

SCHEDULE 1

(introduced by section 9)

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

Freedom of Information Act 2000 (c. 36)

- 1 Part 6 of Schedule 1 to the Freedom of Information Act 2000 is amended as follows—
- (a) omit “The National Assembly for Wales Remuneration Board”;
 - (b) in the appropriate place insert “The Independent Remuneration Board of the Senedd”.

Government of Wales Act 2006 (c. 32)

- 2 (1) The 2006 Act is amended as follows.
- (2) In the title of Part 1, for “National Assembly for Wales” substitute “Senedd Cymru”.
 - (3) In section 1—
 - (a) in subsection (1), for “an Assembly” substitute “a parliament”;
 - (b) in subsection (3), for “Members of the Assembly (referred to in this Act as “Assembly members”)” substitute “Members of the Senedd”.
 - (4) In section 20(8), for “National Assembly for Wales Remuneration Board” substitute “Independent Remuneration Board of the Senedd”.
 - (5) In section 23(5), for “Assembly member’s” substitute “Member’s”.
 - (6) In section 126A—
 - (a) in subsection (9), for “National Assembly for Wales” substitute “Senedd”;
 - (b) in subsection (10), for “National Assembly for Wales” substitute “Senedd”.
 - (7) In section 150A—
 - (a) in the heading, for “Change of name of the Assembly etc: translation of references” substitute “Translation of references to Senedd Cymru etc.”;
 - (b) omit subsection (1);
 - (c) in subsection (2)—
 - (i) for “, the National Assembly for Wales Commission or an Act of the National Assembly for Wales (as the case may be), or the Welsh equivalent shown in subsection (1)” substitute “(or Cynulliad Cenedlaethol Cymru), the National Assembly for Wales Commission (or Comisiwn Cynulliad Cenedlaethol Cymru) or Acts of the National Assembly for Wales (or Deddfau Cynulliad Cenedlaethol Cymru) (as the case may be)”;
 - (ii) for “new name” substitute “name given by Part 2 of the Senedd and Elections (Wales) Act 2020”;
 - (d) after subsection (2) insert—
 - “(3) Unless the context requires otherwise, a reference to Senedd Cymru or the Welsh Parliament, the Senedd Commission (or Comisiwn y Senedd) or Acts of Senedd Cymru (or Deddfau Senedd Cymru) (as the case may be), in—
 - (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or

Status: This is the original version (as it was originally enacted).

(b) any other instrument or document,
 is to be read as including a reference to the previous name.”

(8) In section 159—

- (a) omit the entry for “the Assembly” to the entry for “Assembly electoral region”;
- (b) omit the entry for “Assembly member” to the entry for “Assembly’s legislative competence (in relation to Acts of the Assembly)”;
- (c) insert in the appropriate places—

“Member of the Senedd	section 1(2A)”
“the Senedd	section 1(1)”
“the Senedd Commission	section 27(1)”
“Senedd constituency	section 2(1)”
“Senedd constituency member	section 1(2)(a)”
“Senedd electoral region	section 2(2) and (3)”
“Senedd proceedings	section 1(5)”
“Senedd regional member	section 1(2)(b)”
“Senedd’s legislative competence (in relation to Acts of the Senedd)	section 108A”.

(9) In Schedule 7B, in paragraph 7(2)—

- (a) in paragraph (a)—
 - (i) in sub-paragraph (i), for ““the National Assembly for Wales”” substitute ““Senedd Cymru””;
 - (ii) in sub-paragraph (xi), for ““the National Assembly for Wales Commission”” substitute ““the Senedd Commission””;
- (b) in paragraph (c)(i), for ““Acts of the National Assembly for Wales”” substitute ““Acts of Senedd Cymru””.

(10) In Schedule 9A—

- (a) omit the entry for “The National Assembly for Wales Commissioner for Standards or Comisiynydd Safonau ar gyfer Cynulliad Cenedlaethol Cymru.”;
- (b) omit the entry for “The National Assembly for Wales Remuneration Board or Bwrdd Taliadau Cynulliad Cenedlaethol Cymru.”;
- (c) in the appropriate place insert “The Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd.”;

Status: This is the original version (as it was originally enacted).

