



Re: John Leslie Dixon and Aled Rhys Roberts

Introduction

1. I am asked to carry out an investigation¹ on behalf of the Clerk (acting at the request of the Presiding Officer) into the factual circumstances which led to John Dixon and Aled Roberts being returned as Assembly Members at the last election when they were in fact disqualified from membership.
2. I understand that the purpose of this investigation is to provide the Presiding Officer with a report, which she may disseminate to Assembly Members, so as to provide them with an objective basis upon which to consider whether to exercise their powers to disregard the disqualifications, or either of them - a power granted by section 17(3) of the Government of Wales Act 2006, provided the ground for disqualification has been removed and the Assembly considers it proper so to act.
3. My role, therefore, is to establish the facts relevant to each case and to each candidate. This is a narrow remit and does not involve consideration of the correctness or otherwise of the conduct or actions of any person or body other than the two candidates and those with whom they may have had dealings in respect of their nominations and the processes leading up to nomination and election.
4. I should stress, therefore, that it is no part of my function to seek to answer the question as to whether it would be “proper” or otherwise to exercise the power – that is for resolution by others. Further, the factual findings which I make can be only one of the factors which may require consideration before any decision is taken.

¹ I do so on an “ad hoc” basis since the matter does not fall within the Commissioner for Standard’s statutory remit.

The Investigation

5. The police conducted an inquiry, in relation to both candidates, into allegations of making a false statement in their consent to nomination forms, contrary to article 34(4) of the National Assembly for Wales (Representation of the People) Order 2007. Pursuant to that investigation, no charges were brought. With the consent of all relevant parties, I have had access to the signed statements taken, interview transcripts and the exhibits gathered in the course of that investigation.
6. I have also consulted the relevant extracts of the Record of Plenary Proceedings for 29 November 2006 and 1 December 2010 and the transcripts of the Constitutional Affairs Committee meetings on 24 November and 8 December 2010, together with the relevant supporting documentation.
7. In reaching my findings of fact, I have had regard to statements from the following:

Kay Jenkins	Head of the Electoral Commission's Wales Office
Dianne Bevan	Chief Operating Officer, National Assembly for Wales
Det Sgt. Owen	Investigating Officer
Det Const. Peach	Investigating Officer

and in relation to John Dixon's case:

Ian A Walton	Party Manager, Welsh Liberal Democrats
Jonathan House	Regional Returning Officer, South Wales Central
Rhian Huws Williams	Chief Executive, Care Council for Wales

and in relation to Aled Roberts' case;

Mohammed Mehmet	Regional Returning Officer, North Wales
Gareth Evans	Electoral Services Officer, Denbighshire County Council

Rachael E Hitchinson Group Information Officer, Welsh Liberal Democrats

Simon C Hill Chief Executive, Valuation Tribunal Service for Wales

8. Further, I have had regard to the transcripts of interviews carried out separately with John Dixon and Aled Roberts as well as to the documentary exhibits referred to in the statements and interviews. In addition, my own investigations have caused me to interview or further question the following:

Kay Jenkins

Hugh Rawlings Director of the Dept. for the First Minister and Cabinet, Welsh Government

Kate Cassidy formerly Head of Constitutional Affairs and Policy Support, Dept. for the First Minister and Cabinet, Welsh Government

Joanne Foster Chief Executive, Welsh Liberal Democrats

and in relation to John Dixon's case:

John Dixon

and in relation to Aled Roberts' case;

Aled Roberts

Gareth Evans

My Findings

9. Although I shall deal with the two cases of John Dixon and Aled Roberts quite separately, there are findings which are common to both and about which there is no dissent. These are:

- (i) At the time of his nomination and election, each held membership of a body which disqualified him from becoming an Assembly Member.

- (ii) On 17 May 2011, matters came publicly to light; at this time each was still a member of the body which disqualified him from membership of the National Assembly.
- (iii) At the time of writing this report, each has resigned his membership of such body and the ground of disqualification has therefore been removed.
- (iv) The National Assembly for Wales (Disqualification) Order 2006 (“the 2006 Order”) came into force on 10 January 2007.
- (v) The National Assembly for Wales (Disqualification) Order 2010 (“the 2010 Order”) came into force on 11 January 2011, revoking the 2006 Order.
- (vi) Returning Officers, or their agents, have no duty when receiving nomination forms to check that the content and/or any declaration therein is true and accurate.

