



National Assembly for Wales Commissioner for Standards Measure 2009

2009 nawm 4

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 [^{F1}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 [^{F2}Senedd] the outcome of any such investigation,
 - (d) to advise [^{F3}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 [^{F3}Members of the Senedd] of their membership of societies,
 - (iii) the registration or notification of any other information relating to [^{F3}Members of the Senedd] or to persons connected to [^{F3}Members of the Senedd].

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

- (b) any resolution of the [^{F2}Senedd] relating to the financial or other interests of [^{F3}Members of the Senedd],
 - (c) any Code of Conduct approved by the [^{F2}Senedd] relating to standards of conduct of [^{F3}Members of the Senedd],
 - (d) any resolution of the [^{F2}Senedd] relating to standards of conduct of [^{F3}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.

Textual Amendments

- F1** 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\(6\)\(7\)](#))
- F2** 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\(6\)\(7\)](#))
- F3** 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

- I1** [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 [^{F2}Senedd] to do so must) give advice to the [^{F2}Senedd]—

- (a) on any matter of general principle relating to relevant provisions or to standards of conduct of [^{F3}Members of the Senedd] generally,
- (b) on procedures for investigating complaints that [^{F3}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 [^{F4}Member of the Senedd].

Textual Amendments

- F2** 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\(6\)\(7\)](#))
- F3** 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\(6\)\(7\)](#))
- F4** 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

- I2** [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—

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- (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—
- (a) a “Welsh Ministerial Code” means any document (however that document is described) containing provisions relating to standards of conduct—
 - (i) which has been promulgated by or under the authority of the First Minister,
 - (ii) which applies to the First Minister, Welsh Ministers, Deputy Welsh Ministers and Counsel General or to any of them,
 - (iii) which relates to standards of conduct in those offices, and
 - (iv) which seeks to apply standards of conduct different from or additional to those which apply to ^{F3}Members of the Senedd] generally, and
 - (b) a provision relating to standards of conduct is one which could be contained in a Welsh Ministerial Code if that provision satisfies the requirements of paragraph (a)(ii), (iii) and (iv).

Textual Amendments

F3 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

I3 [S. 8](#) comes into force in accordance with s. 21(2)(b)(3)

Changes to legislation:

There are currently no known outstanding effects for the National Assembly for Wales Commissioner for Standards Measure 2009, Cross Heading: Functions of the Commissioner.