- (d) in the appropriate place insert “The Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd.”
- (11) Sub-paragraphs (15) to (19) apply to every provision containing the words to be substituted by those sub-paragraphs after the amendments in Part 2 and sub-paragraphs (3) to (10) have been made, subject to sub-paragraphs (12) and (13).
- (12) Sub-paragraphs (15) to (19) do not apply to—
- (a) citations of enactments;
 - (b) repealed provisions of the 2006 Act that are saved;
 - (c) section 150A;
 - (d) paragraph 3(8) of Schedule 2;
 - (e) Schedule 10;
 - (f) Schedule 11;
 - (g) Schedule 12.
- (13) Sub-paragraphs (18) and (19) do not apply to references to “Assembly Measure“ or “Assembly Measures”.
- (14) In this paragraph, “provision” includes a title, cross-heading or heading.
- (15) For “an Assembly member”, in each place where it appears, substitute “a Member of the Senedd”.
- (16) For “Assembly member”, in each place where it appears after the amendments in sub-paragraph (15) have been made, substitute “Member of the Senedd”.
- (17) For “Assembly members”, in each place where it appears, substitute “Members of the Senedd”.
- (18) For “an Assembly”, in each place where it appears after the amendments in sub-paragraphs (15), (16) and (17) have been made, substitute “a Senedd”.
- (19) For “Assembly” and “Assembly’s”, in each place where they appear after the amendments in sub-paragraphs (15), (16), (17) and (18) have been made, substitute “Senedd” and “Senedd’s”, as appropriate.

National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4)

- 3 (1) The National Assembly for Wales Commissioner for Standards Measure 2009 is amended as follows.
- (2) In the cross-heading before section 1, for “National Assembly for Wales” substitute “Senedd”.
- (3) In section 1—
- (a) in subsections (3)(e) and (f) omit “Assembly”;
 - (b) in subsection (8)(c), omit “Assembly” in the second place where it appears.
- (4) In section 20—
- (a) in subsection (1)—
 - (i) omit the definition of “Assembly Member” and after the definition of “the Committee on Standards of Conduct”(but before the “and” after it) insert—

““Member of the Senedd” (“Aelod o’r Senedd”) includes—

Status: This is the original version (as it was originally enacted).

- (a) for the purposes of section 1(3)(a) and (b) only, the Counsel General even where that officer is not a Member of the Senedd, and
 - (b) except for the purposes of section 1(3)(a) and (b), a former Member of the Senedd.”;
 - (ii) in the definition of “the Commission”, for “National Assembly for Wales” substitute “Senedd”;
 - (iii) in the definition of “Counsel General” omit “Assembly”;
 - (b) in subsection (2)(a), for “the National Assembly for Wales” substitute “Senedd Cymru.”
- (5) In the Schedule—
- (a) in the heading, for “NATIONAL ASSEMBLY FOR WALES” substitute “SENEDD”;
 - (b) in paragraph 3, for “National Assembly for Wales” substitute “Senedd”.
- (6) Sub-paragraphs (8) to (12) apply to every provision containing the words to be substituted by those sub-paragraphs after the amendments in Part 2 and sub-paragraphs (2) to (5) have been made, subject to sub-paragraph (7).
- (7) Sub-paragraphs (8) to (12) do not apply to—
- (a) citations of enactments;
 - (b) section 21(1).
- (8) For “an Assembly Member”, in each place where it appears, substitute “a Member of the Senedd”.
- (9) For “Assembly Member”, in each place where it appears after the amendment in subparagraph (8) has been made, substitute “Member of the Senedd”.
- (10) For “Assembly Members”, in each place where it appears, substitute “Members of the Senedd”.
- (11) For “an Assembly”, in each place where it appears after the amendments in subparagraphs (8) to (10) have been made, substitute “a Senedd”.
- (12) For “Assembly”, in each place where it appears after the amendments in subparagraphs (8) to (11) have been made, substitute “Senedd”.

National Assembly for Wales (Remuneration) Measure 2010 (nawm 4)

- 4 (1) The National Assembly for Wales (Remuneration) Measure 2010 is amended as follows.
- (2) In the heading of section 1, for “National Assembly for Wales Remuneration Board” substitute “Independent Remuneration Board of the Senedd”.
 - (3) In section 2(2)(b) and in paragraph 4 of Schedule 2, for “Assembly’s”, substitute “Senedd’s”.
 - (4) In section 2(4)(b) and section 14(1), for “groups of Assembly members” substitute “groups of Members”.
 - (5) Omit section 17.
 - (6) In Schedule 1, in paragraph 1—

Status: This is the original version (as it was originally enacted).

