's powers can only be exercised in support of their scrutiny of the Welsh Ministers and in relation to persons involved in the exercise of functions or the carrying on of activities in relation to Wales. Other than the restriction mentioned in paragraph 26 the only limit on the persons who can be required to give or produce evidence is that evidence must be relevant to an investigation being carried out by the Commissioner.
25. The existence of the power under section 11 (and of the complementary power under section 13) does not mean that the powers in question are likely to be used routinely. The Commissioner will only need to compel a witness to give evidence or to produce documents if that person refuses to do so voluntarily.
26. Subsection 12(2) provides that notice requiring a person to attend or to produce documents may only be given to a person at an address in Wales or England, since an Assembly Measure may not contain provisions whose legal effect extends outside the England and Wales jurisdiction.