Government of Wales Act 1998

1998 CHAPTER 38

PART III

ASSEMBLY PROCEDURE

The statutory committees

56 Executive committee

(1) There shall be a committee of the Assembly whose members shall be—
  (a) the Assembly First Secretary, who shall chair it, and
  (b) the Assembly Secretaries.

(2) The committee shall be known by such title as the standing orders may provide (but is referred to in this Act as the executive committee).

(3) The Assembly First Secretary shall allocate accountability in the fields in which the Assembly has functions to members of the executive committee so that, in the case of each of those fields, accountability in the field is allocated either to one of the Assembly Secretaries or to him.

(4) The Assembly First Secretary need not make an allocation under subsection (3) to every member of the executive committee; but the number of Assembly Secretaries to whom no such allocation is made shall not exceed such number as may be specified in, or determined in accordance with, the standing orders.

(5) For the purposes of this section and section 57 "accountability", in relation to a member of the executive committee and a field, means that he is the member of the executive committee accountable to the Assembly (in accordance with standing orders under subsection (7)) for the exercise of the Assembly's functions in that field, except the exercise of functions by the executive committee (or by the Assembly itself).

(6) The Assembly First Secretary is accountable to the Assembly (in accordance with standing orders under subsection (7)) for the exercise of functions by the executive committee.

(7) The standing orders must include provision for allowing Assembly members to question (orally or in writing, as Assembly members prefer)—

(a) each member of the executive committee about the exercise of the Assembly's functions in the field or fields in which he is accountable, except the exercise of functions by the executive committee (or by the Assembly itself), and

(b) the Assembly First Secretary about the exercise of functions by the executive committee.

(8) In this section—

(a) references to the exercise of functions by the executive committee include the exercise of functions by a sub-committee of that committee or by members of the Assembly's staff in pursuance of a delegation to the Assembly's staff by either that committee or such a sub-committee, and

(b) references to the exercise of functions by the Assembly itself include the exercise of functions by members of the Assembly's staff in pursuance of a delegation to the Assembly's staff by the Assembly itself.

57 Subject committees

(1) The Assembly shall establish committees with responsibilities in the fields in which the Assembly has functions.

(2) The committees established under this section shall be known by such titles as the standing orders may provide (but are referred to in this Act as subject committees).

(3) There shall be the same number of—

(a) subject committees, and

(b) members of the executive committee to whom the Assembly First Secretary allocates accountability in any of the fields in which the Assembly has functions.

(4) The division between the subject committees of the fields in which those committees have responsibilities and the division between members of the executive committee of the fields in which accountability is allocated to members of that committee shall be the same; and the member of the executive committee who has accountability in the field or fields in which a subject committee has responsibilities shall be a member of that subject committee.

(5) The Assembly shall elect a number of Assembly members to be a panel from which the members who are to chair the subject committees are to be selected; and the members of the panel shall be elected so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the panel.

(6) The number of members of the panel at any time shall be equal to the number of subject committees at that time; and each member of the panel shall be selected to chair one (but not more than one) subject committee.

(7) A subject committee shall have such number of members (in addition to the person who is a member of the committee by virtue of subsection (4) and the member who chairs it) as the standing orders may provide.

(8) Those other members shall be elected by the Assembly from among the Assembly members so as to secure that, as far as is practicable, the balance of the parties in the

Assembly is reflected in the membership of the committee (including the person who is a member by virtue of subsection (4) and the member who chairs it).

58 Subordinate legislation scrutiny committee

(1) The Assembly shall establish a committee with responsibilities relating to the scrutiny of relevant Welsh subordinate legislation.

(2) For the purposes of this section "relevant Welsh subordinate legislation" is any subordinate legislation—
  (a) which is made or proposed to be made, or
  (b) which, or a draft of which, is (or but for paragraph 2(4) of Schedule 7 would be) required to be confirmed or approved,

by the Assembly (whether or not jointly with a Minister of the Crown or government department).