- (a) in sub-paragraph (d), for “regional Assembly member” substitute “regional Member of the Senedd”;
 - (b) in sub-paragraph (g) omit “Assembly”;
 - (c) in sub-paragraph (h), for “group of Assembly members” substitute “group of Members”;
 - (d) in sub-paragraph (j), for “National Assembly for Wales” substitute “Senedd”;
 - (e) in sub-paragraph (n) omit “Assembly”.
- (7) Sub-paragraphs (9) to (12) apply to every provision containing the words to be substituted by those sub-paragraphs after the amendments in Part 2 and sub-paragraphs (3) to (6) have been made, subject to sub-paragraph (8).
- (8) Sub-paragraphs (9) to (12) do not apply to—
- (a) citations of enactments;
 - (b) sections 15, 19 and 20;
 - (c) paragraph 1(e) of Schedule 1;
 - (d) Schedule 3.
- (9) For “an Assembly member”, in each place where it appears, substitute “a Member of the Senedd”.
- (10) For “Assembly members”, in each place where it appears, substitute “Members of the Senedd”.
- (11) For “an Assembly”, in each place where it appears after the amendments in sub-paragraphs (9) and (10) have been made, substitute “a Senedd”.
- (12) For “Assembly”, in each place where it appears after the amendments in sub-paragraphs (9), (10) and (11) have been made, substitute “Senedd”.

Legislation (Wales) Act 2019 (anaw 4)

- 5 (1) The Legislation (Wales) Act 2019 is amended as follows.
- (2) In section 2—
- (a) in subsection (2), for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (b) in subsections (5), (6) and (7), for “the National Assembly” substitute “Senedd Cymru”.
- (3) In the provisions mentioned in sub-paragraph (4)—
- (a) omit “Assembly”;
 - (b) omit “Welsh subordinate”.
- (4) The provisions are—
- (a) section 13(3);
 - (b) section 16(2)(a), (3)(a) and (5);
 - (c) section 25(1)(b);
 - (d) section 26(1)(b).
- (5) In section 40—

Status: This is the original version (as it was originally enacted).

- (a) in the section heading and subsection (1), for “Assembly”, in each place where it appears, substitute “Senedd”;
- (b) in subsection (2)—
- (i) in the words before paragraph (a), for “Assembly” substitute “Senedd”;
 - (ii) in paragraph (a), for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (iii) in paragraph (b), for “the National Assembly for Wales” and “the National Assembly” substitute “Senedd Cymru”;
 - (iv) in paragraphs (c), (d) and (e), for “the National Assembly for Wales” substitute “Senedd Cymru”;
- (c) in subsection (3)(b), for “Assembly” substitute “Senedd”.
- (6) In section 43(2) and (3), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (7) In the Table in Schedule 1—
- (a) omit the entries for—

“Assembly Act (*Deddf Cynulliad*)”;

“National Assembly for Wales (*Cynulliad Cenedlaethol Cymru*)”;

“National Assembly for Wales Commission (*Comisiwn Cynulliad Cenedlaethol Cymru*)”.

- (b) insert the following entries in the appropriate places in alphabetical order—

“Act of the Parliament of the United Kingdom (*Deddf gan Senedd y Deyrnas Unedig*)

“Act of the Parliament of the United Kingdom” includes an Act of the Parliament of Great Britain or of the Parliament of England”;

“Act of Senedd Cymru (*Deddf gan Senedd Cymru*)

“Act of Senedd Cymru” means an Act enacted under Part 4 of the [Government of Wales Act 2006 \(c. 32\)](#) (whether as an Act of Senedd Cymru or an Act of the National Assembly for Wales)”;

“Member of the Senedd (*Aelod o'r Senedd*)

“Member of the Senedd” is to be interpreted in accordance with section 1(2A) of the [Government of Wales Act 2006 \(c. 32\)](#)”;

“Senedd Commission (*Comisiwn y Senedd*)

“Senedd Commission” means the Commission established by section 27 of the [Government of Wales Act 2006 \(c. 32\)](#) (and originally known

Status: This is the original version (as it was originally enacted).

as the National Assembly for Wales
Commission)”;

“Senedd Cymru (<i>Senedd Cymru</i>)	“Senedd Cymru” means the parliament for Wales established by section 1 of the Government of Wales Act 2006 (c. 32) (and originally known as the National Assembly for Wales)”.
---------------------------------------	--

- (8) For “Assembly Act”, in each place where it appears after the amendments in subparagraphs (3) and (7) have been made, substitute “Act of Senedd Cymru”.
- (9) For “Assembly Acts”, in each place where it appears, substitute “Acts of Senedd Cymru”.

