



Government of Wales Act 2006

2006 CHAPTER 32

PART 1

[^{F1}SENEDD CYMRU]

Disqualification

16 Disqualification from being [^{F1}Member of the Senedd]

[^{F2}(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) [^{F3}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—]

[^{F4}(za) is a member of the House of Commons (but see sections 17A and 17B),]

[^{F5}(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]

^{F6}(a)

(b) holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being [^{F7}Members of the Senedd],

^{F8}(c)

^{F8}(d)

^{F8}(e)

Changes to legislation: Government of Wales Act 2006, Section 16 is up to date with all changes known to be in force on or before 22 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

[^{F9}(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).]

^{F10}(2)

^{F11}(3)

^{F10}(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 [^{F12}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 [^{F13}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))

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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\(c\)](#)