

Comparison of the draft National Assembly for Wales (Disqualification) Order 2010 and the National Assembly for Wales (Disqualification) Order 2006 list

This table shows the bodies and offices listed in schedules to the draft 2010 Order, and states reasons for inclusion.

Body/Office listed in the 2010 draft Order	Comparison with 2006 Order	Reason for change
A committee established by the Pensions Regulator under section 9 of the Pensions Act 2004 ⁽¹⁾	Included in 2006 Order, retained in 2010 but referring now to "committee" rather than "Determinations Panel", this being felt to be more correct.	No change of substance.
A National Park authority for a National Park in Wales	Included in 2006 Order, retained in 2010	No change.
A panel, established under Schedule 10 to the Rent Act 1977 ⁽²⁾ , 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	Included in 2006 Order, retained in 2010	No change.
A tribunal constituted under section 27 of, and Schedule 3 to the Education Act 2005 ⁽³⁾ (which hears appeals against decisions by the Chief Inspector of Schools not to renew registration of school inspectors)	Replaces reference to a tribunal established under Schedule 2 to the Schools Inspection Act 1996 which had similar jurisdiction	No change of substance.
A tribunal referred to in paragraph 10 of Schedule 26 to the Schools Standards and Framework Act 1998 ⁽⁴⁾ (which hears appeals against decisions by the Chief Inspector of Schools not to renew registration of nursery education inspectors.)	Added.	Need for impartiality & independence.
Adjudication Panel for Wales or Panel Dyfarnu Cymru	Included in 2006 Order, retained in 2010	No change.
Agricultural Land Tribunal	Added	Need for impartiality & independence
An urban development corporation for an urban development area wholly in Wales	Included in 2006 Order, retained in 2010. No such body exists at present but, if any were created, there would be a need to avoid	No change.

(1) 2004 c.35. The Pensions Regulator is established by section 1 of the Act.

(2) 1977 c.42. There have been amendments to Schedule 10 to this Act which are not relevant to this order.

(3) 2005 c.18. There have been amendments to Schedule 3 to this Act that are not relevant to this order.

(4) 1998. c 31. There has been a relevant amendment to paragraph 10(2) of Schedule 26 to the Act by section 53 of and paragraphs 8, 16(1) and (4) of Part 2 of Schedule 7 to the Education Act 2005.

	conflict of interest.	
Anglesey Recovery Board	Added	Appointed by Ministers.
Any member of the Big Lottery Fund appointed under paragraph 1 of Schedule 4A to the National Lottery Etc. Act 1993 ⁽⁵⁾ or of a committee established under paragraph 7(1)(b) of that Schedule	Replaces 2006 reference to the Chairman of the Big Lottery Fund and, if in receipt of remuneration, any other member of that fund.	Revised so as to disqualify members of the Wales committee of the Fund but not of the England, Scotland and Northern Ireland committees
Arts Council of Wales	Included in 2006 Order, retained in 2010	No change.
Board of Trustees of the National Library of Wales appointed by the Welsh Ministers	Replaces 2006 reference to the Council of the National Library of Wales, which was abolished under the Supplemental Royal Charter 2006 and replaced by a Board of Trustees	No change of substance.
Board of Trustees of the National Museum of Wales appointed by the Welsh Ministers	Replaces 2006 reference to the Council of the National Museum of Wales, which was abolished under the Supplemental Royal Charter 2006 and replaced by a Board of Trustees	No change of substance.
Board of the Pension Protection Fund ⁽⁶⁾	Added, replacing 2006 reference to the Pensions Compensation Board, whose functions it has assumed.	Need to avoid conflicts of interest re investment and casework.
British Waterways Board	Added	Need to avoid conflict of interest.
Board of Medical Referees appointed by the Welsh Ministers ⁽⁷⁾	Added	Need for impartiality & independence
British Broadcasting Corporation Trust	Included in 2006 Order, retained in 2010	No change.
British Transport Police Authority	Included in 2006 Order, retained in 2010	No change.
Care Council for Wales or Cyngor Gofal Cymru	Included in 2006 Order, retained in 2010	No change.
Care Quality Commission	Included in 2006 Order <i>as amended by, article 2 of S.I. 2008/2250</i> (which replaced the Commission for Healthcare Audit and Inspection with the Care Quality Commission). Retained in 2010.	No change since 2008.
Central Arbitration Committee	Included in 2006 Order, retained in 2010	No change.
Channel Four Television Corporation	Included in 2006 Order, retained in 2010	No change.
Child Maintenance and Enforcement Commission	Added	Need for impartiality & independence
Commission for Equality and Human Rights	Included in 2006 Order, retained in 2010. Also replaces 2006 references to the Disability Rights	Need for impartiality & independence and to avoid conflict of

(5) 1993, c39.