SCHEDULE 2

(introduced by section 28)

ELECTORAL COMMISSION: FURTHER AMENDMENTS

Representation of the People Act 1983 (c. 2)

- 1 (1) Schedule 4A to the 1983 Act is amended as follows.
- (2) In paragraph 14(1), after “code of practice” insert “for elections other than local government elections in Wales”.
- (3) After paragraph 14 insert—
- “14A (1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice for local government elections in Wales giving—
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
 - (b) guidance (supplementing the definition in section 90ZA(3)) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.
- (3) The Welsh Ministers may approve a draft code with or without modifications.
- (4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.
- (5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.
- ”

Status: This is the original version (as it was originally enacted).

- (6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.
- (7) If no such resolution is made within the 40-day period—
 - (a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,
 - (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
 - (c) the Commission must arrange for the code to be published in such manner as the Commission think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.”.

Political Parties, Elections and Referendums Act 2000 (c. 41)

- 2 The Political Parties, Elections and Referendums Act 2000 is amended as follows.
- 3 (1) Section 6 is amended as follows.
 - (2) In subsection (3)(b), after “Scottish Parliament” insert “, Senedd Cymru”.
 - (3) In subsection (6)—
 - (a) in paragraph (a)—
 - (i) in sub-paragraph (i), at the end insert “other than those mentioned in paragraph (d) of that subsection”;
 - (ii) in sub-paragraph (ii), omit “or Wales”;
 - (b) in paragraph (b), omit “and those under Part II of the Local Government Act 2000”.
- 4 After section 6 insert—

“6ZA Reviews of devolved electoral matters in Wales

- (1) The Commission must keep the matters mentioned in subsection (2) under review, and must from time to time submit reports on those matters to the Welsh Ministers.
- (2) The matters are such matters as the Commission may from time to time determine relating to—
 - (a) general elections of Members of the Senedd;
 - (b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) local government elections in Wales;
 - (d) referendums under Part 2 of the Local Government Act 2000 and Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales);

Status: This is the original version (as it was originally enacted).

- (e) the law relating to the elections and referendums mentioned in paragraphs (a) to (d).
 - (3) Subsection (4) applies if the Welsh Ministers request the Commission to review and report on any matter or matters for which provision is or could be made in an Act of Senedd Cymru (whether or not falling within subsection (2)).
 - (4) The Commission must, within such time as the Welsh Ministers may specify—
 - (a) review the matters specified in the request, and
 - (b) submit a report on those matters to the Welsh Ministers.
 - (5) The Commission must publish each report made under this section in such manner as the Commission may determine.”
- 5 In section 6C(3), after “6F” insert “or 6G”.
- 6 In section 6D(4), after “6F” insert “or 6G”.
- 7 (1) Section 6F is amended as follows.
- (2) In subsection (1), after “section 6A” insert “, other than those specified in subsection (2) of section 6G,”.
 - (3) In subsection (10), after “this section” insert “and section 6G”.
- 8 After section 6F insert—

“6G Code of practice on attendance of observers at devolved elections in Wales

- (1) The Commission must prepare a code of practice on the attendance at elections specified in subsection (2) of—
 - (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations.
- (2) The code must make provision about attendance at—
 - (a) general elections of Members of the Senedd;
 - (b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) local government elections in Wales.
- (3) The code must in particular—
 - (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;
 - (b) specify the criteria to be taken into account by the Commission in determining such applications;
 - (c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;
 - (d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;

Status: This is the original version (as it was originally enacted).

- (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings relating to an election as it relates to a person having such permission;
 - (f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.
- (4) The code may make different provision for different purposes.
 - (5) Before preparing the code, the Commission must consult the Welsh Ministers.
 - (6) The Commission must lay the code before Senedd Cymru.
 - (7) The Commission must publish the code (in such manner as the Commission may determine).
 - (8) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E in relation to an election specified in subsection (2)—
 - (a) the Commission;
 - (b) representatives of the Commission;
 - (c) relevant officers (within the meaning of section 6E).
 - (9) The Commission may at any time revise the code.
 - (10) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.”
- 9 (1) Section 9A is amended as follows.
- (2) In subsection (1)(a), after “relevant officers” insert “mentioned in subsection (2)”.
 - (3) After subsection (5) insert—
 - “(5A) In relation to electoral registration officers for areas in Wales, the reference to their functions in subsection (2)(a) is a reference to their functions in relation to registers of parliamentary electors.”
 - (4) In subsection (6)—
 - (a) in paragraph (a), at the end insert “other than one mentioned in paragraph (d) of that subsection”;
 - (b) omit paragraph (d);
 - (c) in paragraph (e), omit “or Wales”.
 - (5) In subsection (7), omit paragraph (b).
 - (6) In subsection (8)—
 - (a) in the words before paragraph (a), after “sections” insert “9AA,”;
 - (b) in paragraph (b), after “subsection (6)” insert “or section 9AA(6)”;
 - (c) in paragraph (c), after “subsection (7)” insert “or section 9AA(7)”.
- 10 After section 9A insert—

Status: This is the original version (as it was originally enacted).

