

Dual Roles

28 September 2016

Request for Information



Thank you for your request received 13 September in which you asked:

- 1. Update me on who of the AM's occupy TWO or more publicly elected positions as well as being AM?*
- 2. Update me on the current rules and the ORDER as it applies or otherwise to the identified "Double Jobbers"?*

1. From the Register of Members Interests of Assembly Members, there are no Assembly Members (AMs) who occupy two or more publicly elected positions as well as being an AM.

Section 36 of the Government of Wales Act 2006 and Standing Order 2 require the National Assembly to maintain and publish a [Register of Members Interests of Assembly Members](#). Information on those who occupy one position as well as being an AM are captured within this register.

Members are required to register any relevant interests within eight weeks of taking the oath or affirmation and also register within four weeks any changes to those interests. Section 36(7)(a) of the Government of Wales makes it an offence for any Member to participate in proceedings of the Assembly without having registered a relevant interest as specified in the Annex to Standing Order 2.

2. The rules regarding the disqualification of Members are set out in sections 16 to 19 of the [Government of Wales Act 2006](#). In particular, section 16 deals with the offices and positions which serve to disqualify a person from being an Assembly Member. Since 2012 there have been two material changes to the rules and they are set out below.

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First, two new sections have been added to the Government of Wales Act 2006, namely sections 17A and 17B. The version on legislation.gov.uk (the website referenced above) has not yet been amended to include the two new sections. Instead, the sections are [attached](#) to this letter. You will see that the sections allow a person to be a member of the House of Commons (i.e. an MP) and an Assembly Member for limited periods of time if certain circumstances apply.

The second change is that the order referred to in section 16(1)(b) of the Government of Wales Act 2006 is the [National Assembly for Wales \(Disqualification\) Order 2015](#).

A composite list of the various offices (found in [appendix 2](#)), positions and employments which prohibit a person from becoming an Assembly Member was prepared on 4 May 2016 for internal use and is set out below, correct as at 4 May 2016. The list reflects all disqualifying offices i.e. those provided by section 16, including by virtue of the order referred to in subsection (1)(b). You will see that some entries were emboldened; the use of bold text indicated differences in the provisions as between the National Assembly for Wales (Disqualification) Order 2015 and the order that had been in force at the time of the 2011 election.

Your request has been considered according to the principles set out in the Code of Practice on Public Access to Information. The code is published on our website at http://www.assemblywales.org/abthome/about_us-commission_assembly_administration/abt-foi/abt-foi-cop-pub.htm

If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance at the end of this letter.

Yours sincerely

**Freedom of Information Manager
National Assembly for Wales**

Appendix 1 - 17A and 17B Government of Wales Act 2006

[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.

(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.]

Appendix 2

LIST OF DISQUALIFYING OFFICES

Offices in bold are offices that were not contained in the previous 2010 Order or have some changes.

A tribunal constituted under section 27 of, and Schedule 3 to the Education Act 2005	All members
A tribunal referred to in paragraph 10 of Schedule 26 to the School Standards and Framework Act 1998	All members
Adjudication Panel for Wales	All members
Advisory Committee on Dangerous Pathogens	All members
Advisory, Conciliation and Arbitration Service	All members of the Council
Agricultural Land Tribunal Wales	All members
Arts Council of Wales	All members
Armed forces of the Crown	Regular member
Auditor General for Wales	
Big Lottery Fund	All members appointed under paragraph 1 of Schedule 4A to the National Lottery Etc. Act 1993 or of a committee established under paragraph 7(1)(b) of that Schedule
Board of Medical Referees	All members appointed by the Welsh Ministers
Boundary Commission for Wales	Commissioners
British Broadcasting Corporation Trust	All members
British Council	Chair and Chief Executive
British Transport Police Authority	All members
Care Council for Wales	All members
Certification Officer and any Assistant Certification Officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992	Certification Officer and any Assistant Certification Officer
Channel Four Television Corporation	All members
Chairman of the Scottish Land Court.	
Chief or other Child Support Commissioner for Northern Ireland [or deputy Child Support Commissioner for Northern Ireland]	

Chief or other Social Security Commissioner (not including a deputy Commissioner)	
Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland	
Children's Commissioner for Wales	Commissioner and Deputy Commissioner
Circuit Judge	
Civil Service	All employees whether in an established capacity or not, and whether full or part time.
Civil Service Commission	First Civil Service Commissioner and all Commissioners
Commissioner for Public Appointments	
Competition and Markets Authority	All members
Comptroller and Auditor General	
County Court Judge or deputy County Court Judge in Northern Ireland.	
District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)).	
District judge (magistrates' courts), or deputy district judge (magistrates' courts), in Northern Ireland.	
Education Workforce Council	All members
Electoral Commission	All members and staff
Emergency Ambulance Services Committee	Chair
Employment Tribunals and Employment Appeal Tribunal	All members
Finance Wales Public Limited Company or any wholly owned subsidiary of Finance Wales Public Limited Company	All Directors
Financial Conduct Authority	All members
Fire and Rescue Service	Inspector or Assistant Inspector appointed under section 28 of the Fire and Rescue Services Act 2004
Firefighters' Pension Scheme Advisory Board for Wales	All members
First-tier tribunal	All members

