



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 1

[<sup>F1</sup>SENEDD CYMRU]

#### *Disqualification*

#### 16 Disqualification from being [<sup>F1</sup>Member of the Senedd]

[<sup>F2</sup>(A1) A person is disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, if that person—

- (a) falls within any of the categories of person specified in Part 1 of Schedule 1A, or
- (b) holds any of the offices specified in the Table in Part 2 of Schedule 1A.]

(1) [<sup>F3</sup>A person is disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd) if that person—]

[<sup>F4</sup>(za) is a member of the House of Commons (but see sections 17A and 17B),]

[<sup>F5</sup>(zb) is a member of the House of Lords (but see section 17C),

(zc) is a member of the council of a county or county borough in Wales (but see sections 17D, 17E and 17F),

(zd) is a member of the Scottish Parliament,

(ze) is a member of the Northern Ireland Assembly,

(zf) is a member of the European Parliament, or]

<sup>F6</sup>(a) .....

(b) holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being [<sup>F7</sup>Members of the Senedd],

<sup>F8</sup>(c) .....

<sup>F8</sup>(d) .....

<sup>F8</sup>(e) .....

*Changes to legislation: Government of Wales Act 2006, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[<sup>F9</sup>(1A) A person returned at an election as a Member of the Senedd is not disqualified under subsection (1)(zd), (ze), (zf) or (b) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).]

<sup>F10</sup>(2) .....

<sup>F11</sup>(3) .....

<sup>F10</sup>(4) .....

(5) An Order in Council under paragraph (b) of subsection (1)—

(a) may designate particular offices or offices of any description, and

(b) may designate an office by reference to any characteristic of a person holding it,

and [<sup>F12</sup>for the purposes of this section] “office” includes any post or employment.

(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, the [<sup>F13</sup>Senedd].

#### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), Sch. 1 para. 2(16) (with Sch. 1 para. 2(11)(12)(14))
- F2** S. 16(A1) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(2), 42(1)(c)
- F3** Words in s. 16(1) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(a), 42(1)(c)
- F4** S. 16(1)(za) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 3(1), 29(2)(a)**
- F5** S. 16(1)(zb)-(zf) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(b), 42(1)(c)
- F6** S. 16(1)(a) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(c), 42(1)(c)
- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(17)** (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F8** S. 16(1)(c)-(e) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(3)(d), 42(1)(c)
- F9** S. 16(1A) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(4), 42(1)(c)
- F10** S. 16(2)-(4) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(5), 42(1)(c)
- F11** S. 16(2)-(4) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(5), 42(1)(c); and s. 16(3) in so far as it is still in force amended (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), **Sch. 3 para. 31** (with s. 19, [Sch. 8 para. 37](#)); [S.I. 2020/1622](#), reg. 3(l) (with regs. 10, 22)

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- F12** Words in s. 16(5) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 29(6), 42(1)(c)
- F13** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

#### Commencement Information

- I1** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 17 <sup>F14</sup>Relief from disqualification

<sup>F15</sup>(1) .....

<sup>F15</sup>(2) .....

- (3) The <sup>F13</sup>Senedd] may resolve that the disqualification of any person who was, or is alleged to have been, disqualified from being <sup>F16</sup>a Member of the Senedd] on a ground within section 16(1) <sup>F17</sup>... is to be disregarded if it appears to the <sup>F13</sup>Senedd] —
- (a) that the ground has been removed, and
  - (b) that it is proper so to resolve.
- (4) A resolution under subsection (3) does not—
- (a) affect any proceedings under Part 3 of the Representation of the People Act 1983 (c. 2) as applied by or incorporated in an order under section 13, or
  - (b) enable the <sup>F13</sup>Senedd] to disregard any disqualification which has been established in such proceedings or in proceedings under section 19.