(6) For provision about membership of the Board, *see* section 108 of the Pensions Act 2004.

(7) *see* Annex 2 of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 (S.I. 2007/1072) and Schedule 1, Part 10 (Schedule 5) to the Firefighters' Compensation Scheme (Wales) Order 2007 (S.I. 2007/1073).

	Commission, the Commission for Racial Equality and the Equal Opportunities Commission.	interest.
Competition Appeal Tribunal	Included in 2006 Order, retained in 2010	No change.
Competition Commission	Included in 2006 Order, retained in 2010	No change.
Competition Service	Included in 2006 Order, retained in 2010	No change.
Council for Healthcare Regulatory Excellence	Included in 2006 Order under its former name, the Council for Regulation of Healthcare Professionals, retained in 2010	No change of substance.
Council of the Advisory, Conciliation and Arbitration Service	Included in 2006 Order, retained in 2010	No change.
Countryside Council for Wales	Included in 2006 Order, retained in 2010	No change.
Electoral Commission or Comisiwn Etholiadol	Included in 2006 Order, retained in 2010	No change.
Environment Agency or Asiantaeth yr Amgylchedd	Included in 2006 Order, retained in 2010	No change.
First-tier tribunal	Added. This is a generic tribunal established in 2007 which has jurisdiction over appeals formerly heard by various tribunals including the appeals tribunal appointed under section 5 of the Social Security Act 1998 and the tribunal constituted under section 9 of the Protection of Children Act 1999 (both of which included in the 2006 Order).	Need for impartiality & independence.
Food & Drink Advisory Partnership	Added	Appointment role of Welsh Ministers
Food Standards Agency or yr Asiantaeth Safonau Bwyd	Included in 2006 Order, retained in 2010	No change.
Food Standards Agency Advisory Committee for Wales	Added	Need for impartiality & independence.
Gas and Electricity Markets Authority	Included in 2006 Order, retained in 2010	No change.
General Teaching Council for Wales or Cyngor Addysgu Cyffredinol Cymru	Included in 2006 Order, retained in 2010	No change.
Health and Safety Executive	Added	Avoidance of conflict of interest in areas where health and safety issues are closely linked to devolved matters.
Health Protection Agency or yr Asiantaeth Diogelu Iechyd	Included in 2006 Order, retained in 2010	No change.
Higher Education Funding Council for Wales other than a member who is also an employee of the Council	Included in 2006 Order, retained in 2010	No change.

Human Fertilisation and Embryology Authority	Added	Need for impartiality & independence.
Human Tissue Authority	Added	Need for impartiality & independence, and avoidance of conflict of interest. Also, Welsh Ministers appoint a member.
Independent Appeal Panel for Farmers	Added	Need for impartiality & independence
Independent Police Complaints Commission	Included in 2006 Order, retained in 2010	No change.
Independent Remuneration Panel for Wales	Added	Appointed by Welsh Ministers
Independent Social Services Complaints Panel	Added	Need for impartiality & independence
Joint Nature Conservation Committee	Included in 2006 Order, retained in 2010	No change.
Local Better Regulation Office	Added	Funded by WAG.
Local Government Boundary Commission for Wales	Included in 2006 Order, retained in 2010	No change.
Meat Promotions Wales or Hybu Cig Cymru	Added	Funded by WAG.
Mental Health Review Tribunal for Wales	Included in 2006 Order, retained in 2010	No change.
National Employment Savings Trust Corporation	Added	Avoidance of conflicts of interest regarding investment and casework
Office of Communications	Included in 2006 Order, retained in 2010	No change.
Office of Fair Trading	Included in 2006 Order, retained in 2010	No change.
Pensions Regulator	Included in 2006 Order, retained in 2010	No change.
Postal Services Commission	Included in 2006 Order, retained in 2010	No change.
Royal Commission on the Ancient and Historical Monuments of Wales	Included in 2006 Order, retained in 2010	No change.
Sianel Pedwar Cymru	Included in 2006 Order, retained in 2010	No change.
Spongiform Encephalopathy Advisory Committee	Included in 2006 Order, retained in 2010	No change.
Sports Council for Wales	Included in 2006 Order, retained in 2010	No change.
Statistics Board or Bwrdd Ystadegau established by the Statistics and Registration Service Act 2007 ⁽⁸⁾	Added	Need for impartiality & independence.

