

SENEDD AND ELECTIONS (WALES) ACT 2020

EXPLANATORY NOTES

INTRODUCTION

Part 4

Disqualification

Section 32 - Exception from disqualification by virtue of being a member of the House of Lords

111. *Section 32* inserts a new section 17C into the 2006 Act. Members of the House of Lords were previously not disqualified from membership of the Senedd by virtue of section 17(1) of the 2006 Act (repealed by section 30(2) of this Act). Members of the House of Lords will in future be disqualified under section 16(1)(zb) of the 2006 Act (inserted by section 29(3)(b) of this Act), subject to the exceptions introduced by this section.
112. Under section 17(C) (1) of the 2006 Act, members of the House of Lords returned at an election as a Member of the Senedd will not be disqualified during the eight day period following their return. The eight day ‘grace period’ is intended to give newly elected Members sufficient time to make an application for leave of absence from the House of Lords. The House of Lords may grant leave of absence to a Member where the Member is temporarily unable to attend sittings of the House and where the Member has a reasonable expectation that he or she will again take part in proceedings of the House in future.
113. New section 17(C)(2) of the 2006 Act will similarly provide that Members of the Senedd who become members of the House of Lords will not be disqualified before the end of the period of eight days beginning with the day the person makes and subscribes the oath (or corresponding affirmation) as required by the Parliamentary Oaths Act 1866.
114. New section 17(C)(3) of the 2006 Act provides that a person is not disqualified from being a Member of the Senedd if they either have leave of absence from the House of Lords, or have made an application for leave which has not been withdrawn or refused.
115. New section 17(C)(4) of the 2006 Act will make it clear that a person who is on leave of absence from the House of Lords immediately before the UK Parliament is dissolved, is not disqualified from membership of the Senedd at any time between dissolution of the old Parliament and ending at the end of the period of eight days beginning with the day of the first meeting of the new Parliament. The purpose of this provision is to allow a Member of the House of Lords on leave of absence during one Parliament (and who wishes to continue that absence) sufficient time to renew their leave of absence from the House at the start of the new Parliament.