#### Textual Amendments

- F13** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F14** Words in s. 17 heading substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 30\(4\)](#), 42(1)(c)
- F15** S. 17(1)(2) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 30\(2\)](#), 42(1)(c)
- F16** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F17** Words in s. 17(3) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 30\(3\)](#), 42(1)(c)

#### Commencement Information

- I2** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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### **[<sup>F18</sup>17A Exception from disqualification by virtue of being an MP: recently elected members**

- (1) A person returned at an election as [<sup>F16</sup>a Member of the Senedd] is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period of 8 days beginning with the day the person is so returned.
- (2) Subsection (3) applies where a person—
  - (a) is returned at an election as [<sup>F16</sup>a Member of the Senedd],
  - (b) on being so returned is a candidate for election to the House of Commons, and
  - (c) is subsequently returned at that election as a member of that House.
- (3) The person is not disqualified under section 16(1)(za) at any time in the period of 8 days beginning with the day the person is returned as a member of the House of Commons.
- (4) A person is a “candidate for election to the House of Commons” if the person's nomination paper for election as a member of the House of Commons has been delivered to the returning officer under rule 6 of Schedule 1 to the Representation of the People Act 1983 (parliamentary election rules).

#### **Textual Amendments**

- F16** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\), s. 42\(2\), Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F18** Ss. 17A, 17B inserted (17.2.2015) by [Wales Act 2014 \(c. 29\), ss. 3\(2\), 29\(2\)\(a\)](#)

### **17B Exception from disqualification by virtue of being an MP: general election of [<sup>F7</sup>Members of the Senedd] within 372 days**

- (1) This section applies if—
  - (a) [<sup>F16</sup>a Member of the Senedd] is returned as a member of the House of Commons, and
  - (b) the expected day of the next general election of [<sup>F7</sup>Members of the Senedd] is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period—
  - (a) beginning with the return day, and
  - (b) ending immediately before the day of the next general election of [<sup>F7</sup>Members of the Senedd].
- (3) For the purposes of subsection (1)(b) the expected day of the next general election of [<sup>F7</sup>Members of the Senedd] is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).

[ Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—

- <sup>F19</sup>(3A) election being held on the day specified in section 3(1)—
- (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);

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- (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
- (3B) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
- (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
  - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).]
- (4) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—
- (a) if [<sup>F20</sup>a proclamation under section 5(4) has been issued], the expected day is the day on which the poll is required to be held in accordance with that [<sup>F21</sup>proclamation];
  - (b) if no [<sup>F22</sup>proclamation under section 5(4) has been issued] but a day has been proposed under section 5(1), that is the expected day;
  - (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).
- (5) For the purpose of determining the expected day, no account is to be taken of the possibility of—
- (a) [<sup>F23</sup>a day being proposed under section 4(1) (power to vary date of ordinary general election)] after the relevant time, or
  - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.
- (6) References in this section to the “day” of the election are to the day on which the poll at the election is held.]

#### Textual Amendments

- F7** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(17\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F16** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F18** Ss. 17A, 17B inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 3\(2\)](#), 29(2)(a)
- F19** S. 17B(3A)(3B) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 31(2), 42(1)(c)
- F20** Words in s. 17B(4)(a) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 31(3)(a)(i), 42(1)(c)
- F21** Word in s. 17B(4)(a) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 31(3)(a)(ii), 42(1)(c)
- F22** Words in s. 17B(4)(b) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 31(3)(b), 42(1)(c)

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**F23** Words in s. 17B(5)(a) substituted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 31(4), 42(1)(c)

**[<sup>F24</sup>17C Exception from disqualification by virtue of being a member of the House of Lords**

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zb) (disqualification by virtue of being a member of the House of Lords) at any time in the period of eight days beginning with the day the person is so returned.
- (2) A Member of the Senedd who becomes a member of the House of Lords is not disqualified under section 16(1)(zb) at any time before the end of the period of eight days beginning with the day the person makes and subscribes the oath required by the [Parliamentary Oaths Act 1866 \(c. 19\)](#) (or the corresponding affirmation).
- (3) A person is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time when the person—
  - (a) has leave of absence from the House of Lords, or
  - (b) has made an application for leave of absence which has not been withdrawn or refused.
- (4) A person who is on leave of absence from the House of Lords immediately before Parliament is dissolved is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time in the period—
  - (a) beginning with the dissolution of the old Parliament, and
  - (b) ending at the end of the period of eight days beginning with the day of the first meeting of the new Parliament.]

