

2010 No. 2969

CONSTITUTIONAL LAW

The National Assembly for Wales (Disqualification) Order 2010

Made - - - - - *15th December 2010*

Coming into force - - - - - *11th January 2011*

At the Court at Buckingham Palace, the 15th day of December 2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 16(6) of the Government of Wales Act 2006(a) 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:-

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Disqualification) Order 2010 and comes into force on 11th January 2011.

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.

Revocation of National Assembly for Wales (Disqualification) Order 2006

3. The National Assembly for Wales (Disqualification) Order 2006(b) is revoked.

Judith Simpson
Clerk of the Privy Council

(a) 2006 c.32.
(b) S.I. 2006/3335.

Offices disqualifying holders from membership of the National Assembly for Wales

PART 1

Bodies the members of which are disqualified

- A committee established by the Pensions Regulator under section 9 of the Pensions Act 2004(a);
- A National Park authority for a National Park in Wales;
- A panel, established under Schedule 10 to the Rent Act 1977(b), of persons to act as chairmen and other members of rent assessment committees for an area or areas every part of which is in Wales;
- A tribunal constituted under section 27 of, and Schedule 3 to the Education Act 2005(c);
- A tribunal referred to in paragraph 10 of Schedule 26 to the Schools Standards and Framework Act 1998(d);
- Adjudication Panel for Wales or Panel Dyfarnu Cymru;
- Agricultural Land Tribunal;
- An urban development corporation for an urban development area wholly in Wales;
- Anglesey Recovery Board;
- Any member of the Big Lottery Fund appointed under paragraph 1 of Schedule 4A to the National Lottery Etc. Act 1993(e) or of a committee established under paragraph 7(1)(b) of that Schedule;
- Arts Council of Wales;
- Board of Trustees of the National Library of Wales appointed by the Welsh Ministers;
- Board of Trustees of the National Museum of Wales appointed by the Welsh Ministers;
- Board of the Pension Protection Fund(f);
- British Waterways Board;
- Board of Medical Referees appointed by the Welsh Ministers(g);
- British Broadcasting Corporation Trust;
- British Transport Police Authority;
- Care Council for Wales or Cyngor Gofal Cymru;
- Care Quality Commission;

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- (a) 2004 c.35. The Pensions Regulator is established by section 1 of the Act.
- (b) 1977 c.42. There have been amendments to Schedule 10 to this Act which are not relevant to this order.
- (c) c.18. There have been amendments to Schedule 3 to this Act that are not relevant to this order.
- (d) 1998. c.31. There has been a relevant amendment to paragraph 10(2) of Schedule 26 to the Act by section 53 of and paragraphs 8, 16(1) and (4) of Part 2 of Schedule 7 to the Education Act 2005.
- (e) 1993. c.39.
- (f) For provision about membership of the Board, *see* section 108 of the Pensions Act 2004.
- (g) *See* Paragraph 3 of Annex 2 to the Scheme in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 (S.I. 2007/1072) and paragraph 3 of Schedule 5 to the Scheme in Schedule 1 to the Firefighters' Compensation Scheme (Wales) Order 2007 (S.I. 2007/1073).

Central Arbitration Committee;

Channel Four Television Corporation;

Child Maintenance and Enforcement Commission;

Commission for Equality and Human Rights;

Competition Appeal Tribunal;

Competition Commission;

Competition Service;

Council for Healthcare Regulatory Excellence;

Council of the Advisory, Conciliation and Arbitration Service;

Countryside Council for Wales;

Electoral Commission or Comisiwn Etholiadol;

Environment Agency or Asiantaeth yr Amgylchedd;

First-tier tribunal;

Food & Drink Advisory Partnership;

Food Standards Agency or yr Asiantaeth Safonau Bwyd;

Food Standards Agency Advisory Committee for Wales;

Gas and Electricity Markets Authority;

General Teaching Council for Wales or Cyngor Addysgu Cyffredinol Cymru;

Health and Safety Executive;

Health Protection Agency or yr Asiantaeth Diogelu Iechyd;

Higher Education Funding Council for Wales other than a member who is also an employee of the Council;

Human Fertilisation and Embryology Authority;

Human Tissue Authority;

Independent Appeal Panel for Farmers;

Independent Police Complaints Commission;

Independent Remuneration Panel for Wales;

Independent Social Services Complaints Panel;

Joint Nature Conservation Committee;

Local Better Regulation Office;

Local Government Boundary Commission for Wales;

Meat Promotions Wales or Hybu Cig Cymru;

Mental Health Review Tribunal for Wales;

National Employment Savings Trust Corporation;

Office of Communications;

Office of Fair Trading;
Pensions Regulator;
Postal Services Commission;
Royal Commission on the Ancient and Historical Monuments of Wales;
Sianel Pedwar Cymru;
Spongiform Encephalopathy Advisory Committee;
Sports Council for Wales;
Statistics Board or Bwrdd Ystadegau established by the Statistics and Registration Service Act 2007(a);
Upper Tribunal;
Valuation Tribunal for Wales;
Welsh Industrial Development Advisory Board;
Welsh Language Board or Bwrdd yr Iaith Gymraeg;
Welsh Levy Board or Bwrdd Ardollau Cymru.

