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STATUTORY INSTRUMENTS

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**2006 No. 3335**

**CONSTITUTIONAL LAW**

**The National Assembly for Wales (Disqualification) Order 2006**

*Made* - - - - *14th December 2006*

*Coming into force* - - *10th January 2007*

At the Court at Buckingham Palace, the 14th day of December 2006

Present,

The Queen's Most Excellent Majesty in Council

A Draft of this Order having been laid before the National Assembly for Wales, and the Assembly having resolved (in accordance with the provisions of section 12(7) of the Government of Wales Act 1998<sup>(1)</sup>) that the Secretary of State for Wales be requested to recommend the making of an Order in Council revoking the National Assembly for Wales (Disqualification) Order 2003<sup>(2)</sup>, and the Secretary of State for Wales having recommended the making of this Order, Her Majesty, in exercise of the power conferred upon Her by section 12(1)(b) and (5) of the Government of Wales Act 1998, is pleased, by and with the advice of Her Privy Council, to order as follows:

**Citation and commencement**

1. This Order may be cited as the National Assembly for Wales (Disqualification) Order 2006 and shall come into force on 10th January 2007.

**Designation of disqualifying offices**

2. The offices described in the Schedule are designated as offices disqualifying the holders of such offices from being members of the National Assembly for Wales.

**Revocation of 2003 order**

3. The National Assembly for Wales (Disqualification) Order 2003 is hereby revoked.

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(1) 1998 c.38  
(2) S.I. 2003/437.

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*Meriel McCullagh*  
Deputy Clerk of the Privy Council

## SCHEDULE

Article 2

### Offices disqualifying holders from membership of the National Assembly

## PART 1

### Bodies of which all members are disqualified

- A National Park authority for a National Park in Wales;
- A panel, established under Schedule 10 to the Rent Act 1977, of persons to act as chairmen and other members of rent assessment committees for an area or areas every part of which is in Wales;
- A tribunal constituted under Schedule 2 to the Schools Inspection Act 1996;
- An urban development corporation for an urban development area wholly in Wales;
- Adjudication Panel for Wales;
- Arts Council of Wales;
- British Broadcasting Corporation Trust;
- British Transport Police Authority;
- Care Council for Wales;
- Central Arbitration Committee;
- Channel Four Television Corporation;
- Commission for Equality and Human Rights;
- Commission for Healthcare Audit and Inspection;
- Competition Appeal Tribunal;
- Competition Commission;
- Competition Service;
- Council for the Regulation of Health Care Professionals;
- Council of the Advisory, Conciliation and Arbitration Service;
- Council of the National Library of Wales;
- Council of the National Museum of Wales;
- Countryside Council for Wales;
- Determinations Panel established by the Pensions Regulator under section 9 of the Pensions Act 2004;
- Disability Rights Commission;
- Environment Agency;
- Food Standards Agency;
- Food Standards Agency Advisory Committee for Wales;
- Gas and Electricity Markets Authority;
- General Teaching Council for Wales;
- Health Protection Agency;
- Independent Police Complaints Commission;
- Joint Nature Conservation Committee;

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Lands Tribunal;  
Library Advisory Council for Wales (known as the Library and Information Services Council (Wales));  
Local Government Boundary Commission for Wales;  
Mental Health Review Tribunal for Wales;  
Office of Communications;  
Office of Fair Trading;  
Pensions Compensation Board;  
Pensions Regulator;  
Postal Services Commission;  
Royal Commission on the Ancient and Historical Monuments of Wales;  
Sianel Pedwar Cymru;  
Spongiform Encephalopathy Advisory Committee;  
Sports Council for Wales;  
Strategic Rail Authority;  
Wales Centre for Health;  
Welsh Industrial Development Advisory Board;  
Welsh Language Board.

