



Government of Wales Act 2006

2006 CHAPTER 32

PART 2

^{F5}WELSH ... GOVERNMENT

Ministers, staff etc.

46 The First Minister

- (1) The First Minister is to be appointed by Her Majesty after nomination in accordance with section 47.
- (2) The First Minister holds office at Her Majesty's pleasure.
- (3) The First Minister may at any time tender resignation to Her Majesty and ceases to hold office as First Minister when it is accepted.
- (4) A person ceases to hold office as the First Minister if another person is appointed to that office.
- (5) The functions of the First Minister are exercisable by a person designated by the Presiding Officer if—
 - (a) the office of the First Minister is vacant,
 - (b) the First Minister is for any reason unable to act, or
 - (c) the First Minister has ceased to be [^{F1}a Member of the Senedd][^{F2}otherwise than by reason of a dissolution].
- (6) A person may not be designated to exercise the functions of the First Minister unless the person is—
 - (a) [^{F1}a Member of the Senedd], or
 - (b) if the [^{F3}Senedd] has been dissolved, a person who ceased to be [^{F1}a Member of the Senedd] by reason of the dissolution.

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- (7) A person may be designated to exercise the functions of the First Minister only on the recommendation of the Welsh Ministers (unless there is no-one holding office as a Welsh Minister appointed under section 48).
- (8) If a person is designated to exercise the functions of the First Minister, the designation continues to have effect even if the [F3Senedd] is dissolved.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F2** Words in s. 46(5)(c) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 5, 29\(2\)\(a\)](#)
- F3** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I1** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

47 Choice of First Minister

- (1) If one of the following events occurs, the [F3Senedd] must, before the end of the relevant period, nominate [F1a Member of the Senedd] for appointment as First Minister.
- (2) The events are—
- the holding of a poll at a general election,
 - the [F3Senedd] resolving that the Welsh Ministers no longer enjoy the confidence of the [F3Senedd],
 - the First Minister tendering resignation to Her Majesty,
 - the First Minister dying or becoming permanently unable to act and to tender resignation, and
 - the First Minister ceasing to be [F1a Member of the Senedd] otherwise than by reason of a dissolution.
- (3) The relevant period is the period of 28 days beginning with the day on which the event occurs; but—
- if another of those events occurs within that period, the relevant period is (subject to paragraph (b)) extended to end with the period of 28 days beginning with the day on which that other event occurs, and
 - the relevant period ends if the [F3Senedd] passes a resolution under section 5(2)(a) or when Her Majesty appoints a person as the First Minister.
- (4) The Presiding Officer must recommend to Her Majesty the appointment of the person nominated by the [F3Senedd] under subsection (1).

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F3** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

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Commencement Information

I2 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

48 Welsh Ministers

- (1) The First Minister may, with the approval of Her Majesty, appoint Welsh Ministers from among the [^{F4}Members of the Senedd].
- (2) A Welsh Minister appointed under this section holds office at Her Majesty's pleasure.
- (3) A Welsh Minister appointed under this section may be removed from office by the First Minister.
- (4) A Welsh Minister appointed under this section may at any time resign.
- (5) A Welsh Minister appointed under this section must resign if the [^{F3}Senedd] resolves that the Welsh Ministers no longer enjoy the confidence of the [^{F3}Senedd].
- (6) A Welsh Minister appointed under this section who resigns ceases to hold office immediately.
- (7) A Welsh Minister appointed under this section ceases to hold office on ceasing to be [^{F1}a Member of the Senedd] otherwise than by reason of a dissolution.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(15)** (with *Sch. 1 para. 2(11)(12)(14)*)
- F3** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(19)** (with *Sch. 1 para. 2(11)-(14)*)
- F4** Words in Act substituted (6.5.2020) by *Senedd and Elections (Wales) Act 2020* (anaw 1), s. 42(2), **Sch. 1 para. 2(17)** (with *Sch. 1 para. 2(11)(12)(14)*)

Commencement Information

I3 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

49 Counsel General

- (1) The Counsel General is to be appointed by Her Majesty on the recommendation of the First Minister.
- (2) The Counsel General may be removed from office by Her Majesty on the recommendation of the First Minister.
- (3) No recommendation for the appointment or removal of a person as the Counsel General may be made by the First Minister without the agreement of the [^{F3}Senedd].
- (4) The Counsel General may at any time tender resignation to Her Majesty and ceases to hold office as Counsel General when it is accepted.
- (5) The Counsel General ceases to hold office if [^{F1}a Member of the Senedd] is nominated under section 47(1) for appointment as First Minister.

