



# Wales Act 2014

## 2014 CHAPTER 29

### PART 1

#### THE ASSEMBLY AND WELSH GOVERNMENT

##### *National Assembly for Wales*

#### **1 Frequency of Assembly ordinary general elections**

- (1) In section 3(1) of GOWA 2006 (date of Assembly ordinary general elections), for “fourth” substitute “fifth”.
- (2) Accordingly, in the Fixed-term Parliaments Act 2011 omit section 5 (date of next Assembly ordinary general election).

#### **2 Removal of restriction on standing for election for both constituency and electoral region**

- (1) GOWA 2006 is amended as follows.
- (2) In section 7 (candidates at general elections)—
  - (a) in subsection (5), for paragraph (c) (and the “or” before it) substitute—
    - “(c) who is a candidate to be the Assembly constituency member for an Assembly constituency which is not included in the Assembly electoral region, or
    - (d) who is a candidate to be the Assembly constituency member for an Assembly constituency included in the Assembly electoral region but is not a candidate of the party.”;
  - (b) in subsection (6), for paragraph (c) (and the “or” before it) substitute—
    - “(c) a candidate to be the Assembly constituency member for an Assembly constituency which is not included in the Assembly electoral region, or

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*Status: This is the original version (as it was originally enacted).*

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- (d) a candidate of any registered political party to be the Assembly constituency member for an Assembly constituency included in the Assembly electoral region.”
- (3) In section 9 (allocation of seats to electoral region members)—
  - (a) in subsection (4), after “as an” insert “Assembly constituency member or”;
  - (b) in subsection (5), at the end insert “(disregarding anyone already returned as an Assembly constituency member, including anyone whose return is void)”;
  - (c) in subsection (6), for the words from “by the return” to “(2)” substitute “(by the return of persons included on it as Assembly constituency members or by the previous application of subsection (1) or (2))”.
- (4) In section 11(8) (electoral region vacancies)—
  - (a) for paragraphs (a) to (c) substitute—
    - “(a) was returned as an Assembly member at that election (even if the return was void), or
    - (b) has subsequently been returned under section 10 or this section (even if the return was void),”;
  - (b) in the words after paragraph (c) omit “, or of the successful candidate at the election,”.

### 3 MPs to be disqualified from membership of Assembly

- (1) In section 16(1) of GOWA 2006 (disqualification from being Assembly member), before paragraph (a) insert—
  - “(za) is a member of the House of Commons (but see sections 17A and 17B),”.
- (2) After section 17 of that Act insert—

#### **“17A Exception from disqualification by virtue of being an MP: recently elected members**

- (1) A person returned at an election as an Assembly member is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period of 8 days beginning with the day the person is so returned.
- (2) Subsection (3) applies where a person—
  - (a) is returned at an election as an Assembly member,
  - (b) on being so returned is a candidate for election to the House of Commons, and
  - (c) is subsequently returned at that election as a member of that House.
- (3) The person is not disqualified under section 16(1)(za) at any time in the period of 8 days beginning with the day the person is returned as a member of the House of Commons.
- (4) A person is a “candidate for election to the House of Commons” if the person’s nomination paper for election as a member of the House of Commons has been delivered to the returning officer under rule 6 of Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules).

### **17B Exception from disqualification by virtue of being an MP: general election of Assembly members within 372 days**

- (1) This section applies if—
    - (a) an Assembly member is returned as a member of the House of Commons, and
    - (b) the expected day of the next general election of Assembly members is within the period of 372 days beginning with the day the person is so returned (“the return day”).
  - (2) The member is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period—
    - (a) beginning with the return day, and
    - (b) ending immediately before the day of the next general election of Assembly members.
  - (3) For the purposes of subsection (1)(b) the expected day of the next general election of Assembly members is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
  - (4) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—
    - (a) if an Order in Council under section 5(4) has been made, the expected day is the day on which the poll is required to be held in accordance with that Order;
    - (b) if no Order in Council under section 5(4) has been made but a day has been proposed under section 5(1), that is the expected day;
    - (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).
  - (5) For the purpose of determining the expected day, no account is to be taken of the possibility of—
    - (a) an order under section 4 (power to vary date of ordinary general election) being made after the relevant time, or
    - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.
  - (6) References in this section to the “day” of the election are to the day on which the poll at the election is held.”
- (3) The National Assembly for Wales (Representation of the People) Order 2007 ([S.I. 2007/236](#)) is amended as follows.
  - (4) In article 34 (false statements in nomination papers), at the end of paragraph (5) (c) insert “or to the best of his knowledge and belief he is disqualified only under section 16(1)(za) of the 2006 Act (disqualification of MPs)”.
  - (5) In Schedule 5 (Assembly election rules), in rule 9(4)(c)(ii) (consent to nomination) after “Assembly” insert “or that to the best of his knowledge and belief he is disqualified for membership of the Assembly only under section 16(1)(za) of the 2006 Act (disqualification of MPs)”.

### *Welsh Government*

#### **4 The Welsh Government**

- (1) The Welsh Assembly Government is renamed the Welsh Government, or Llywodraeth Cymru.
- (2) Accordingly, in GOWA 2006—
  - (a) omit “Assembly” wherever it occurs in the expression “Welsh Assembly Government”;
  - (b) omit “Cynulliad” where it occurs in section 45(1) (in both places).
- (3) In the following sections of GOWA 2006, as amended by subsection (2), the references to the Welsh Government include, in relation to any time before the coming into force of this section, references to the Welsh Assembly Government—
  - (a) section 37(5) (power to impose requirements on current or former members of staff of the Government);
  - (b) section 52(7)(a) and (8) (power to pay pensions in respect of current or former members of staff of the Government).
- (4) Unless the context requires otherwise, in any enactment, instrument or other document passed or made before the date on which this section comes into force (except GOWA 2006 - as to which see subsections (2) and (3))—
  - (a) any reference to the Welsh Assembly Government is to be read as, or as including, a reference to the Welsh Government, and
  - (b) any reference to Llywodraeth Cynulliad Cymru is to be read as, or as including, a reference to Llywodraeth Cymru.

#### **5 First Minister: removal of power to designate after dissolution of Assembly**

In section 46 of GOWA 2006 (the First Minister), at the end of subsection (5)(c) (designation if First Minister ceases to be Assembly member) insert “otherwise than by reason of a dissolution”.