(8) 2007 c.18.

Upper Tribunal	Added. This was established in 2007 to hear appeals from the First-tier tribunal and some devolved tribunals. (There is a right of appeal from the Mental Health Review Tribunal for Wales, the Special Educational Needs Tribunal for Wales and the Residential Property Tribunal. There is also provision in the Tribunal Courts and Enforcement Act 2007 to confer jurisdiction on the Upper Tribunal in relation to other devolved matters.)	Need for impartiality & independence.
Valuation Tribunal for Wales	Added	Appointed by Welsh Ministers
Welsh Industrial Development Advisory Board	Included in 2006 Order, retained in 2010	No change.
Welsh Language Board or Bwrdd yr Iaith Gymraeg	Included in 2006 Order, retained in 2010	No change.
Welsh Levy Board or Bwrdd Ardollau Cymru	Added	Appointed by Welsh Ministers
A person appointed by the Welsh Ministers under section 3(1) of the Local Government and Housing Act 1989 ⁽⁹⁾	Added	Need for independence and impartiality
An auditor appointed under section 13(2) of the Public Audit (Wales) Act 2004 ⁽¹⁰⁾	Included in 2006 Order, retained in 2010	No change.
Ambassador or Permanent Representative to an international organisation representing Her Majesty's Government in the United Kingdom	Included in 2006 Order, retained in 2010	No change.
Auditor General for Wales and members of staff	Included in 2006 Order, retained in 2010	No change.
Certification officer and any assistant certification officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992 ⁽¹¹⁾	Included in 2006 Order, retained in 2010 but with reference expanded for correctness	No change.
Chair of Welsh Health Specialised Services Committee	Added	Appointed by Welsh Ministers
Chair and members of the	Added	Need of impartiality

⁽⁹⁾ 1989 c.42. Relevant amendments were made to section 3 of the Act by the Local Government and Public Involvement in Health Act 2007 (c.28), sections 202(1)(a), (c) and (d) and 241 and Part 15 of Schedule 18 to that Act; the Local Democracy, Economic Development and Construction Act 2009 (c.20), section 30(1) and (3)(c), section 146(1) and Part 1 of Schedule 7 to that Act. The person so appointed is referred to as the Independent Adjudicator to local Authorities in Wales.

⁽¹⁰⁾ 2004 c.23.

⁽¹¹⁾ 1992 c.52.

Marine Management Organisation		and independence because of regulatory functions
Chair and members of the Welsh Committee of the Administrative Justice & Tribunals Council	Added	Need for impartiality & independence
Chair and Chief Executive of the UK Commission for Employment and Skills or a Director or a Commissioner of that Commission appointed by the First Minister for Wales	Added	Need for impartiality & independence. One post appointed by Welsh Ministers.
Chairman and Chief Executive of the Student Loans Company Limited	Added	Receives considerable WAG funding
Chairman and Chief Executive of the Technology Strategy Board	Added	Receives significant WAG funding
Chairman and deputy chairman of the Civil Service Appeal Board	Included in 2006 Order, retained in 2010	No change.
Chairman and vice chairman of the Sustainable Development Commission	Included in 2006 Order, retained in 2010	No change.
Chairman and any other member of the Passengers' Council in receipt of remuneration	Included in 2006 Order, retained in 2010 but with name changed from Rail Passengers' Council	No change of substance.
Chairman and any member, not being also an employee, of a Local Health Board for an area in Wales	Included in 2006 Order, retained in 2010	No change.
Chairman and any member, not being also an employee, of a Special Health Authority performing functions partly or wholly in respect of Wales	Included in 2006 Order, retained in 2010	No change.
Chairman and Director General of the British Council	Included in 2006 Order, retained in 2010	No change.
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	Included in 2006 Order, retained in 2010	No change.
Chairman of the Beef Assurance Scheme Panel	Included in 2006 Order, retained in 2010	No change.
Children's Commissioner for Wales or Comisiynydd Plant Cymru, Deputy Children's Commissioner and all	Included in 2006 Order, retained in 2010	No change.