Food Standards Agency	All members
Future Generations Commissioner for Wales	
Gas and Electricity Markets Authority	All members
Health and Safety Executive	All members
Her Majesty's Chief Inspector of Education and Training in Wales	
Her Majesty's Lord Lieutenant or Lieutenant for an area in Wales – <i>(NB - only disqualified for any Assembly Constituency or Assembly electoral region wholly or partly included in that area.)</i>	
High Sheriff of an area in Wales <i>(NB -only disqualified for any Assembly Constituency or Assembly electoral region wholly or partly included in that area.)</i>	
Higher Education Funding Council for Wales	All members, other than a member who is also an employee of the Council
House of Commons	All Members – (NB – see note re exceptions s17A & 17B GOWA 2006)
Human Fertilisation and Embryology Authority	All members
Human Tissue Authority	All members
Independent Adjudicator to Local Authorities in Wales	
Independent Case Examiner for the Department of Work and Pensions	The Independent Case Examiner
Independent Groundwater Complaints Administrator appointed under section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act 1993	
Independent Police Complaints Commission	All members
Independent Remuneration Panel for Wales	All members
Independent Social Services Complaints Panel	All members
Joint Nature Conservation Committee	All members
Judge of the Court Martial Appeal Court	
Judge of the Court of Session, or Temporary Judge in Scotland	

Judge of the High Court of Justice or Court of Appeal in Northern Ireland	
Judge of the Supreme Court	
Legislature of any country or territory outside the Commonwealth (other than the Republic of Ireland)	All members
Local Democracy and Boundary Commission for Wales	Chief Executive and all members
Local Government Pension Scheme Advisory Board	Chair and Deputy Chair
Local Health Board for an area in Wales	All members, not being also an employee
Marine Management Organisation	All members
Meat Promotion Wales	All members
Mental Health Review Tribunal for Wales	All members
National Assembly for Wales	Staff of the Commission – NB this does not include support staff employed by Assembly Members
National Employment Savings Trust Corporation	All Trustee members
National Health Service Trust all or some of whose hospital establishments or other facilities are situated in Wales	Chair and Non-Executive Director
National Library of Wales	Board of Trustees appointed by the Welsh Ministers
National Museum Wales	Board of Trustees appointed by the Welsh Ministers
A National Park authority for a National Park in Wales	All members
Natural Resources Body for Wales	Chief Executive, Chair and members
Office of Communications	All members
Older People's Commissioner for Wales	Commissioner and Deputy Commissioner
Parliamentary Commissioner for Administration	
Pensions Advisory Service	Directors
Pensions Ombudsman appointed under section 145 of the Pensions Schemes Act 1993 and any deputy to that Ombudsman appointed under section 145A of that Act	
Pension Protection Fund	All members, and the Ombudsman

	for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004 and any deputy to that Ombudsman appointed under section 210 of that Act
Pensions Regulator	All members, and committee members established by the Pensions Regulator under section 9 of the Pensions Act 2004
Person holding a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989, in: (a) a local authority in Wales, within the meaning of that Part, (b) a National Park Authority for a National Park in Wales	
Police and Crime Commissioner as established by section 1 of the Police Reform and Social Responsibility Act 2011, and any Deputy appointed by the Commissioner under section 18 of that Act	
Police force maintained by a local policing body or a Police Authority.	All members
Professional Standards Authority for Health and Social Care	All members
Public Service Ombudsman for Wales	
Rent assessment committees for an area or areas every part of which is in Wales	All members of a panel established under Schedule 10 to the Rent Act 1977
Returning officer for a constituency or an electoral region of the National Assembly for Wales	
Royal Commission on the Ancient and Historical Monuments of Wales	Commissioners
Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland.	
Sianel Pedwar Cymru	All members

Special Educational Needs Tribunal for Wales	All members
Special Health Authority performing functions partly or wholly in respect of Wales	All members, not being also an employee
Sports Council for Wales known as Sport Wales	All members
Statistics Board established by the Statistics and Registration Service Act 2007	All members
Student Loans Company Limited	All members and Chief Executive
Technology Strategy Board known as Innovate UK	All members and Chief Executive
UK Commission for Employment and Skills	Chair and Chief Executive, or a Director or a Commissioner of that Commission appointed by the First Minister of Wales
Upper Tribunal	All members
Valuation Tribunal for Wales	All members
Wales Audit Office	All staff and auditors providing audit services to the Wales Audit Office or Auditor General for Wales
Welsh Food Advisory Committee	All members
Welsh Health Specialised Services Committee	Chair
Welsh Industrial Development Advisory Board	All members
Welsh Language Commissioner	Welsh Language Commissioner, Deputy Welsh Language Commissioner and members of the Advisory Panel to the Welsh Language Commissioner
Welsh Language Tribunal	All members

Cause for concern or complaint with your FOI response?

If you believe that I have not applied the Code correctly or have not followed the relevant laws, you may make a formal complaint to the Chief Executive and Clerk at the National Assembly for Wales, Cardiff Bay. Details of the Assembly's complaints principles are set out in the Code of Practice on Complaints available on the Internet at <http://www.assembly.wales/en/help/contact-the-assembly/con-complaint/Pages/con-complaint-procedure.aspx>. Please advise me if you wish to receive a printed copy.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
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Wilmslow
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