

SENEDD AND ELECTIONS (WALES) ACT 2020

EXPLANATORY NOTES

INTRODUCTION

Part 4

Disqualification

Section 29 – Disqualification from being a Member of the Senedd

100. **Section 29** amends section 16 of the 2006 Act to create a distinction between disqualification both from being a Member of the Senedd and from being a candidate for election to the Senedd, and disqualification from membership only. It also changes the way in which the 2006 Act sets out the grounds of disqualification.
101. Subsection (2) inserts a new subsection (A1) into section 16 of the 2006 Act. It provides that a person is disqualified from being a Member, and from being a candidate to be a Member of the Senedd, if they fall within any of the categories of person specified in Part 1 of new Schedule 1A to the 2006 Act, or hold any of the offices specified in Part 2 of Schedule 1A (inserted by section 29 (7) of the Act).
102. Subsection (3) amends section 16(1) of the 2006 Act to provide that members of the House of Commons, members of the House of Lords, members of councils of county or county boroughs in Wales, members of the Scottish Parliament, members of the Northern Ireland Assembly, members of the European Parliament and persons listed in any Order in Council made under section 16(1)(b) of the 2006 Act, are disqualified from membership of the Senedd but are not disqualified from being candidates.
103. Subsection (4) inserts a new subsection (1A) into section 16 of the 2006 Act which makes it clear that members of the Scottish Parliament, members of the Northern Ireland Assembly, members of the European Parliament and persons holding an office specified in an Order in Council are not disqualified if the person resigns the office before taking the oath (or making the corresponding affirmation) as a Member of the Senedd.
104. Subsections (3)(c) and (5) remove the current disqualifications that are linked to disqualifications from membership of the House of Commons. Section 29 (3)(e) removes paragraphs (c) to (e) from section 16(1) of the 2006 Act. Paragraphs (c) and (d) disqualified the Auditor General for Wales and the Public Services Ombudsman for Wales from membership of the Assembly. Paragraph (e) disqualified members of staff of the Assembly. Section 29 (5) removes the current disqualifications for certain persons (lord-lieutenant, lieutenant or high sheriff) in relation to a particular Senedd constituency or electoral region. The disqualifications removed by section 29(3) are retained, but are now included with other disqualifying circumstances in Schedule 1A to the 2006 Act. Schedule 1A provides for the disqualification of persons holding the office of lord-lieutenant, lieutenant or high sheriff for any area in Wales.
105. Subsection (7) introduces the new Schedule 1A. Part 1 of Schedule 1A sets out categories of persons who are disqualified; Part 2 sets out disqualifying offices. In each case, they disqualify persons from being candidates as well as Members of the Senedd.