members of staff		
Civil Service Commissioner	Included in 2006 Order, retained in 2010	No change.
Commissioner for Older People in Wales or Comisiynydd Pobl hŷn Cymru, Deputy Commissioner and all members of staff	Included in 2006 Order, retained in 2010	No change.
Commissioner for Public Appointments	Included in 2006 Order, retained in 2010	No change.
Commissioner and assistant Commissioner of the Boundary Commission for England	Added	Need for impartiality and independence
Commissioner and assistant Commissioner of the Boundary Commission for Northern Ireland	Added	Need for impartiality and independence
Commissioner and assistant Commissioner of the Boundary Commission for Scotland	Added	Need for impartiality and independence
Commissioner and assistant Commissioner of the Boundary Commission for Wales	Included in 2006 Order, retained in 2010	No change.
Comptroller and Auditor General	Included in 2006 Order, retained in 2010	No change.
Director of Finance Wales Public Limited Company or any wholly owned subsidiary of Finance Wales Public Limited Company	Included in 2006 Order, retained in 2010 but expanded to include any wholly-owned subsidiary	Funded by WAG. Need to avoid conflict of interest.
Director of the Pensions Advisory Service Limited	Added	Need for impartiality & independence.
Director of the Post Office company (within the meaning of Part 4 of the Postal Services Act 2000 ⁽¹²⁾) being a director nominated or appointed by a Minister of the Crown or by a person acting on behalf of the Crown	Included in 2006 Order, retained in 2010	No change.
Forestry Commissioners and any member of staff	Included in 2006 Order, retained in 2010	No change.
Governor or Administrator of a British overseas territory within the meaning of section 50(1) of the British Nationality Act 1981 ⁽¹³⁾	Included in 2006 Order, retained in 2010	No change.
Health Service Commissioner	Added. (Legally this is a separate post from the Parliamentary Commissioner for Administration,	Need for impartiality & independence.

(12) 2006 c.26.

(13) 1981 c.61. As amended by section 1(1) of the British Overseas Territories Act 2002 (c.8).

	although in practice they are held by the same person.)	
Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru	Included in 2006 Order, retained in 2010	No change.
High Commissioner representing Her Majesty's Government in the United Kingdom	Included in 2006 Order, retained in 2010	No change.
Independent Case Examiner for the Department for Work and Pensions	Added	Need of independence and impartiality in examining work of public agencies
Independent Groundwater Complaints Administrator appointed under section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act 1993(14)	Included in 2006 Order, retained in 2010 but with reference expanded for correctness	No change of substance.
Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004(15) and any deputy to that Ombudsman appointed under section 210 of that Act	Included in 2006 Order, retained in 2010	No change.
Parliamentary Commissioner for Administration	Included in 2006 Order, retained in 2010	No change.
Pensions Ombudsman appointed under section 145 of the Pensions Schemes Act 1993(16) and any deputy to that Ombudsman appointed under section 145A of that Act	Included in 2006 Order, retained in 2010	No change.
Person holding a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989(17), under— (a) a local authority in Wales, within the meaning of that Part; (b) a National Park Authority for a National Park in Wales	Included in 2006 Order, retained in 2010	No change.
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	Included in 2006 Order, retained in 2010	No change.

(14) 1993 c.42. There have been amendments to paragraph 27 of Schedule 7 to the Act not relevant to this order.

(15) 2004 c.35. There have been amendments to section 210 of the Act not relevant to this order.

(16) 1993 c.48. There have been amendments to section 145 of the Act not relevant to this order.

(17) 1989 c.42.

that Tribunal		
Returning officer for a constituency or an electoral region of the National Assembly for Wales	Included in 2006 Order, retained in 2010	No change.
Social Fund Commissioner	Included in 2006 Order, retained in 2010	No change.
Trustee of the Independent Living Fund (2006)	Added	Avoidance of conflict of interest, and need for independence and impartiality

This table shows the bodies and offices listed in schedules to the 2006 Order that are omitted from the draft 2010 Order but are not referred to above, and states reasons for their omission.

Body/Office listed in the 2006 Order but now omitted	Reason for omitting from 2010 Order
Commons commissioner	Commons Commissioners are to be abolished by the Commons Act 2006. The relevant provisions come into force on 1 December 2010.
Lands Tribunal	Body no longer exists
Library Advisory Council for Wales (known as the Library and Information Services Council (Wales))	Body no longer exists
Strategic Rail Authority	Body no longer exists
Wales Centre for Health	Body no longer exists in its own right but is now part of the new Public Health Wales NHS Trust (thus disqualified).
Any member of a panel of persons appointed under section 6 of the Social Security Act 1998(2)	This section was repealed in 2008, hence there is no such panel.
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	Repealed
Rent officer appointed in pursuance of a scheme under section 63 of the Rent Act 1977(11)	Following GOWA 2006, staff are civil servants and disqualified on the face of the Act