



Ein cyf/Our ref: MB/FM/3517/14

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

3rd September 2014

Dear David

Inquiry into the Disqualification of Membership from the National Assembly for Wales

May I begin by thanking you and your Committee, both for agreeing to my request that you undertake this Inquiry, and for producing such a full and helpful Report. The Welsh Government will obviously want to give this very careful consideration.

The purpose of this letter is to set out some thoughts, and invite your views, on how we should take this matter forward now. In so doing, I am bearing in mind your Recommendation 15: "...that the disqualification order for the 2016 Assembly general election is drafted, consulted on and made no later than 12 months before the date of that election".

The next stage in the process will presumably be a debate in the Assembly on the Report, prior to which the Welsh Government would be expected to lay a paper setting out our response to the recommendations. The precise timing of that debate should however be for further consideration. As you will know, the Wales Bill is proceeding through Parliament, and received a Second Reading in the House of Lords in July. In the course of the Second Reading debate, Lord Thomas of Gresford said, "A successful candidate in an election ought to have a period in which to resign from any body that would disqualify him from being an Assembly Member—maybe eight days. I shall accordingly seek to amend Section 16 of the Government of Wales Act 2006 to make that position absolutely clear". As matters stand, any amendment to achieve that result would be considered by the House of Lords at Committee stage on 13 (or possibly 15) October. I think it would be sensible if the debate in the Assembly on your Committee's Report took place after that, informed as it would be by the debate on Lord Thomas' amendment. My suggestion, therefore, is that our debate should take place early in November, soon after we return from the Autumn half-term Recess.

Following that, my intention would be to prepare and publish, early in the new year, a draft Order in Council. This would of course need to be the subject of consultation, which would normally be for a period of 12 weeks; that would effectively take us to Easter. We would then bring forward the draft Order in final form for the Assembly's consideration and approval, following which it would be submitted to Her Majesty in Council to be made. If we assume that the Assembly could consider and approve the draft Order either just before or soon after the Whitsun recess, it should be possible to put the Order before the Privy Council in either June or July.

That timetable would not of course quite meet your Committee's recommendation that the Order be made no later than twelve months before the date of the next Assembly general election; this would require the Order being approved by Her Majesty in Council in either April or early May. However, we need to bear in mind that the timings and predictability of meetings of the Privy Council in April and May next year may be problematic, for reasons you will well understand, whereas it is reasonable to assume that matters will have returned to normal by June. It seems to me, therefore, that we should aim to get the draft Order to the Privy Council to be made at its June or July meeting; that would, I think, give parties and potential candidates entirely adequate time to ensure that the sorts of difficulties experienced in 2011 will not be repeated.

I would welcome your comments on this proposed way forward. I am copying this letter to the Minister for Local Government and Government Business.

Yours sincerely

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

CARWYN JONES