(3) The committee established under this section shall be known by such title as the standing orders may provide (but is referred to in this Act as the subordinate legislation scrutiny committee).

(4) The subordinate legislation scrutiny committee shall—
  (a) consider any proposed Assembly general subordinate legislation when the draft statutory instrument containing it has been laid before the Assembly, and
  (b) report to the Assembly whether or not the special attention of the Assembly should be drawn to it on any of the grounds specified in the standing orders for the purposes of this subsection.

(5) The Assembly may give to the subordinate legislation scrutiny committee—
  (a) other responsibilities relating to the scrutiny of Assembly general subordinate legislation, or
  (b) responsibilities relating to the scrutiny of any other description of relevant Welsh subordinate legislation.

(6) For the purposes of this Act "Assembly general subordinate legislation" is any relevant Welsh subordinate legislation within subsection (2)(a) which is—
  (a) required to be made by statutory instrument,
  (b) not made or proposed to be made by an instrument in the case of which, or of a draft of which, any relevant Parliamentary procedural provision has effect, and
  (c) not local in nature.

(7) The Assembly may not give to the subordinate legislation scrutiny committee responsibilities not relating to the scrutiny of relevant Welsh subordinate legislation.

59 Members of scrutiny committee etc

(1) The subordinate legislation scrutiny committee shall have such number of members as the standing orders may provide.

(2) The members of the subordinate legislation scrutiny committee shall be elected by the Assembly from among the Assembly members so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the committee.

(3) Neither the Assembly First Secretary nor an Assembly Secretary may be a member of the subordinate legislation scrutiny committee.

(4) The Assembly shall elect one of the members of the subordinate legislation scrutiny committee to chair the committee but it may not be chaired by a member who represents the largest party with an executive role.

(5) The subordinate legislation scrutiny committee may not delegate the function of making reports under section 58(4).

(6) But the standing orders may include provision for securing that, in circumstances specified in the standing orders, any function of the subordinate legislation scrutiny committee which is so specified may be exercised—
   (a) by the member who chairs the committee, or
   (b) in the absence of that member, by any other member of the committee authorised by that member.

(7) For the purposes of this Act a party is the largest party with an executive role if—
   (a) an Assembly member representing the party is a member of the executive committee, and
   (b) it is represented by more Assembly members than any other party represented by an Assembly member who is a member of that committee.

60 Audit Committee

(1) The Assembly shall establish a committee to be known as the Audit Committee or Pwyllgor Archwilio.

(2) The Audit Committee shall have such number of members as the standing orders may provide.

(3) The members of the Audit Committee shall be elected by the Assembly from among the Assembly members so as to secure that, as far as is practicable, the balance of the parties in the Assembly is reflected in the membership of the Committee.

(4) Neither the Assembly First Secretary nor an Assembly Secretary may be a member of the Audit Committee.

(5) The Assembly shall elect one of the members of the Audit Committee to chair the Committee but it may not be chaired by a member who represents the largest party with an executive role.

(6) The Assembly may not delegate any function to the Audit Committee except as provided by section 94(4).

61 Regional committees

(1) The Assembly shall establish a committee for North Wales to provide advice to the Assembly about matters affecting North Wales.

(2) The Assembly shall also establish a committee for each of the other regions of Wales to provide advice to the Assembly about matters affecting the region.

(3) The standing orders must specify the areas which are to constitute—
   (a) North Wales, and

(b) the other regions of Wales,

for the purposes of this section.

(4) The committees established under this section shall be known by such titles as the standing orders may provide (but are referred to in this Act as regional committees).

(5) The members of a regional committee shall be—

(a) the Assembly members returned for an Assembly constituency which is wholly or partly included in the region about which the committee is to provide advice, and

(b) such of the Assembly members returned for an Assembly electoral region which is wholly or partly included in that region as may be elected as members of the committee by the Assembly.

(6) Each regional committee shall elect one of the members of the committee to chair it.