



# National Assembly for Wales Commissioner for Standards Measure 2009

**2009 nawm 4**

*The National Assembly for Wales Commissioner for Standards*

## **1 The Commissioner**

- (1) There is to be a National Assembly for Wales Commissioner for Standards (in this Measure referred to as “the Commissioner”).
- (2) The Commissioner is to be appointed by the Assembly.
- (3) A person is not eligible to be appointed as the Commissioner if that person—
  - (a) is an Assembly Member,
  - (b) has been an Assembly Member at any time during the period of 2 years prior to the date when the appointment is to take effect,
  - (c) is a member of staff of the Assembly,
  - (d) has been a member of the staff of the Assembly at any time during the period of 2 years prior to the date when the appointment is to take effect,
  - (e) is a member of the staff of the Welsh Assembly Government, or
  - (f) has been a member of the staff of the Welsh Assembly Government at any time during the period of 2 years prior to the date when the appointment is to take effect.
- (4) The Commissioner is to be appointed for a term of 6 years.
- (5) A person who has held office as the Commissioner may not be appointed for a further term (whether consecutive or not).
- (6) A person who has been appointed as the Commissioner may at any time—
  - (a) resign by notice given to the Assembly, or
  - (b) be removed from office by the Assembly.

- (7) A person may not be removed from office as the Commissioner under subsection (6) (b) unless—
- (a) the Assembly so resolves, and
  - (b) if the resolution is passed on a vote, the number of votes cast in favour of the resolution is not less than two thirds of the total number of votes cast.
- (8) The appointment of a person as Commissioner ceases if that person—
- (a) becomes a candidate to be an Assembly Member for an Assembly constituency or an Assembly electoral region,
  - (b) is appointed as, or designated to exercise the functions of, the Counsel General under section 49 of the Act, or
  - (c) is appointed to be a member of the staff of the Assembly or of the Welsh Assembly Government.

## **2 Principal aim of the Commissioner**

The principal aim of the Commissioner in exercising functions under this Measure is to promote, encourage and safeguard high standards of conduct in the public office of Assembly Member.

## **3 Further provision about the Commissioner**

The Schedule makes further provision about the Commissioner.

## **4 Appointment of an Acting Commissioner**

- (1) When the office of the Commissioner is vacant or the Commissioner is, for any reason, unable to act, the Assembly may appoint a person to discharge the functions of that office either generally or in relation to such case or class of cases, and until such time, as may be specified by the terms and conditions of such appointment; and a person so appointed is referred to in this section as the “acting Commissioner”.
- (2) The Commissioner and the acting Commissioner may each discharge the functions of the office of the Commissioner at the same time but in relation to different cases.
- (3) A person who is not eligible to be appointed as the Commissioner is not eligible to be appointed as the acting Commissioner.
- (4) A person appointed as the acting Commissioner—
- (a) may at any time resign by notice given to the Assembly,
  - (b) may at any time be removed from office by the Assembly,
  - (c) ceases to hold office in the circumstances specified in section 1(8)(a), (b) and (c),
  - (d) in other respects, holds office on such terms and conditions as the Assembly may determine, and
  - (e) while holding that appointment is to be treated for all purposes (except those of section 1) as the Commissioner.

## **5 Independence of the Commissioner**

Subject to section 19, the Commissioner is not, in the exercise of any functions, to be subject to the direction or control of the Assembly.