

2015 No. (W.)

CONSTITUTIONAL LAW

**The National Assembly for Wales
(Disqualification) Order 2015**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the persons who are disqualified from being a member of the National Assembly for Wales. The bodies and offices are described in the Schedule to this Order.

This Order does not contain a definitive list of disqualifying offices and memberships (see in particular section 16 of the Government of Wales Act 2006).

This Order revokes the previous Order made in 2010.

2015 No. (W.)

CONSTITUTIONAL LAW

**The National Assembly for Wales
(Disqualification) Order 2015**

Made ***

Laid before the National Assembly for Wales

Coming into force ***

At the Court at Buckingham Palace, the *** day of

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 16(6) of the Government of Wales Act 2006(1) a draft of this Order was laid before, and approved by a resolution of, the National Assembly for Wales.

Accordingly, Her Majesty, in pursuance of section 16(1) and (5) of that Act, is pleased, by and with the advice of Her Privy Council, to order as follows:

Title and commencement

1. The title of this Order is the National Assembly for Wales (Disqualification) Order 2015 and it comes into force on [].

Designation of disqualifying offices

2. The offices described in the Schedule are designated as offices disqualifying the holders of such offices from being members of the National Assembly for Wales.

(1) 2006 c. 32.

**Revocation of National Assembly for Wales
(Disqualification) Order 2010**

3. The National Assembly for Wales
(Disqualification) Order 2010(1) is revoked.

Name

Clerk of the Privy Council

(1) S.I. 2010/2969.

SCHEDULE

Offices disqualifying holders from membership of the National Assembly for Wales

Article 2

A tribunal constituted under section 27 of, and Schedule 3 to the Education Act 2005(1)	All members
A tribunal referred to in paragraph 10 of Schedule 26 to the School Standards and Framework Act 1998(2)	All members
Adjudication Panel for Wales	All members
Advisory Committee on Dangerous Pathogens	All members
Advisory, Conciliation and Arbitration Service	All members of the Council
Agricultural Land Tribunal Wales	All members
Arts Council of Wales	All members
Big Lottery Fund	All members appointed under paragraph 1 of Schedule 4A to the National Lottery Etc. Act 1993(3) or of a committee established under paragraph 7(1)(b) of that Schedule
Board of Medical Referees	All members appointed by the Welsh Ministers(4)
Boundary Commission for Wales	Commissioners
British Broadcasting Corporation Trust	All members
British Council	Chair and Chief Executive

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- (1) 2005 c. 18. There have been amendments to Schedule 3 to this Act that are not relevant to this Order.
- (2) 1998 c. 31. There have been amendments to paragraph 10(2) of Schedule 26 to this Act by section 53 of and paragraphs 8, 16(1) and (2) of Part 2 of Schedule 7 to the Education Act 2005.
- (3) 1993 c. 39.
- (4) See paragraph 3 of Annex 2 to the Scheme in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 (S.I. 2007/1072 (W. 110)) and paragraph 3 of Schedule 5 to the Scheme in Schedule 1 to the Firefighters' Compensation Scheme (Wales) Order 2007 (S.I. 2007/1073 (W. 111)).

British Transport Police Authority	All members
Care Council for Wales	All members
Certification Officer and any Assistant Certification Officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992(1)	Certification Officer and any Assistant Certification Officer
Channel Four Television Corporation	All members
Children's Commissioner for Wales	Commissioner and Deputy Commissioner
Civil Service Commission	First Civil Service Commissioner and all Commissioners
Commissioner for Public Appointments	
Competition and Markets Authority	All members
Comptroller and Auditor General	
Education Workforce Council	All members
Electoral Commission	All members and staff
Emergency Ambulance Services Committee	Chair
Finance Wales Public Limited Company or any wholly owned subsidiary of Finance Wales Public Limited Company	All Directors
Financial Conduct Authority	All members
Fire and Rescue Service	Inspector or Assistant Inspector appointed under section 28 of the Fire and Rescue Services Act 2004
Firefighters' Pension Scheme Advisory Board for Wales	All members
First-tier tribunal	All members
Food Standards Agency	All members
Future Generations Commissioner for Wales	
Gas and Electricity Markets Authority	All members
Health and Safety Executive	All members

(1) 1992 c. 52.

