



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART I

#### THE NATIONAL ASSEMBLY FOR WALES

#### *Disqualification*

#### 12 Disqualification from being Assembly member.

<sup>F1</sup> .....

#### Textual Amendments

<sup>F1</sup> Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

#### 12 Disqualification from being Assembly member. **U.K.**

[<sup>F5</sup>(1) A person is disqualified from being an Assembly member if—

- (a) he is disqualified from being a member of the House of Commons under paragraphs (a) to (e) of section 1(1) of the <sup>M1</sup>House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces, members of police forces and members of foreign legislatures),
- (b) he holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being Assembly members,
- (c) he holds the office of Auditor General for Wales <sup>F6</sup>. . . ,

[<sup>F7</sup>(ca) he holds the office of Public Services Ombudsman for Wales; ]or

*Changes to legislation: Government of Wales Act 1998, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) he is disqualified from being a member of a local authority under section 17(2) (b) or 18(7) of the <sup>M2</sup>Audit Commission Act 1998 (members of local authorities who are responsible for incurring or authorising unlawful expenditure or whose wilful misconduct has caused a loss or deficiency).
- (2) Subject to section 13(1) and (2), a person is also disqualified from being an Assembly member if he is disqualified otherwise than under the <sup>M3</sup>House of Commons Disqualification Act 1975 (either generally or in relation to a particular constituency) from being a member of the House of Commons or from sitting and voting in it.
- (3) For the purposes of subsection (2) the references to the Republic of Ireland in section 1 of the Representation of the <sup>M4</sup>People Act 1981 (disqualification of offenders detained in, or unlawfully at large from detention in, the British Islands or the Republic of Ireland) shall be treated as references to any member State (other than the United Kingdom).
- (4) A person who holds office as lord-lieutenant, lieutenant or high sheriff of any area in Wales is disqualified from being an Assembly member for any Assembly constituency or Assembly electoral region wholly or partly included in that area.
- (5) An Order in Council under paragraph (b) of subsection (1) may designate particular offices or offices of any description and may designate an office by reference to any characteristic of a person holding it; and in that paragraph and this subsection “office” includes any post or employment.
- (6) No recommendation shall be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, each House of Parliament.
- (7) But subsection (6) does not apply in the case of an Order in Council varying or revoking a previous Order in Council if the Assembly has resolved that the Secretary of State be requested to recommend the making of the Order in Council.]

#### Textual Amendments

- F5** S. 12 repealed (25.7.2006 insofar as relating to s.12(1)(d)) by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161(2), 163, [Sch. 12](#) (with [Sch. 11](#))
- F6** Words in s. 12(1)(c) repealed (12.10.2005 for certain purposes, otherwise 1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 62\(a\)](#), [Sch. 7](#); S.I. 2005/2800, [arts. 3, 5](#), [Sch. 1 Pt. 1](#)
- F7** S. 12(1)(ca) inserted (12.10.2005 for certain purposes, otherwise 1.4.2006) by [Public Services Ombudsman \(Wales\) Act 2005 \(c. 10\)](#), ss. 39, 40, [Sch. 6 para. 62\(b\)](#); S.I. 2005/2800, [arts. 3, 5](#), [Sch. 1 Pt. 1](#)

#### Marginal Citations

- M1** 1975 c. 24.  
**M2** 1998 c. 18.  
**M3** 1975 c. 24.  
**M4** 1981 c. 34.

## 13 Exceptions and relief from disqualification.

<sup>F2</sup> .....

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**Textual Amendments**

**F2** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**14 Effect of disqualification.**

**F3** .....

**Textual Amendments**

**F3** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**15 Judicial proceedings as to disqualification.**

**F4** .....

**Textual Amendments**

**F4** Ss. 1-26 repealed by [Government of Wales Act 2006 \(c. 32\)](#), ss. 161, 163, [Sch. 12](#) (with [Sch. 11](#)), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) (which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007)) and [s. 161\(6\)](#) of the amending Act - see [ss. 46, 161\(1\)\(4\)-\(6\)](#) of the amending Act.

**Changes to legislation:**

Government of Wales Act 1998, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 104(1A) inserted by [2022 asc 1 s. 68\(6\)\(a\)](#)
- Sch. 1 para. 5A5B by [2000 c. 41 Sch. 3 para. 10\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 paras. 8-16 repealed without ever being in force by Government of Wales Act 2006 (c. 32), s. 163, {Sch. 12} (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see ss. 46, 161(1)(4)(5) of the amending Act.)
- Sch. 17 para. 11A inserted by [2022 asc 1 Sch. 4 para. 12\(4\)\(b\)](#)