**Textual Amendments**

**F24** S. 17C inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 32, 42(1)(c)

**[<sup>F25</sup>17D Exception from disqualification by virtue of being a councillor: recently elected members**

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).
- (2) A Member of the Senedd who is returned at an election as a member of the council of a county or county borough in Wales is not disqualified under section 16(1)(zc) at any time before the person makes a declaration of acceptance of office under section 83 of the [Local Government Act 1972 \(c. 70\)](#).

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#### Textual Amendments

**F25** Ss. 17D-17F inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 33**, 42(1)(c)

### **17E Exception from disqualification by virtue of being a councillor: ordinary election of councillors within 372 days**

- (1) This section applies if—
- (a) a member of the council of a county or county borough in Wales is returned as a Member of the Senedd, and
  - (b) the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
- (a) beginning with the return day, and
  - (b) ending with the fourth day after the day of the next ordinary election of members of the council.
- (3) For the purposes of subsection (1)(b) the expected day of the next ordinary election of members of the council is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) For the purpose of determining the expected day, no account is to be taken of the possibility of—
- (a) an order under section 37ZA(1) [<sup>F26</sup>or (1A)] of the [Representation of the People Act 1983 \(c. 2\)](#) (power to vary ordinary day of local elections), or
  - (b) an order under section 87 of the [Local Government Act 2000 \(c. 22\)](#) (power to change year in which local election is held),
- being made after the relevant time.
- (5) References in this section and section 17F to the “day” of an election are to the day on which the poll at the election is held.

#### Textual Amendments

**F25** Ss. 17D-17F inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 33**, 42(1)(c)

**F26** Words in s. 17E(4)(a) inserted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(f), **Sch. 2 para. 12**

### **17F Exception from disqualification by virtue of being a councillor: general election of Members of the Senedd within 372 days**

- (1) This section applies if—
- (a) a Member of the Senedd is returned as a member of the council of a county or county borough in Wales, and

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- (b) the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
    - (a) beginning with the return day, and
    - (b) ending immediately before the day of the next general election of Members of the Senedd.
  - (3) For the purposes of subsection (1)(b) the expected day of the next general election of Members of the Senedd is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
  - (4) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—
    - (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
    - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
  - (5) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
    - (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
    - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).
  - (6) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—
    - (a) if a proclamation under section 5(4) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
    - (b) if no proclamation under section 5(4) has been issued but a day has been proposed under section 5(1), that is the expected day;
    - (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).
  - (7) For the purpose of determining the expected day, no account is to be taken of the possibility of—
    - (a) a day being proposed under section 4(1) (power to vary date of ordinary general election) after the relevant time, or
    - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.]

#### Textual Amendments

**F25** Ss. 17D-17F inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 33, 42(1)(c)**



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## 18 Effect of disqualification

[<sup>F27</sup>(A1) If a person who is disqualified from being a candidate to be a Member of the Senedd (see section 16(A1)) is nominated as a candidate at a general election of Members of the Senedd or an election to fill a vacancy under section 10, the person's nomination is void.]

(1) If a person who is disqualified from being [<sup>F16</sup>a Member of the Senedd] is returned as [<sup>F16</sup>a Member of the Senedd], the person's return is void and the person's seat is vacant.

<sup>F28</sup>(2) .....

(3) If a person who is [<sup>F16</sup>a Member of the Senedd] becomes disqualified—

(a) from being [<sup>F16</sup>a Member of the Senedd], <sup>F29</sup>...

<sup>F29</sup>(b) .....

the person ceases to be [<sup>F16</sup>a Member of the Senedd] (so that the person's seat is vacant).

(4) Subsections (1) to (3) have effect subject to any resolution of the [<sup>F13</sup>Senedd] under section 17(3).

(5) In addition, subsection (3) has effect subject to—

<sup>F30</sup>(a) .....

[<sup>F31</sup>(aa) section 31 of the Elections Act 2022 (disqualification of offenders for holding elective office etc);]

(b) section 427 of the Insolvency Act 1986 (c. 45) (bankruptcy etc.).

(6) If, in consequence of [<sup>F32</sup>either of the provisions] mentioned in subsection (5), the seat of a person who is disqualified from being [<sup>F16</sup>a Member of the Senedd] is not vacant, the person does not cease to be [<sup>F16</sup>a Member of the Senedd] until the person's seat becomes vacant.

