



Government of Wales Act 2006

2006 CHAPTER 32

PART 1

[^{F1}SENEDD CYMRU]

Witnesses and documents

37 Power to call

- (1) Subject as follows, the [^{F1}Senedd] may require any person—
 - (a) to attend [^{F1}Senedd] proceedings for the purpose of giving evidence, or
 - (b) to produce for the purposes of the [^{F1}Senedd] (or a committee of the [^{F1}Senedd] or a sub-committee of such a committee) documents in the possession, or under the control, of the person,

concerning any matter relevant to the exercise by the Welsh Ministers of any of their functions^[F2], relevant to the exercise of any of the Auditor General for Wales' functions, or relevant to the oversight and supervision of the Auditor General for Wales, or to the oversight and supervision of the exercise of any of his or her functions].
- (2) The [^{F1}Senedd] may not impose a requirement under subsection (1) on a person who is not involved in the exercise of functions, or the carrying on of activities, in relation to Wales [^{F3}or the Welsh zone].
- (3) The [^{F1}Senedd] may not impose a requirement under subsection (1) on a person who—
 - (a) is or has been a Minister of the Crown, or
 - (b) serves or has served in the department of a Minister of the Crown,in relation to the exercise of any functions of a Minister of the Crown.
- (4) The [^{F1}Senedd] —
 - (a) may not impose a requirement under subsection (1) on a person who is a full-time judge of any court, and

Status: Point in time view as at 01/11/2021.

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- (b) may not impose such a requirement on a person who is not within paragraph (a) but who is or has been a member of any court or tribunal in connection with the exercise of functions as such a member.
- (5) Where a requirement under subsection (1) is imposed on a person who is or has been a member of the staff of the Welsh^{F4}... Government (or a person seconded to work for the Welsh^{F4}... Government) in relation to the exercise of any functions of the Welsh Ministers, the First Minister or the Counsel General, any of them may issue a direction under subsection (6).
- (6) A direction under this subsection is a direction—
- (a) that the person on whom the requirement was imposed need not comply with it, and
 - (b) that the requirement is instead to be complied with by another person specified in the direction.
- [^{F5}(6A) Subsection (1) applies in relation to requirements imposed on a person in connection with the discharge of the functions of the Gas and Electricity Markets Authority in relation to Wales with the omission of the words after paragraph (b).]
- [^{F6}(6B) Subsection (1) applies in relation to things done by the Domestic Abuse Commissioner by virtue of section 7(4)(b) or (c) of the Domestic Abuse Act 2021 (functions exercisable in relation to devolved Welsh authorities etc) as it applies in relation to the exercise by the Welsh Ministers of their functions.]
- (7) The powers conferred by subsection (1)—
- (a) may be exercised by and for the purposes of the Audit Committee, and
 - (b) may be exercised by and for the purposes of any other committee of the [^{F1}Senedd], or any sub-committee of any committee of the [^{F1}Senedd], if the committee or sub-committee is expressly authorised to do so by the [^{F1}Senedd] (whether by the standing orders or otherwise).
- (8) A person is not obliged under this section to answer any question or produce any document which the person would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales.
- (9) A person acting as prosecutor in criminal proceedings is not obliged under this section to answer any question or produce any document concerning the operation of the system of criminal prosecution in any particular case if the appropriate officer—
- (a) considers that answering the question or producing the document might prejudice criminal proceedings in the case or would otherwise be contrary to the public interest, and
 - (b) has authorised the person to decline to answer the question or produce the document on that ground.
- (10) In subsection (9) “the appropriate officer” means—
- (a) if the proceedings were instituted by or on behalf of the Welsh Ministers, the First Minister or the Counsel General, the Counsel General, and
 - (b) otherwise, the Attorney General.

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\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

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- F2** Words in s. 37(1) inserted (1.4.2014) by Public Audit (Wales) Act 2013 (anaw 3), s. 35(2), **Sch. 4 para. 71** (with Sch. 3 para. 3); S.I. 2013/1466, art. 3(1)
- F3** Words in s. 37(2) inserted (12.11.2009 for certain purposes and 12.1.2010 in so far as not already in force) by Marine and Coastal Access Act 2009 (c. 23), ss. 43, 324, **Sch. 4 Pt. 2 para. 6(2)**; S.I. 2009/3345, **art. 2**, Sch. para. 7
- F4** Words in Act omitted (17.2.2015) by virtue of Wales Act 2014 (c. 29), **s. 4(2)(a)** (with s. 4(3))
- F5** S. 37(6A) inserted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 66(1), 71(4)** (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(m)
- F6** S. 37(6B) inserted (1.11.2021) by Domestic Abuse Act 2021 (c. 17), **ss. 21(3), 90(6)**; S.I. 2021/1038, reg. 3(b)

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))

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