



National Assembly for Wales Commissioner for Standards Measure 2009

2009 nawm 4

A MEASURE of the National Assembly for Wales to establish a Commissioner to investigate complaints about the conduct of Assembly Members and to report to the Assembly on the outcome of such investigation; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 14 October 2009 and approved by Her Majesty in Council on 9 December 2009, enacts the following provisions:

The ^[F1]Senedd] Commissioner for Standards

Textual Amendments

- F1** Word in s. 1 cross-heading substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 3\(2\)](#)

1 The Commissioner

- (1) There is to be a ^[F2]Senedd] Commissioner for Standards (in this Measure referred to as “the Commissioner”).
- (2) The Commissioner is to be appointed by the ^[F3]Senedd].
- (3) A person is not eligible to be appointed as the Commissioner if that person—
 - (a) is ^[F4]a Member of the Senedd],
 - (b) has been ^[F4]a Member of the Senedd] 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 ^[F3]Senedd],

Changes to legislation: There are currently no known outstanding effects for the National Assembly for Wales Commissioner for Standards Measure 2009. (See end of Document for details)

- (d) has been a member of the staff of the [^{F3}Senedd] 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 ^{F5}... Government, or
 - (f) has been a member of the staff of the Welsh ^{F6}... 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 [^{F3}Senedd], or
 - (b) be removed from office by the [^{F3}Senedd].
- (7) A person may not be removed from office as the Commissioner under subsection (6) (b) unless—
- (a) the [^{F3}Senedd] 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—
- ^{F7}(a)
 - (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 [^{F3}Senedd] or of the Welsh ^{F8}... Government.

Textual Amendments

- F2** Word in s. 1(1) substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), ss. 7, 42\(2\)](#)
- F3** Word in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), Sch. 1 para. 3\(12\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))
- F4** Words in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), Sch. 1 para. 3\(8\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))
- F5** Word in s. 1(3)(e) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 3\(3\)\(a\)](#)
- F6** Word in s. 1(3)(f) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 3\(3\)\(a\)](#)
- F7** S. 1(8)(a) omitted (with effect in accordance with s. 42(1)(c) of the amending Act) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 35\(3\)](#)
- F8** Word in s. 1(8)(c) omitted (6.5.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 3\(3\)\(b\)](#)

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 [^{F9}Member of the Senedd].

Changes to legislation: There are currently no known outstanding effects for the National Assembly for Wales Commissioner for Standards Measure 2009. (See end of Document for details)

Textual Amendments

- F9** Words in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(9\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))

Commencement Information

- I1** S. 2 comes into force in accordance with s. 21(2)(b)(3).

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 [^{F3}Senedd] 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 [^{F3}Senedd],
 - (b) may at any time be removed from office by the [^{F3}Senedd],
 - (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 [^{F3}Senedd] may determine, and
 - (e) while holding that appointment is to be treated for all purposes (except those of section 1) as the Commissioner.

Textual Amendments

- F3** Word in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(12\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))

Commencement Information

- I2** S. 4 comes into force in accordance with s. 21(2)(b)(3).

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 [^{F3}Senedd].

Changes to legislation: There are currently no known outstanding effects for the National Assembly for Wales Commissioner for Standards Measure 2009. (See end of Document for details)

Textual Amendments

- F3** Word in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(12\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))

Commencement Information

- I3** S. 5 comes into force in accordance with s. 21(2)(b)(3).

Functions of the Commissioner

6 Functions of the Commissioner

- (1) The functions of the Commissioner are—
 - (a) to receive any complaint that the conduct of [^{F4}a Member of the Senedd] has, at a relevant time, failed to comply with a requirement of a relevant provision,
 - (b) to investigate any such complaint in accordance with the provisions of this Measure,
 - (c) to report to the [^{F3}Senedd] the outcome of any such investigation,
 - (d) to advise [^{F10}Members of the Senedd] and members of the public about the procedures for making and investigating complaints to which paragraph (a) applies, and
 - (e) the further functions conferred by section 7.
- (2) A “relevant time” means a time when the requirement in question was in force but it is irrelevant whether the conduct in question is alleged to have taken place before or after this section comes into force.
- (3) A “relevant provision” means—
 - (a) any provision of the Standing Orders relating to—
 - (i) the registration or declaration of financial or other interests,
 - (ii) the notification by [^{F10}Members of the Senedd] of their membership of societies,
 - (iii) the registration or notification of any other information relating to [^{F10}Members of the Senedd] or to persons connected to [^{F10}Members of the Senedd].
 - (b) any resolution of the [^{F3}Senedd] relating to the financial or other interests of [^{F10}Members of the Senedd],
 - (c) any Code of Conduct approved by the [^{F3}Senedd] relating to standards of conduct of [^{F10}Members of the Senedd],
 - (d) any resolution of the [^{F3}Senedd] relating to standards of conduct of [^{F10}Members of the Senedd], and
 - (e) any provision included in the Standing Orders (or in any code or protocol made under them) in accordance with section 36(6) of the Act.
- (4) It is irrelevant whether a relevant provision came into force before or after this section comes into force.

Changes to legislation: There are currently no known outstanding effects for the National Assembly for Wales Commissioner for Standards Measure 2009. (See end of Document for details)

Textual Amendments

- F3** Word in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(12\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))
- F4** Words in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(8\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))
- F10** Words in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(10\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))

Commencement Information

- I4** S. 6 comes into force in accordance with s. 21(2)(b)(3).

7 Further functions of the Commissioner

The Commissioner may (and if requested by the [^{F3}Senedd] to do so must) give advice to the [^{F3}Senedd]—

- (a) on any matter of general principle relating to relevant provisions or to standards of conduct of [^{F10}Members of the Senedd] generally,
- (b) on procedures for investigating complaints that [^{F10}Members of the Senedd] have failed to comply with the requirements of relevant provisions,
- (c) on any other matter relating to promoting, encouraging and safeguarding high standards of conduct in the public office of [^{F9}Member of the Senedd].

Textual Amendments

- F3** Word in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(12\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))
- F9** Words in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(9\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))
- F10** Words in Measure substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [Sch. 1 para. 3\(10\)](#) (with [Sch. 1 para. 3\(6\)\(7\)](#))

Commencement Information

- I5** S. 7 comes into force in accordance with s. 21(2)(b)(3).

8 Ministerial Code

(1) Nothing in this Measure authorises the Commissioner to express any view on—

- (a) any provision relating to standards of conduct which is contained in a Welsh Ministerial Code,
- (b) any provision relating to standards of conduct which could be contained in a Welsh Ministerial Code,
- (c) any allegation that the conduct of any person was in breach of a provision relating to standards of conduct contained in a Welsh Ministerial Code, or
- (d) the effectiveness of any provision contained in a Welsh Ministerial Code whether in relation to any specific conduct or generally.

(2) For the purposes of this section—