Her Majesty's Chief Inspector of Education and Training in Wales	
Higher Education Funding Council for Wales	All members, other than a member who is also an employee of the Council
Human Fertilisation and Embryology Authority	All members
Human Tissue Authority	All members
Independent Adjudicator to Local Authorities in Wales(1)	
Independent Case Examiner for the Department of Work and Pensions	The Independent Case Examiner
Independent Groundwater Complaints Administrator appointed under section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act 1993(2)	
Independent Police Complaints Commission	All members
Independent Remuneration Panel for Wales	All members
Independent Social Services Complaints Panel	All members
Joint Nature Conservation Committee	All members
Local Democracy and Boundary Commission for Wales	Chief Executive and all members
Local Government Pension Scheme Advisory Board	Chair and Deputy Chair
Local Health Board for an area in Wales	All members, not being also an employee
Marine Management Organisation	All members
Meat Promotion Wales	All members
Mental Health Review	All members

- (1) Section 3(1) of the Local Government and Housing Act 1989 (c. 42). Relevant amendments were made to section 3 of the Act by the Local Government and Public Involvement in Health Act 2007 (c. 28), sections 202(1)(a), (b), (c) and (d) and 241 and Part 15 of Schedule 18 to that Act; the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 30(1) and (3)(c), section 146(1) and Part 1 of Schedule 7 to that Act. The person so appointed is referred to as the Independent Adjudicator to Local Authorities in Wales.
- (2) 1993 c. 42. There have been amendments to paragraph 27 of Schedule 7 to the Act not relevant to this Order.

Tribunal for Wales	
National Employment Savings Trust Corporation	All Trustee Members
National Health Service Trust all or some of whose hospital establishments or other facilities are situated in Wales	Chair and Non-Executive Director
National Library of Wales	Board of Trustees appointed by the Welsh Ministers
National Museum Wales	Board of Trustees appointed by the Welsh Ministers
A National Park authority for a National Park in Wales	All members
Natural Resources Body for Wales	Chief Executive, Chair and members
Office of Communications	All members
Older People's Commissioner for Wales	Commissioner and Deputy Commissioner
Parliamentary Commissioner for Administration	
Pensions Advisory Service	Directors
Pensions Ombudsman appointed under section 145 of the Pensions Schemes Act 1993 and any deputy to that Ombudsman appointed under section 145A of that Act	
Pension Protection Fund	All members, and the Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004(1) and any deputy to that Ombudsman appointed under section 210 of that Act
Pensions Regulator	All members, and committee members established by the Pensions Regulator under

(1) 2004 c. 35. There have been amendments to section 210 of the Act not relevant to this Order.

	section 9 of the Pensions Act 2004 ⁽¹⁾
Person holding a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989 ⁽²⁾ , in: (a) a local authority in Wales, within the meaning of that Part, (b) a National Park Authority for a National Park in Wales	
Police and Crime Commissioner as established by section 1 of the Police Reform and Social Responsibility Act 2011, and any Deputy appointed by the Commissioner under section 18 of that Act	
Professional Standards Authority for Health and Social Care	All members
Rent assessment committees for an area or areas every part of which is in Wales	All members of a panel established under Schedule 10 to the Rent Act 1977 ⁽³⁾
Returning officer for a constituency or an electoral region of the National Assembly for Wales	
Royal Commission on the Ancient and Historical Monuments of Wales	Commissioners
Sianel Pedwar Cymru	All members
Special Educational Needs Tribunal for Wales	All members
Special Health Authority performing functions partly or wholly in respect of Wales	All members, not being also an employee
Sports Council for Wales known as Sport Wales	All members
Statistics Board established by the	All members

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- (1) 2004 c. 35. The Pensions Regulator is established by section 1 of the Act.
- (2) 1989 c. 42.
- (3) 1977 c. 42. There have been amendments to Schedule 10 to this Act which are not relevant to this Order.

Statistics and Registration Service Act 2007(1)	
Student Loans Company Limited	All members and Chief Executive
Technology Strategy Board known as Innovate UK	All members and Chief Executive
UK Commission for Employment and Skills	Chair and Chief Executive, or a Director or a Commissioner of that Commission appointed by the First Minister of Wales
Upper Tribunal	All members
Valuation Tribunal for Wales	All members
Wales Audit Office	All staff and auditors providing audit services to the Wales Audit Office or Auditor General for Wales
Welsh Food Advisory Committee	All members
Welsh Health Specialised Services Committee	Chair
Welsh Industrial Development Advisory Board	All members
Welsh Language Commissioner	Welsh Language Commissioner, Deputy Welsh Language Commissioner and members of the Advisory Panel to the Welsh Language Commissioner
Welsh Language Tribunal	All members

(1) 2007 c. 18.