ALED RHYS ROBERTS

In the case of Aled Roberts, I find the following facts, which are not contradicted or disputed by any other evidence or document:

10. Valuation Tribunal for Wales

- (i) Aled Roberts was first appointed to the North Wales Valuation Tribunal in 1998 and became its Chairman in May 2004.
- (ii) His latest appointment ran from January 2007 until 31 December 2013.
- (iii) Under the Valuation Tribunal for Wales Regulations 2010, the North Wales Valuation Tribunal was transferred to the Valuation Tribunal for Wales.
- (iv) Aled Roberts last sat as a member of the Tribunal on 15 October 2010.
- (v) The appointment was unremunerated save for the payment of appropriate expenses.
- (vi) Membership of the Tribunal did NOT disqualify from being an Assembly Member by virtue of the 2006 Order.

- (vii) Membership of the Tribunal DID disqualify from being an Assembly Member by virtue of the 2010 Order.
- (viii) The Valuation Tribunal for Wales was neither consulted in advance nor informed formally of its inclusion in the 2010 Order.

11. The 2010 Order

- (i) The draft National Assembly for Wales (Disqualification) Order 2010 was laid in the Table Office on 10 November 2010 and approved in Plenary, with no objections, on 1 December 2010.
- (ii) The 2010 Order came into force on 11 January 2011.
- (iii) There was no prior consultation with the Electoral Commission in respect of the 2010 Order.
- (iv) There was no formal communication to the Electoral Commission that the 2010 Order had been approved and/or had come into force.
- (v) Relevantly to my Inquiry, amongst the relatively few changes made from the 2006 Order, Part 1 of the 2010 Order included members of the Valuation Tribunal for Wales as persons disqualified from being an Assembly Member.
- (vi) Save in so far as it was made public by consideration by the Assembly, no steps were taken by the Welsh Assembly Government (as it then was) to further publicise the 2010 Order or the fact that it had come into force.

12. The Electoral Commission Guidance

- (i) The Electoral Commission is an independent body which sets standards for election procedures and regulates finance and which provides guidance for candidates for elections, amongst others.
- (ii) The guidance is published both in hard copy – but only available in this form to Returning Officers - and on the Electoral Commission's website, and, in relation to elections in Wales, in separate documents in Welsh and English.

- (iii) Guidance to candidates is headlined as “Key guidance documents on standing for election”.
- (iv) Until 11 March 2011, the electronic and hard copy guidance provided in English and Welsh included a link, or provided a reference to, the 2006 Order. The guidance made no reference to any 2010 Order.
- (v) On or about 8 March, as the result of a conversation between a member of the Department for the First Minister and Cabinet and the Chief Executive of the Electoral Commission, the Electoral Commission became aware of the existence of the 2010 Order.
- (vi) The Electoral Commission then took the following steps:
 - On 11 March 2011 – to correct the link on the website from the 2006 Order to the 2010 Order but ONLY in the English version of the website information – thus the Welsh language version provided an incorrect link until after 17 May 2011.
 - On 24 March 2011 to send out an erratum slip to Returning Officers correcting the hard copy version by substituting the 2010 Order for the 2006 Order. The erratum slip was sent out in English only.

13. National Assembly for Wales Guidance

- (i) The Assembly website provided guidance for candidates in both English and Welsh. Each page of the guidance indicated that the information was taken from that provided by the Electoral Commission.
- (ii) At all material times the Assembly website provided a link to the 2006 Order and was not corrected, in the Welsh or English versions, until 20 May 2011.

14. The Actions of Aled Roberts

Aled Roberts is a qualified solicitor who informs me that his first language at home is Welsh.

His account of the relevant circumstances is that:

- At the time of his decision to contest the internal Party election for a regional list seat, in about the early Autumn 2010, he consulted the 2006 Order and was not a disqualified person.

I confirm he would not have been disqualified under the 2006 Order.

- At his Party Conference on 4-6 March 2011, he attended a PowerPoint presentation by the Electoral Commission which provided a further reference, in a slide under the Heading “Disqualifications”, to the 2006 Order – an order which he knew did not disqualify him.

The Electoral Commission confirms that such a PowerPoint presentation was made with the slide as described (Appendix 1)

- On 24 March 2011, in preparation for lodging the list candidates’ nomination papers, he spoke with Gareth Evans, the Electoral Services Officer at Denbighshire County Council. They had never met or spoken before. The conversation was commenced in Welsh by Gareth Evans, who agreed to send him, via email that day, the up to date link to guidance given by the Electoral Commission for candidates.

Gareth Evans confirms these facts.

- Subsequently that day, Aled Roberts consulted the link in its Welsh version – which happened to be the first of the two links sent via email - and followed through to such a point as indicated that disqualifications still fell under the link to the 2006 Order.

Gareth Evans confirms that the links were sent by him in the order of Welsh first because, from their conversation, he believed Aled Roberts would use the Welsh version.

It is clear that this version would erroneously still have been signposting the 2006 Order at this time. The Electoral Commission is unable to confirm or deny that its website Welsh pages were visited that day.

