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Changes to legislation: Government of Wales Act 1998, Cross Heading: Evidence and documents relating to public bodies is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Government of Wales Act 1998

1998 CHAPTER 38

PART III

ASSEMBLY PROCEDURE

VALID FROM 01/12/1998

Evidence and documents relating to public bodies

74 Power to require attendance and production of documents.

- (1) The Assembly may require any person to whom subsection (2) applies—
 - (a) to attend proceedings of the Assembly for the purpose of giving evidence, or
 - (b) to produce to the Assembly documents in his possession or under his control.
- (2) This subsection applies to—
 - (a) any person who is a member, or a member of the staff, of a body specified in Schedule 5, and
 - (b) any person who holds, or is a member of the staff of a person who holds, an office so specified.
- (3) A requirement imposed on a person under subsection (1)—
 - (a) if imposed under paragraph (a) of that subsection, is to attend to give evidence in connection with the affairs of the body or office in question so far as relating to Wales, and
 - (b) if imposed under paragraph (b) of that subsection, is to produce documents which relate to those affairs.
- (4) The powers conferred by subsection (1) may be exercised by and for the purposes of the Audit Committee.
- (5) Those powers may be exercised by and for the purposes of—
 - (a) any other committee of the Assembly, apart from the executive committee, or

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- (b) any sub-committee of any such committee, apart from a sub-committee of the executive committee,
if the committee or sub-committee is expressly authorised to exercise those powers by the standing orders (but may not be exercised by any individual Assembly member or by any member of the Assembly’s staff).
- (6) In order to impose a requirement on a person under subsection (1) the presiding officer or deputy presiding officer must give him notice in writing specifying the body or office in question and—
- (a) the time and place at which he is to attend, or
 - (b) the documents, or types of documents, which he is to produce and the date by which he is to produce them.
- (7) A notice required by subsection (6) to be given to a person must be given at least two weeks before the day on which the proceedings are to take place, or by which the documents are to be produced, unless he waives that requirement.
- (8) If a notice required by subsection (6) to be given to a person is sent to him, by registered post or the recorded delivery service, addressed to his usual or last known address or, where he has given an address for service of the notice, to that address, it shall be taken to be given to him.

75 Witnesses and documents: supplementary.

- (1) Where a requirement has been imposed on a person under section 74(1) to attend proceedings—
- (a) the presiding officer or deputy presiding officer, or the Assembly member who chairs the committee or sub-committee concerned, or
 - (b) such other person as may be authorised by the standing orders,
- may require him to take an oath (or make an affirmation) before he gives evidence at the proceedings and may administer the oath (or affirmation) to him.
- (2) A person to whom a notice under section 74(6) has been given is guilty of an offence if he—
- (a) refuses or fails, without reasonable excuse, to attend proceedings as required by the notice,
 - (b) refuses to take an oath (or make an affirmation) when required to do so in accordance with subsection (1),
 - (c) refuses to answer any question which is properly put to him when attending any proceedings as required by the notice,
 - (d) refuses or fails, without reasonable excuse, to produce any document required by the notice to be produced by him, or
 - (e) intentionally alters, suppresses, conceals or destroys any document required by the notice to be produced by him.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
 - (b) imprisonment for a term not exceeding [F151 weeks] .
- (4) A person is not obliged by section 74 to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the

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purposes of proceedings in a court in England and Wales; and subsection (2) has effect accordingly.

- (5) The Secretary of State may by order amend Schedule 5 by—
- (a) adding or omitting any body or office, or
 - (b) altering the description of any body or office.
- (6) For the purposes of section 74 and this section—
- (a) a person shall be taken to comply with a requirement to produce a document if he produces a copy of, or an extract of the relevant part of, the document, and
 - (b) “document” means anything in which information is recorded in any form (and references to producing a document are to the production of the information recorded in it in a visible and legible form).

Textual Amendments

- F1** Words in s. 75(3)(b) substituted (prosp.) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 280(2), 336, [Sch. 26 para. 50](#) (with s. 280(3) (which substituting provisions were repealed by [Government of Wales Act 2006 \(c. 32\)](#), s. 163, [Sch. 12](#) , the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(1)(4)(5) of the amending Act.)

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