



Government of Wales Act 1998

1998 CHAPTER 38

PART I

THE NATIONAL ASSEMBLY FOR WALES

Remuneration, oaths etc.

16 Salaries and allowances

- (1) The Assembly shall pay to Assembly members salaries at such levels—
 - (a) as the Assembly from time to time determines, or
 - (b) before the first determination, as the Secretary of State directs.
- (2) The Assembly may pay to Assembly members allowances at such levels—
 - (a) as the Assembly may from time to time determine, or
 - (b) before the first determination, as the Secretary of State may direct.
- (3) A determination or direction under this section may provide—
 - (a) for higher levels of salaries to be payable to Assembly members holding any of the offices specified in Part III of this Act or in the standing orders of the Assembly, and
 - (b) for different salaries to be payable to Assembly members holding different such offices.
- (4) A determination or direction under this section may provide for different allowances for different cases.
- (5) A determination under this section may provide for levels of salaries or allowances to change from time to time by reference to a specified formula.
- (6) The Assembly may not delegate the function of making a determination under this section.

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- (7) A determination under this section shall not be made unless a motion to approve it is passed by the Assembly on a vote in which at least two-thirds of the Assembly members voting support the motion.
- (8) The standing orders of the Assembly must include provision for the publication of every determination under this section; and the Secretary of State shall publish any direction under this section as soon as is reasonably practicable after it is given.

17 Limit on salaries of members of other public bodies

- (1) The Secretary of State may by order make provision such as is specified in subsection (3) in relation to any Assembly members to whom relevant remuneration is payable—
 - (a) pursuant to a resolution (or combination of resolutions) of either House of Parliament relating to the remuneration of members of that House,
 - (b) under section 1 of the European Parliament (Pay and Pensions) Act 1979 (remuneration of United Kingdom MEPs), or
 - (c) in respect of their membership of any other public body (whether elected or appointed) which is specified in the order.
- (2) In this section “relevant remuneration” means—
 - (a) a salary, or
 - (b) any allowance of a description specified by order made by the Secretary of State.
- (3) The provision referred to in subsection (1) is provision that the amount of the salary payable to an Assembly member under section 16—
 - (a) shall be reduced to a specified proportion of what it otherwise would be or to a specified amount, or
 - (b) shall be reduced by the amount of the relevant remuneration payable to him as mentioned in subsection (1), by a specified proportion of that amount or by some other specified amount.
- (4) An order under subsection (1) may make different provision in relation to Assembly members—
 - (a) to whom (apart from the order) different amounts of salary would be payable under section 16, or
 - (b) to whom different amounts of relevant remuneration are payable as mentioned in subsection (1).
- (5) Such an order may include provision that it (or a specified part of it) is not to apply to a specified Assembly member or description of Assembly members—
 - (a) either indefinitely or for a specified period, and
 - (b) either unconditionally or subject to the fulfilment of specified conditions.

18 Pensions etc

- (1) The Assembly may make such provision for the payment of pensions, allowances and gratuities to or in respect of persons who have ceased to be Assembly members—
 - (a) as the Assembly may from time to time determine, or
 - (b) before the first determination, as the Secretary of State may direct.

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- (2) The provision which may be made under this section includes, in particular, provision for—
 - (a) the making of payments towards the provision of superannuation benefits, and
 - (b) establishing and administering one or more schemes for the provision of such benefits.
- (3) Different provision may be made under this section for different cases.
- (4) The Assembly may not delegate the function of making a determination under this section.
- (5) A determination under this section shall not be made unless a motion to approve it is passed by the Assembly on a vote in which at least two-thirds of the Assembly members voting support the motion.
- (6) The standing orders of the Assembly must include provision for the publication of every determination under this section; and the Secretary of State shall publish any direction under this section as soon as is reasonably practicable after it is given.
- (7) A determination or direction under this section shall not affect pensions or allowances in payment before the determination was made or the direction was given.

19 Publication of information about remuneration paid

The standing orders of the Assembly must contain provision for the publication of information relating to sums paid under sections 16 and 18 for each financial year.

20 Oath or affirmation of allegiance

- (1) An Assembly member shall take the oath of allegiance set out in section 2 of the Promissory Oaths Act 1868 (or make the corresponding affirmation) as soon as may be after he is returned as an Assembly member (whether for the first time or subsequently).
- (2) The oath shall be taken (or the affirmation made) before a person appointed by the Assembly (or, until the first appointment is made by the Assembly, before a person appointed by the Secretary of State).
- (3) Until an Assembly member has taken the oath (or made the affirmation) he shall not do anything as an Assembly member (other than take part in proceedings of the Assembly at which Assembly members take the oath or make the affirmation, or any earlier proceedings for the election of the presiding officer or deputy presiding officer).
- (4) If an Assembly member has not taken the oath (or made the affirmation) within—
 - (a) the period of two months beginning with the day on which he was declared to be returned as an Assembly member, or
 - (b) such longer period as the Assembly may have allowed before the end of that period of two months,he shall at the end of that period of two months or longer period cease to be an Assembly member (so that his seat is vacant).
- (5) No salary, allowance, gratuity or payment towards the provision of superannuation benefits shall be paid under this Act to or in respect of an Assembly member until he has taken the oath (or made the affirmation); but this subsection does not affect any

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entitlement to payments in respect of the period before he took the oath (or made the affirmation) once he has done so.