(7) But for any period for which the person is disqualified but the person's seat is not vacant—

(a) the person must not participate in any [<sup>F13</sup>Senedd] proceedings, and

(b) any of the person's other rights and privileges as [<sup>F16</sup>a Member of the Senedd] may be withdrawn by the [<sup>F13</sup>Senedd].

(8) The validity of any [<sup>F13</sup>Senedd] proceedings is not affected by the disqualification of any person—

(a) from being [<sup>F16</sup>a Member of the Senedd], <sup>F33</sup>...

<sup>F33</sup>(b) .....

### Textual Amendments

**F13** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))

**F16** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

**F27** S. 18(A1) inserted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(2\)](#), [42\(1\)\(c\)](#)

**F28** S. 18(2) omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(3\)](#), [42\(1\)\(c\)](#)

**Changes to legislation:** Government of Wales Act 2006, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F29** S. 18(3)(b) and word omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 34(4), 42(1)(c)**
- F30** S. 18(5)(a) omitted (28.4.2013) by virtue of [Mental Health \(Discrimination\) Act 2013 \(c. 8\)](#), s. 4(1), **Sch. para. 5(1)(a)**
- F31** S. 18(5)(aa) inserted (1.11.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 10 para. 7(2)(a)**; S.I. 2023/1145, reg. 3(k)
- F32** Words in s. 18(6) substituted (1.11.2023) by [Elections Act 2022 \(c. 37\)](#), s. 67(1), **Sch. 10 para. 7(2)(b)**; S.I. 2023/1145, reg. 3(k)
- F33** S. 18(8)(b) and word omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 34(5), 42(1)(c)**

#### Commencement Information

- I3** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 19 Judicial proceedings as to disqualification

- (1) Any person who claims that a person purporting to be [<sup>F16</sup>a Member of the Senedd] is, or at any time since being returned as [<sup>F16</sup>a Member of the Senedd] has been, disqualified from being—
- (a) [<sup>F16</sup>a Member of the Senedd] , <sup>F34</sup>...
- <sup>F34</sup>(b) .....
- may apply to the High Court for a declaration to that effect.
- (2) An application under subsection (1) in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time when the person was returned or to have arisen subsequently.
- (3) No declaration may be made under this section in respect of any person—
- (a) on grounds which subsisted when the person was returned, if an election petition is pending or has been tried in which the person's disqualification on those grounds is or was in issue, or
- (b) on any ground, if a resolution of the [<sup>F13</sup>Senedd] under section 17(3) requires that any disqualification incurred by the person on that ground is to be disregarded.
- (4) On an application under this section—
- (a) the person in respect of whom the application is made is to be the respondent, and
- (b) the applicant must give such security for the costs of the proceedings as the court may direct.
- (5) The amount of the security may not exceed £5,000 or such other sum as the Welsh Ministers may specify by order.
- (6) The decision of the court on an application under this section is final.
- (7) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of the [<sup>F13</sup>Senedd].

**Changes to legislation:** Government of Wales Act 2006, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

### Textual Amendments

- F13** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F16** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F34** S. 19(1)(b) and word omitted (15.1.2020 with effect for the purposes of a Senedd election at which the poll is held on or after 5.4.2021) by virtue of [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 34\(6\)](#), [42\(1\)\(c\)](#)

### Commencement Information

- I4** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

**Changes to legislation:**

Government of Wales Act 2006, Cross Heading: Disqualification is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 155A inserted by [2014 c. 29 s. 10](#)
- Sch. 7A Section C15 para. 92 omitted by [2017 c. 4 s. 48\(1\)\(a\)](#)
- Sch. 7A Section C15 para. 93 words omitted by [2017 c. 4 s. 48\(1\)\(b\)](#)
- Sch. 7B para. 10(2)(o) inserted by [2022 c. 30 s. 143](#)
- Sch. 7B para. 11(6)(b)(x) repealed by [2023 c. 54 Sch. 11 para. 1\(b\)](#)
- Sch. 7B para. 11(6)(b)(x) word omitted by [2023 c. 54 s. 118\(c\)](#)