



# Government of Wales Act 1998

## 1998 CHAPTER 38

### PART III

#### ASSEMBLY PROCEDURE

##### *Miscellaneous*

#### **76 Attendance of Secretary of State for Wales**

- (1) The Secretary of State for Wales shall be entitled to attend and participate in any proceedings of the Assembly.
- (2) Subsection (1) does not confer on the Secretary of State for Wales—
  - (a) any right to vote, or
  - (b) a right to attend or participate in the proceedings of a committee of the Assembly or any sub-committee of such a committee.
- (3) The standing orders must include provision for any documents which—
  - (a) contain material relating to any proceedings of the Assembly itself which have taken place or are to take place, and
  - (b) are made available to all Assembly members,to be made available to the Secretary of State for Wales no later than the time when they are made available to Assembly members who are not members of the executive committee.

#### **77 Defamation**

- (1) For the purposes of the law of defamation—
  - (a) any statement made in, for the purposes of or for purposes incidental to proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee), and
  - (b) the publication by or under the authority of the Assembly of a report of such proceedings,

is absolutely privileged.

- (2) Subsection (1)(a) applies, in particular, to any statement made in—
- (a) evidence given before the Assembly, a committee of the Assembly or a sub-committee of such a committee,
  - (b) a document laid before the Assembly or such a committee or sub-committee,
  - (c) a document prepared for the purposes of, or for purposes incidental to, the transaction of business by the Assembly or such a committee or sub-committee,
  - (d) a document (other than a report to which subsection (1)(b) applies) formulated, made or published by or under the authority of the Assembly or such a committee or sub-committee,
  - (e) any communication—
    - (i) between any person and a person having functions in connection with the registration of interests of Assembly members, or
    - (ii) between any person and an Assembly member,
 in connection with such registration, or
  - (f) any communication—
    - (i) between any person and a person having functions in connection with the investigation of complaints about actions or failures on the part of the Assembly, or
    - (ii) between any person and an Assembly member,
 in connection with any such complaint.
- (3) In subsections (1) and (2) “statement” has the same meaning as in the Defamation Act 1996.
- (4) The Assembly—
- (a) is a legislature for the purposes of Schedule 1 to that Act (qualified privilege for fair and accurate report of public proceedings of legislatures etc.), and
  - (b) shall be treated as if it were a Minister of the Crown for the purposes of paragraph 11(1)(c) of that Schedule (report of proceedings of person appointed by a Minister etc. for the purposes of an inquiry).
- (5) Section 10 of the Defamation Act 1952 and section 10 of the Defamation Act Northern Ireland) 1955 (limitation on privilege at elections) have effect in relation to elections of Assembly members as to elections to Parliament.

## **78 Contempt of court**

- (1) The strict liability rule shall not apply in relation to any publication—
- (a) made in, for the purposes of or for purposes incidental to proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee), or
  - (b) to the extent that it consists of a report of such proceedings which either is made by or under the authority of the Assembly or is fair and accurate and made in good faith.
- (2) Paragraph (a) of subsection (1) applies, in particular, to any publication made in any evidence, document or communication such as is specified in section 77(2)(a) to

(f); and in that subsection “the strict liability rule” and “publication” have the same meanings as in the Contempt of Court Act 1981.

## **79      Corrupt practices**

The Assembly is a public body for the purposes of the Prevention of Corruption Acts 1889 to 1916.