

NATIONAL ASSEMBLY FOR WALES

(REMUNERATION) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 13: Exercise of functions in relation to salaries

25. This section provides that the Board may not make more than one determination relating to the salaries of Assembly Members and one relating to the salaries of the Welsh Ministers (including the First Minister and Deputy Ministers) and the Counsel General for each four-year Assembly term (but see paragraph 28 below). Another salary determination may, however, be made before the end of a term if the Board is satisfied that there are exceptional circumstances making it just and reasonable to do so. By way of example, “exceptional circumstances” could include a period of exceptionally rapid inflation.
26. The section requires the Board, where it is reasonably practicable to do so, to make its determination for a four-year Assembly term before the end of the term which precedes it (so that it can take effect from the beginning of the new Assembly term). Subsections (7) and (8) make provision for situations where this is not achievable. They provide that, regardless of when such determinations are made, they will have effect from the beginning of the term in which they are to have effect.
27. In the event of a determination not being made before the end of the term which precedes that in relation to which it is to take effect, subsection (9) provides that previous determinations will continue to have effect until replaced and adjustments then made either to make good any under-payment, or to recover any over-payment, as the case may be.
28. The section also makes detailed provision defining what is meant by a “term” of the Assembly. An Assembly term is normally the four year period between Assembly general elections. However, the Act provides, in certain circumstances, for extraordinary general elections before the end that period. Unless such an election is held less than 6 months from the end of the normal term there would still be an ordinary general election at the end of the original four years. The section therefore makes it clear that in such a case no second set of salaries determinations would be needed in respect of the period between the extraordinary general election and the next ordinary one.