## PART 2

### Other disqualifying offices

A statutory auditor of a local government body in Wales appointed by the Auditor General for Wales under section 13 of the Public Audit (Wales) Act 2004<sup>(3)</sup>;  
Ambassador or Permanent Representative to an international organization representing Her Majesty's Government in the United Kingdom;  
Any member of a panel of persons appointed under section 6 of the Social Security Act 1998<sup>(4)</sup>;  
Any member of a panel of persons who may be appointed to serve on a tribunal<sup>(5)</sup> established by section 9 of the Protection of Children Act 1999<sup>(6)</sup>;  
Any director of Finance Wales Public Limited Company;  
Any member of the Commission for Racial Equality and any Additional Commissioner  
Any member of the Electoral Commission, Assistant and deputy electoral commissioners and any member of staff;  
Any member of the Equal Opportunities Commission and any Additional Commissioner;  
Any member, not being also an employee, of the Higher Education Funding Council for Wales;  
Auditor General for Wales and members of the staff of the Wales Audit Office;  
Certification officer and any assistant certification officer;

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(3) [2004 c.23](#)

(4) [1998 c.14](#)

(5) This tribunal is known as the Tribunal for the Protection of Children and Vulnerable Adults and Care Standards.

(6) [1999 c.14](#)

Chairman and deputy chairman of the Civil Service Appeal Board;

Chairman and vice chairman of the Sustainable Development Commission;

Chairman and any other member of the Rail Passengers' Council in receipt of remuneration;

Chairman and any member, not being also an employee, of a Local Health Board for an area in Wales;

Chairman and any member, not being also an employee, of a Special Health Authority performing functions partly or wholly in respect of Wales;

Chairman and Director General of the British Council;

Chairman and non-executive director of a National Health Service trust all or some of whose hospitals, establishments or other facilities are situated in Wales;

Chairman of the Beef Assurance Scheme Panel;

Chairman of the Big Lottery Fund and, if in receipt of remuneration, any other member of that Fund;

Children's Commissioner for Wales, Deputy Children's Commissioner and all members of staff;

Civil Service Commissioner;

Commissioner for Older People in Wales, Deputy Commissioner and all members of staff;

Commissioner for Public Appointments;

Commissioner and assistant Commissioner of the Boundary Commission for Wales;

Commons Commissioner;

Comptroller and Auditor General;

Director of the Post Office company (within the meaning of Part IV of the Postal Services Act 2000<sup>(7)</sup>) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown;

Forestry Commissioners and any member of staff;

Governor or Administrator of an overseas territory within the meaning of section 50(1) of the British Nationality Act 1981<sup>(8)</sup> as amended by the British Overseas Territories Act 2002<sup>(9)</sup>, section 1(1);

Her Majesty's Chief Inspector of Education and Training in Wales;

High Commissioner representing Her Majesty's Government in the United Kingdom;

Independent Groundwater Complaints Administrator;

Parliamentary Commissioner for Administration;

Pension Protection Fund Ombudsman and any deputy to that Ombudsman appointed under section 210 of the Pensions Act 2004<sup>(10)</sup>;

Pensions Ombudsman and any deputy to that Ombudsman appointed under section 145A of the Pensions Schemes Act 1993<sup>(11)</sup>;

Person holding a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989<sup>(12)</sup>, under—

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(7) 2000 c.26

(8) 1981 c.61

(9) 2002 c.8

(10) 2004 c.35

(11) 1993 c.8

(12) 1989 c.42

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- (a) a local authority in Wales, within the meaning of that Part;
  - (b) a National Park authority for a National Park in Wales;
- President of appeals tribunals (within the meaning of Chapter I of Part I of the Social Security Act 1998) appointed under section 5 of that Act;
- President of the Special Educational Needs Tribunal for Wales, or member of a panel of persons appointed to act as chairman or other member of that Tribunal;
- President of the tribunal constituted under section 9 of the Protection of Children Act 1999;
- Rent officer appointed in pursuance of a scheme under section 63 of the Rent Act 1977<sup>(13)</sup>;
- Returning officer for a constituency or an electoral region of the National Assembly for Wales;
- Social Fund Commissioner.

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order designates the persons who are disqualified from being a member of the National Assembly for Wales. The bodies and offices are described in the Schedule to this Order.

This order revokes the previous Order made in 2003.

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<sup>(13)</sup> 1977 c.42