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- (6) The functions of the Counsel General are exercisable by a person designated by the First Minister if—
- (a) the office of the Counsel General is vacant, or
 - (b) the Counsel General is for any reason unable to act.
- (7) But subsection (6) ceases to have effect at the end of the period of six months beginning with the day on which a person is designated under it and does not have effect again until after the office of the Counsel General has been filled, or the Counsel General has again become able to act.
- (8) The designation of a person under subsection (6) ceases to have effect if ^{F1}a Member of the Senedd] is nominated under section 47(1) for appointment as First Minister.
- (9) A person holding office as the First Minister, a Welsh Minister appointed under section 48 or a Deputy Welsh Minister may not be appointed as the Counsel General or designated under subsection (6); and the Counsel General or a person so designated may not be appointed to any of those offices.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F3** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

Commencement Information

- I4** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

50 Deputy Welsh Ministers

- (1) The First Minister may, with the approval of Her Majesty, appoint Deputy Welsh Ministers from among the ^{F4}Members of the Senedd] to assist the First Minister, a Welsh Minister appointed under section 48 or the Counsel General in the exercise of functions.
- (2) A Deputy Welsh Minister holds office at Her Majesty's pleasure.
- (3) A Deputy Welsh Minister may be removed from office by the First Minister.
- (4) A Deputy Welsh Minister may at any time resign.
- (5) A Deputy Welsh Minister must resign if the ^{F3}Senedd] resolves that the Welsh Ministers no longer enjoy the confidence of the ^{F3}Senedd].
- (6) A Deputy Welsh Minister who resigns ceases to hold office immediately.
- (7) A Deputy Welsh Minister ceases to hold office on ceasing to be ^{F1}a Member of the Senedd] otherwise than by reason of a dissolution.

Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

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F3 Words in Act substituted (6.5.2020) by **Senedd and Elections (Wales) Act 2020 (anaw 1)**, s. 42(2), **Sch. 1 para. 2(19)** (with **Sch. 1 para. 2(11)-(14)**)

F4 Words in Act substituted (6.5.2020) by **Senedd and Elections (Wales) Act 2020 (anaw 1)**, s. 42(2), **Sch. 1 para. 2(17)** (with **Sch. 1 para. 2(11)(12)(14)**)

Commencement Information

I5 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

51 Limit on number of Ministers

- (1) No more than twelve persons are to hold a relevant Welsh Ministerial office at any time.
- (2) A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.

Commencement Information

I6 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

52 Staff

- (1) The Welsh Ministers may appoint persons to be members of the staff of the Welsh^{F5} ... Government.
- (2) Service as a member of the staff of the Welsh^{F5} ... Government is service in the [^{F6}civil service of the State].
- [^{F7}(3) See Part 1 of the Constitutional Reform and Governance Act 2010 (in particular, sections 3 and 4) for provision affecting—
 - (a) subsection (1), and
 - (b) any other enactment about the appointment of persons as members of the staff of the Welsh^{F5} ... Government.]
- [^{F8}(4) See also section 1 of the Civil Service (Management Functions) Act 1992 under which functions conferred on the Minister for the Civil Service by section 3 of the Constitutional Reform and Governance Act 2010 may be delegated to the Welsh Ministers etc.]
- (5) The Welsh Ministers are to pay the salaries and expenses of the members of the staff of the Welsh^{F5} ... Government.
- (6) Section 1(2) and (3) of the Superannuation Act 1972 (c. 11) (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another Minister etc. and consultation by that Minister or another Minister) have effect as if the references to a Minister of the Crown other than the Minister for the Civil Service included the Welsh Ministers.
- (7) The Welsh Ministers must make payments to the Minister for the Civil Service, at such times as the Minister for the Civil Service may determine, of such amounts as may be so determined in respect of—

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- (a) the provision of pensions, allowances or gratuities by virtue of section 1 of the Superannuation Act 1972 to or in respect of persons who are or have been members of the staff of the Welsh ^{F5}... Government, and
 - (b) the expenses incurred in administering those pensions, allowances and gratuities.
- (8) The Welsh Ministers may make payments towards the provision of pensions, allowances or gratuities to or in respect of any person who is or has been a member of the staff of the Welsh ^{F5}... Government.
- (9) Without prejudice to any rule of law with respect to the carrying out of functions by members of the [^{F6}civil service of the State] under authority, the Welsh Ministers, the First Minister or the Counsel General may authorise the staff of the Welsh ^{F5}... Government to carry out any function on their behalf.
- (10) ^{F9}

Textual Amendments	
F5	Words in Act omitted (17.2.2015) by virtue of Wales Act 2014 (c. 29), s. 4(2)(a) (with s. 4(3))
F6	Words in s. 52(2)(9) substituted (11.11.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 19, 52(2), Sch. 2 para. 15(2) ; S.I. 2010/2703, art. 2(a)
F7	S. 52(3) substituted (11.11.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 19, 52(2), Sch. 2 para. 15(3) ; S.I. 2010/2703, art. 2(a)
F8	S. 52(4) substituted (11.11.2010) by Constitutional Reform and Governance Act 2010 (c. 25), ss. 19, 52(2), Sch. 2 para. 15(4) ; S.I. 2010/2703, art. 2(a)
F9	S. 52(10) omitted (11.11.2010) by virtue of Constitutional Reform and Governance Act 2010 (c. 25), ss. 19, 52(2), Sch. 2 para. 15(5) ; S.I. 2010/2703, art. 2(a)
Commencement Information	
I7	Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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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. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)