



Wales Act 2014

2014 CHAPTER 29

PART 1

THE ASSEMBLY AND WELSH GOVERNMENT

National Assembly for Wales

3 MPs to be disqualified from membership of Assembly

(1) In section 16(1) of GOWA 2006 (disqualification from being Assembly member), before paragraph (a) insert—

“(za) is a member of the House of Commons (but see sections 17A and 17B),”.

(2) After section 17 of that Act insert—

“17A Exception from disqualification by virtue of being an MP: recently elected members

(1) A person returned at an election as an Assembly member 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 an Assembly member,
- (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.

*Changes to legislation: There are currently no known outstanding effects
for the Wales Act 2014, Section 3. (See end of Document for details)*

- (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).

17B Exception from disqualification by virtue of being an MP: general election of Assembly members within 372 days

- (1) This section applies if—
- (a) an Assembly member is returned as a member of the House of Commons, and
 - (b) the expected day of the next general election of Assembly members 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 Assembly members.
- (3) For the purposes of subsection (1)(b) the expected day of the next general election of Assembly members 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 5(2) or (3) (extraordinary general elections) applies—
- (a) if an Order in Council under section 5(4) has been made, the expected day is the day on which the poll is required to be held in accordance with that Order;
 - (b) if no Order in Council under section 5(4) has been made 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) an order under section 4 (power to vary date of ordinary general election) being made 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.”
- (3) The National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) is amended as follows.
- (4) In article 34 (false statements in nomination papers), at the end of paragraph (5) (c) insert “ or to the best of his knowledge and belief he is disqualified only under section 16(1)(za) of the 2006 Act (disqualification of MPs) ”.

Changes to legislation: *There are currently no known outstanding effects for the Wales Act 2014, Section 3. (See end of Document for details)*

- (5) In Schedule 5 (Assembly election rules), in rule 9(4)(c)(ii) (consent to nomination) after “Assembly” insert “ or that to the best of his knowledge and belief he is disqualified for membership of the Assembly only under section 16(1)(za) of the 2006 Act (disqualification of MPs) ”.

Changes to legislation:

There are currently no known outstanding effects for the Wales Act 2014, Section 3.