“9AA Performance standards for devolved elections and referendums in Wales

- (1) The Commission may from time to time—
 - (a) determine standards of performance for relevant officers mentioned in subsection (2), and
 - (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are such standards as the Commission think ought to be achieved by—
 - (a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;
 - (b) returning officers in the administration of the elections specified in subsection (6);
 - (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult—
 - (a) the Welsh Ministers, and
 - (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.
- (5) When the Commission publish standards under subsection (1) they must send a copy to the Welsh Ministers who must lay a copy before Senedd Cymru.
- (6) The elections specified in this subsection are—
 - (a) a general election of Members of the Senedd;
 - (b) an election under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) a local government election in Wales.
- (7) The referendums specified in this subsection are referendums under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales).”

- 11 In section 9B, in subsections (1) and (4), after “9A(1)” insert “or 9AA(1)”.
- 12 In section 9C(2)—
 - (a) in paragraph (b), after “9A(6)” insert “or 9AA(6)”;
 - (b) in paragraph (c), after “9A(7)” insert “or 9AA(7)”.
- 13 In section 13(12), after “met under” insert “paragraph 16A of Schedule 1 to this Act or”.
- 14 (1) Schedule 1 is amended as follows.
 - (2) In paragraph 14—

Status: This is the original version (as it was originally enacted).

- (a) in sub-paragraph (1)—
 - (i) after paragraph (a) insert—
 - “(aa) met out of the Welsh Consolidated Fund under paragraph 16A.”;
 - (ii) in paragraph (b), omit “or 20(12)”;
 - (iii) in paragraph (c), for “National Assembly for Wales” substitute “Senedd”;
 - (b) after sub-paragraph (6) insert—
 - “(6A) An estimate prepared under this paragraph must not include income or expenditure that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16A).”
- (3) In paragraph 15, after sub-paragraph (5) insert—
- “(6) A plan prepared under this paragraph must not include aims, objectives or estimated requirements for the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16B).”
- (4) In paragraph 20, after sub-paragraph (1) insert—
- “(1A) The reference in sub-paragraph (1) to the Commission’s functions does not include the Commission’s functions in relation to devolved Welsh elections or devolved Welsh referendums.”

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 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.

Status: This is the original version (as it was originally enacted).

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 by section 374 of the Armed Forces Act 2006 (c. 52)) or the Royal Air Force, not including— <ol style="list-style-type: none"> (a) an officer on the retired or emergency list of any of the regular armed forces of the Crown, (b) a person who holds an emergency commission in any of those forces, (c) a person who belongs to any reserve of officers of any of those forces, (d) a naval, army, marine or air force pensioner, or former soldier who is liable to be recalled for service, or (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

Status: This is the original version (as it was originally enacted).

<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>
	naval, military or air force service of the Crown
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
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 Gydabyddiaeth Ariannol	The members of the Panel
Judicial offices	The following judicial offices— (a) Judge of the Supreme Court; (b) Judge of the High Court or Court of Appeal in England and Wales; (c) Judge of the Court of Session or Temporary Judge in Scotland;

Status: This is the original version (as it was originally enacted).

<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>
	<ul style="list-style-type: none"> (d) Judge of the High Court or Court of Appeal in Northern Ireland; (e) Judge of the Court Martial Appeal Court; (f) Chairman of the Scottish Land Court; (g) Circuit Judge in England and Wales; (h) Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland; (i) County Court Judge or deputy County Court Judge in Northern Ireland; (j) District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)) in England and Wales; (k) District judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland; (l) President of Welsh Tribunals or Llywydd Tribiwnlysoedd Cymru; (m) Judge of the Upper Tribunal; (n) legal member of the Upper Tribunal for Scotland; (o) Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland; (p) Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland
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
Parliamentary Commissioner for Administration	The Commissioner
Police forces	<p>Members of any police force maintained by—</p> <ul style="list-style-type: none"> (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,

Status: This is the original version (as it was originally enacted).

<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>
	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”
