

*Status: Point in time view as at 15/01/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Senedd and Elections (Wales) Act 2020, SCHEDULE 3. (See end of Document for details)*

## SCHEDULE 3

(introduced by section 29)

### NEW SCHEDULE 1A TO THE GOVERNMENT OF WALES ACT 2006

This Schedule sets out the new Schedule 1A to the 2006 Act, to be inserted before Schedule 2 to that Act.

#### “SCHEDULE 1A

SECTION 16

### DISQUALIFICATION FROM BEING A MEMBER OF THE SENEDD OR A CANDIDATE IN AN ELECTION TO BE A MEMBER OF THE SENEDD

#### PART 1

#### CATEGORIES OF PERSONS DISQUALIFIED

##### *Persons under 18 years of age*

- 1 A person who has not attained the age of 18 before the day on which the person is nominated as a candidate for election as a Member of the Senedd.

##### *Citizenship*

- 2 (1) A person who is not—
- (a) a British citizen,
  - (b) a qualifying Commonwealth citizen,
  - (c) a qualifying foreign citizen,
  - (d) a citizen of the Republic of Ireland, or
  - (e) a citizen of the European Union who is resident in the United Kingdom.
- (2) For the purposes of sub-paragraph (1), a person is a qualifying Commonwealth citizen if that person is a Commonwealth citizen who either—
- (a) is not a person who requires leave under the Immigration Act 1971 (c. 77) to enter or remain in the United Kingdom, or
  - (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (3) For the purposes of sub-paragraph (1), a qualifying foreign citizen is a person resident in the United Kingdom who—
- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of the European Union, and
  - (b) either—
    - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
    - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (4) But a person is not a qualifying Commonwealth citizen by virtue of sub-paragraph (2) (a) or a qualifying foreign citizen by virtue of sub-paragraph (3)(b)(i) if that person does

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not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).

#### *Bankruptcy*

- 3 A person in respect of whom one or more of the following orders has effect—
- (a) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 (c. 45) or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19));
  - (b) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Part 13 of the Bankruptcy (Scotland) Act 2016 (asp 21) or Schedule 2A to the Insolvency (Northern Ireland) Order 1989.
- 4 A person who is disqualified from being a member of the House of Commons under section 427 of the Insolvency Act 1986 because of an award of sequestration made by a court in Scotland.

#### *Persons guilty of corrupt or illegal practices at elections*

- 5 A person who is incapable of being elected to the House of Commons having been reported personally guilty or convicted of a corrupt or illegal practice under the Representation of the People Act 1983 (c. 2).

#### *Persons imprisoned or detained following conviction etc.*

- 6 (1) A person found guilty of one or more offences (whether before or after the passing of this Act and whether in the United Kingdom or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year.
- (2) A person is disqualified under this paragraph only while the person is—
- (a) detained anywhere in the United Kingdom, the Channel Islands, the Isle of Man, or elsewhere in the European Union, in pursuance of the sentence or order, or
  - (b) unlawfully at large at a time when the person would otherwise be so detained.

#### *Sex offenders*

- 7 A person subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003 (c. 42).

## PART 2

### OFFICES THAT DISQUALIFY THE HOLDER

#### TABLE

<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>
Armed forces	Members of the Royal Navy, the Royal Marines, the regular army (as defined

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	by section 374 of the Armed Forces Act 2006 (c. 52)) or the Royal Air Force, not including— <ul style="list-style-type: none"><li>(a) an officer on the retired or emergency list of any of the regular armed forces of the Crown,</li><li>(b) a person who holds an emergency commission in any of those forces,</li><li>(c) a person who belongs to any reserve of officers of any of those forces,</li><li>(d) a naval, army, marine or air force pensioner, or former soldier who is liable to be recalled for service, or</li><li>(e) a person who is an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force and does not for the time being hold an appointment in the naval, military or air force service of the Crown</li></ul>
Auditor General for Wales or Archwilydd Cyffredinol Cymru	The Auditor General
Children's Commissioner for Wales or Comisiynydd Plant Cymru	The Commissioner and deputy Commissioner
Civil service	Members of the civil service of the State, including the civil service of Northern Ireland, the Northern Ireland Court Service, Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service
Civil Service Commission	The First Civil Service Commissioner and Civil Service Commissioners
Commission for Equality and Human Rights	The Commissioners
Commissioner for Older People in Wales or Comisiynydd Pobl Hŷn Cymru	The Commissioner and deputy Commissioner
Commissioner for Public Appointments	The Commissioner
Comptroller and Auditor General or Rheolwr ac Archwilydd Cyffredinol	The Comptroller and Auditor General
Electoral Commission or Comisiwn Etholiadol	The Electoral Commissioners and members of the staff of the Commission
Electoral Registration Officers	Electoral registration officer for any area in Wales
Future Generations Commissioner for Wales or Comisiynydd Cenedlaethau'r Dyfodol Cymru	The Commissioner
Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru	The Chief Inspector

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Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd	The members of the Board
Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gynabyddiaeth Ariannol	The members of the Panel
Judicial offices	<p>The following judicial offices—</p> <ul style="list-style-type: none"> <li>(a) Judge of the Supreme Court;</li> <li>(b) Judge of the High Court or Court of Appeal in England and Wales;</li> <li>(c) Judge of the Court of Session or Temporary Judge in Scotland;</li> <li>(d) Judge of the High Court or Court of Appeal in Northern Ireland;</li> <li>(e) Judge of the Court Martial Appeal Court;</li> <li>(f) Chairman of the Scottish Land Court;</li> <li>(g) Circuit Judge in England and Wales;</li> <li>(h) Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland;</li> <li>(i) County Court Judge or deputy County Court Judge in Northern Ireland;</li> <li>(j) District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)) in England and Wales;</li> <li>(k) District judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland;</li> <li>(l) President of Welsh Tribunals or Llywydd Tribiwnlysoedd Cymru;</li> <li>(m) Judge of the Upper Tribunal;</li> <li>(n) legal member of the Upper Tribunal for Scotland;</li> <li>(o) Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland;</li> <li>(p) Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland</li> </ul>
Legislatures	Members of the legislature of any country or territory outside the United Kingdom
Lieutenancies	Lord-lieutenant or lieutenant of any area in Wales
Local Democracy and Boundary Commission for Wales or Comisiwn Ffiniau a Democratiaeth Leol Cymru	The members and chief executive of the Commission

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Parliamentary Commissioner for Administration	The Commissioner
Police forces	Members of any police force maintained by— (a) a local policing body (within the meaning given by section 101 of the Police Act 1996 (c. 16)), (b) the Scottish Police Authority, or (c) the Northern Ireland Policing Board, and “member” in relation to a police force means a person holding office as a constable of that force
Public Services Ombudsman for Wales or Ombwdsmon Gwasanaethau Cyhoeddus Cymru	The Ombudsman
Returning officers for Senedd elections	The returning officer for any Senedd constituency or Senedd electoral region
Senedd Commission	Members of the staff of the Senedd
Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd	The Commissioner
Sheriffs	The high sheriff of any area in Wales
Welsh Language Commissioner or Comisiynydd y Gymraeg	The Commissioner, the Deputy Commissioner and the members of the Advisory Panel to the Welsh Language Commissioner”

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