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# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART III

#### ASSEMBLY PROCEDURE

VALID FROM 01/12/1998

#### *Other provisions about standing orders*

#### **69 Preservation of order.**

- (1) The standing orders must include provision for preserving order in proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee).
- (2) In particular, standing orders made for preserving order in such proceedings must include provision for—
  - (a) preventing conduct which would constitute a criminal offence, and
  - (b) a sub judice rule,and may include provision for excluding Assembly members from the proceedings and for withdrawing their rights and privileges as Assembly members for the period of their exclusion.

#### **70 Openness.**

- (1) The standing orders must include provision—
  - (a) for all proceedings of the Assembly itself to be held in public, and
  - (b) for all proceedings of a committee of the Assembly, or a sub-committee of such a committee, to be held in public except where the standing orders otherwise provide.

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- (2) But the standing orders may include provision as to conditions to be complied with by any member of the public attending proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) and, in particular, provision for excluding from the proceedings any member of the public who does not comply with the conditions.
- (3) The standing orders must include provision for—
  - (a) the publication of a report of the proceedings of the Assembly itself, and
  - (b) the publication of a report of the proceedings of a committee of the Assembly, or a sub-committee of such a committee, unless the proceedings were not held in public,
 as soon as reasonably practicable after the day on which the proceedings take place.
- (4) The standing orders must include provision for any documents in the possession or under the control of the Assembly which contain material relating to any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) which have taken place, or are to take place, to be open to inspection by members of the public except where the standing orders otherwise provide.
- (5) The standing orders must include provision—
  - (a) establishing procedures for the investigation of complaints about actions or failures on the part of the Assembly and for dealing with reports by the Welsh Administration Ombudsman and the Health Service Commissioner for Wales of investigations pursuant to complaints relating to the Assembly, and
  - (b) for publicising details of those procedures.

## **71 Participation of Assembly members.**

- (1) The standing orders must include provision specifying the circumstances in which Assembly members who are not members of a subject committee, or of a sub-committee of such a committee, may attend and make representations at proceedings of the committee or sub-committee.
- (2) The standing orders must include provision for any documents in the possession or under the control of the Assembly which contain material relating to any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) which have taken place, or are to take place, to be open to inspection by any Assembly member except where the standing orders otherwise provide.

## **72 Integrity.**

- (1) The standing orders must include provision for a register of interests of Assembly members and for—
  - (a) registrable interests (as defined in the standing orders) to be registered in it, and
  - (b) the publication of the register.
- (2) The standing orders must include provision for requiring any Assembly member who has—

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- (a) a financial interest (as defined in the standing orders) in any matter, or
- (b) any other interest, or an interest of any other kind, specified in the standing orders in any matter,

to declare that interest before taking part in any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) relating to that matter.

(3) The standing orders may include provision—

- (a) for preventing or restricting the participation in any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) of an Assembly member if he has a registrable interest, or an interest mentioned in subsection (2), in any matter to which the proceedings relate, and
- (b) for preventing or restricting the exercise of a function by a member of the executive committee, or the exercise of a function by an Assembly member by virtue of section 59(6), if he has a registrable interest, or an interest mentioned in subsection (2), in any matter to which the function relates.

(4) The standing orders must include provision prohibiting an Assembly member—

- (a) from advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or
- (b) from urging, in consideration of any such payment or benefit in kind, another Assembly member to advocate or initiate any cause or matter on behalf of any person by any such means.

(5) The standing orders may include provision—

- (a) for excluding from proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) an Assembly member who fails to comply with or contravenes any provision included in the standing orders in pursuance of subsections (1) to (4), and
- (b) for withdrawing his rights and privileges as an Assembly member for the period of his exclusion.

(6) An Assembly member who—

- (a) takes part in any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsection (1), (2) or (3)(a),
- (b) exercises any function in contravention of any provision included in the standing orders in pursuance of subsection (3)(b), or
- (c) contravenes any provision included in the standing orders in pursuance of subsection (4),

is guilty of an offence.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) A prosecution for an offence under subsection (6) shall not be instituted except by or with the consent of the Director of Public Prosecutions.

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### **73 Publication.**

- (1) Where the Assembly remakes the standing orders, it shall publish them.
- (2) Where the Assembly revises standing orders (without remaking them as a whole), it shall publish either the revisions or the standing orders as revised (as it considers appropriate).

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