PART 2

Other disqualifying offices

A person appointed by the Welsh Ministers under section 3(1) of the Local Government and Housing Act 1989(b);
An auditor appointed under section 13(2) of the Public Audit (Wales) Act 2004(c);
Ambassador or Permanent Representative to an international organisation representing Her Majesty's Government in the United Kingdom;
Auditor General for Wales and members of his or her staff;
Certification officer and any assistant certification officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992(d);
Chair of Welsh Health Specialised Services Committee;
Chair and members of the Marine Management Organisation;
Chair and members of the Welsh Committee of the Administrative Justice & Tribunals Council;
Chair and Chief Executive of the UK Commission for Employment and Skills or a Director or a Commissioner of that Commission appointed by the First Minister for Wales;
Chairman and Chief Executive of the Student Loans Company Limited;
Chairman and Chief Executive of the Technology Strategy Board;

(a) 2007 c.18

(b) 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), (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.

(c) 2004 c.23.

(d) 1992 c.52

Chairman and deputy chairman of the Civil Service Appeal Board;

Chairman and vice chairman of the Sustainable Development Commission;

Chairman and any other member of the Passengers' Council in receipt of remuneration;

Chairman and any member, not being also an employee, of a Local Health Board for an area in Wales;

Chairman and any member, not being also an employee, of a Special Health Authority performing functions partly or wholly in respect of Wales;

Chairman and Director General of the British Council;

Chairman and non-executive director of a National Health Service Trust all or some of whose hospitals, establishments or other facilities are situated in Wales;

Chairman of the Beef Assurance Scheme Panel;

Children's Commissioner for Wales or Comisiynydd Plant Cymru, Deputy Children's Commissioner and members of his or her staff;

Civil Service Commissioner;

Commissioner for Older People in Wales or Comisiynydd Pobl hŷn Cymru, Deputy Commissioner and members of his or her staff;

Commissioner for Public Appointments;

Commissioner and assistant Commissioner of the Boundary Commission for England;

Commissioner and assistant Commissioner of the Boundary Commission for Northern Ireland;

Commissioner and assistant Commissioner of the Boundary Commission for Scotland;

Commissioner and assistant Commissioner of the Boundary Commission for Wales;

Comptroller and Auditor General;

Director of Finance Wales Public Limited Company or any wholly owned subsidiary of Finance Wales Public Limited Company;

Director of the Pensions Advisory Service Limited;

Director of the Post Office company (within the meaning of Part 4 of the Postal Services Act 2000^(a)) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown;

Forestry Commissioners and member of their staff;

Governor or Administrator of a British overseas territory within the meaning of section 50(1) of the British Nationality Act 1981^(b);

Health Service Commissioner;

Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru;

High Commissioner representing Her Majesty's Government in the United Kingdom;

Independent Case Examiner for the Department for Work and Pensions;

(a) 2006 c.26.

(b) 1981 c.61. As amended by section 1(1) of the British Overseas Territories Act 2002 (c.8).

Independent Groundwater Complaints Administrator appointed under section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act 1993(a);

Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004(b) and any deputy to that Ombudsman appointed under section 210 of that Act;

Parliamentary Commissioner for Administration;

Pensions Ombudsman appointed under section 145 of the Pensions Schemes Act 1993(c) and any deputy to that Ombudsman appointed under section 145A of that Act;

Person holding a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989(d), under—

(a) a local authority in Wales, within the meaning of that Part,

(b) a National Park Authority for a National Park in Wales;

President of the Special Educational Needs Tribunal for Wales, or member of a panel of persons appointed to act as chairman or other member of that Tribunal;

Returning officer for a constituency or an electoral region of the National Assembly for Wales;

Social Fund Commissioner;

Trustee of the Independent Living Fund (2006).

(a) 1993 c.42. There have been amendments to paragraph 27 of Schedule 7 to the Act not relevant to this order.

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

(c) 1993 c.48. There have been amendments to section 145 of the Act not relevant to this order.

(d) 1989 c.42.

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 revokes the previous Order made in 2006.

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STATUTORY INSTRUMENTS

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