



Ein cyf/Our ref: LF/FM/0682/15

David Melding AM  
Chair, Constitutional and Legislative Affairs Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

3 August 2015

Dear David,

I am writing to confirm that the National Assembly for Wales (Disqualification) Order 2015 was made by the Privy Council on 15 July and will come into force on 1 September 2015.

Please note that, while the content of the Order is unchanged from that approved by the Assembly, the ordering of the English and Welsh text has changed following a late request from the S.I. Registrar, relayed via the Privy Council Office. A copy of the Order as approved by the Privy Council can be found on the Legislation.gov website at the attached address: <http://www.legislation.gov.uk/uksi/2015/1536/contents/made>

As you know, the recommendations in your report played a crucial part in the development of the Order, and the disqualification principles you suggested formed the basis of our criteria for making decisions on whether posts should be disqualified. I am pleased that we have been able to work together on this, and deliver the Order in good time before the next Assembly elections.

I would also like to provide an update on the actions we have taken in response to Recommendations 17, 18 and 19, which were not directly related to the Disqualification Order itself.

### **Recommendation 17**

Your recommendation was “that every public body in Wales reviews its rules governing political activities to ensure that all staff are clear about the internal rules that apply in the event that they wish to seek nomination for, and are eventually successful in, election to the National Assembly for Wales. Such rules should take account of any legislation that arises from this report and be subject to review at least 2 years before Assembly general elections that take place after 2016.”

The Welsh Government Response was:

“Accept in principle. This recommendation is fully in accord with our general approach in relation to the staff of public bodies, that (with the possible exception of the staff of the Assembly Commission) they should be eligible to seek elected public office. We will give

further consideration to how this recommendation should be communicated to, and given effect by, Welsh public bodies. “

#### Action taken

The Welsh Government is writing to the Chief Executives of all Welsh Government Sponsored Bodies to highlight the action they may need to take to ensure their staff are aware if their posts are disqualifying offices under the Disqualification Order; and, for staff whose posts are not disqualifying offices, the action they may need to take to ensure there is a coherent internal policy on political activity and what arrangements would apply to a member of staff who wishes to stand for election to the Assembly.

#### **Recommendation 18**

You recommended “that the Welsh Government reviews the terms of appointment and guidance it gives to appointees, sponsored bodies and other relevant bodies regarding political activity.”

The Welsh Government Response was:  
“Accept.”

#### Action taken

Welsh Government officials have reviewed the current terms of appointment and guidance documents. We considered it was important that the terms of appointment and guidance for candidates should do two things: (1) inform candidates/ appointees that taking up the office in question would disqualify them from Assembly membership, if the post is a disqualifying post under the Order; and (2) if the post itself is not a disqualifying post, that the terms of appointment include a section dealing with political activity on the part of the appointee, and explaining they may be required to resign if they do engage in political activity or wish to stand for election. We found that both these aspects are covered in the standard letters of appointment and public appointments guidance documents given to candidates, for all appointments dealt with by Ministers. I am therefore content that we have arrangements in place to deal with political activity by those appointed through a Welsh Government public appointment process, and to ensure those appointed are made aware of these arrangements.

#### **Recommendation 19**

You recommended “that the Electoral Commission reviews its existing guidance on disqualification from membership of the National Assembly for Wales to ensure it is comprehensive and covers all of the relevant policy issues and legislation that apply.”

The Welsh Government Response was:

“This is a matter for the Electoral Commission, but as noted in paragraph 12 above, the Welsh Government intends to produce a comprehensive, non-statutory, list of all of the disqualifying provisions of which we are aware, from whatever source, and make it publicly available to parties and potential candidates; and we will work with the Electoral Commission as necessary on this. “

#### Action taken

Welsh Government officials are working with the Electoral Commission to produce a comprehensive list of disqualifying provisions. We agree with the Electoral Commission that it would be appropriate for the list to be published as part of the Electoral Commission guidance to candidates.

I hope you have found this update useful. So far as I am aware, there are no other outstanding recommendations for the Welsh Government, apart from those relating to creating two categories of disqualifying office, which we cannot take forward with our current Order-making powers. However, we will return to those recommendations when powers

over the Assembly's electoral arrangements have been devolved by provision in the forthcoming Wales Bill..

Thank you again for all your assistance with this important matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

**CARWYN JONES**