- Save as to the need to ensure for himself that he was qualified for election, no guidance was forthcoming in respect

of disqualification or any new Order from his Party.
This is confirmed by the Party's Chief Executive.

- Having thus satisfied himself that at the time of his nomination he was not disqualified, he signed his consent to nomination form and filed it on 31 March 2011 (Appendix 2).
- On 17 May 2011, as a result of the fact that his Party was alerted to the 2010 Order through the John Dixon case, he became aware of the Order for the first time and realised that it listed the Valuation Tribunal for Wales and thus disqualified him. He therefore immediately declared the position to the Assembly's Chief Legal Officer.
- By email on 17 May 2011 he resigned as a member of the Valuation Tribunal for Wales, which resignation was immediately accepted.

15. Other Miscellaneous Factors

- (i) The Valuation Tribunal for Wales Regulations 2010 do not themselves specifically exclude Assembly Members from being members of the Tribunal.
- (ii) The inclusion of the Valuation Tribunal for Wales in the 2010 Order appears not to have been specifically discussed in the Assembly at either Committee or in Plenary session - albeit the Tribunal featured in the draft Order by name.

Conclusions

16. Conclusions in the Case of Aled Roberts

- At each stage of his selection and nomination process, Aled Roberts followed the guidance provided to him by the Electoral Commission and mirrored on the National Assembly for Wales website.
- Immediately prior to signing his nomination form he satisfied himself, by reference to the guidance provided in the Welsh language which referred him to the then incorrectly linked 2006 Order, that he was not a disqualified person.

- In the medium of Welsh, the incorrect guidance remained in place until after the election had taken place.
- Although the guidance in English was altered to provide a link to the 2010 Order on 11 March 2011, I am satisfied that Aled Roberts consulted the Welsh version.
- Further he was entitled to assume that the Welsh version would mirror the English versions at all times and in every respect.
- Although the 2010 Order was in existence and could have been found by a search of the relevant legal websites, I consider it unreasonable to have expected any candidate to have carried out such a procedure when the Electoral Commission guidance was available.
- Accordingly, in the circumstances pertaining, I find that Aled Roberts did everything that he could have reasonably been expected to do in ensuring that he was not a disqualified person for the purpose of nomination or election to the National Assembly.

JOHN LESLIE DIXON

In the case of John Dixon, I find the following facts, which are not contradicted or disputed by any other evidence or document:

17. The Care Council for Wales

- (i) John Dixon was appointed a member of the Care Council for Wales by the then Deputy Minister for Social Services in February 2009.
- (ii) His appointment ran from 1 March 2009 until 29 February 2012.
- (iii) John Dixon's last meeting as a member of the Care Council was in Pembrokeshire on 23 March 2011.
- (iv) The appointment was a remunerated position.
- (v) Membership of the Care Council for Wales DID disqualify from being an Assembly Member by virtue of the 2006 Order and by virtue of the 2010 Order.

- (vi) By letter dated 9 May 2011, the Chair of the Care Council for Wales wrote to John Dixon informing him that, by reason of his successful election, his membership of the Care Council “is terminated” and asking him to write to the Minister to tender his resignation.
- (vii) John Dixon resigned from the Care Council by email to the Minister on 18 May 2011.

18. The 2006 and 2010 Orders

- (i) Part 1 of both the 2006 Order and the 2010 Order (reproduced at Appendices 3 and 4), listed membership of the Care Council for Wales as being an office disqualifying members from membership of the National Assembly.

19. The Relevant Electoral Commission Guidance

- (i) The Electoral Commission provided guidance which included a section for candidates, as set out at Appendix 5 to this report. This is headlined as “Key guidance documents on standing for election”.
- (ii) This section specifically refers to Disqualifications and to the 2006 Order (and after 11 March 2011, the 2010 Order) with the additional caution that “the full range of disqualifications is complex” and that candidates “should consult the relevant legislation to ensure that none of the disqualifications apply and if in doubt, seek your own legal advice”.
- (iii) Neither Order was reproduced in the guidance.

20. The Actions of John Dixon

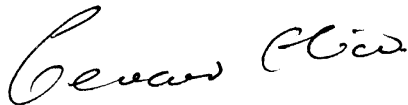
- (i) John Dixon read the Electoral Commission guidance prior to his internal Party election procedure and immediately prior to signing his consent to nomination form. In particular, he was aware of, and read, the Disqualifications section, including the additional caution.
- (ii) He was aware of the reference to the Disqualification Order 2006.

- (iii) He did not read, or seek advice in relation to, that Order.
Had he read either order it would have confirmed that as a member of the Care Council for Wales he was disqualified from membership of the National Assembly.
- (iv) His reasons for not following through to consult the Order were twofold:
- The specific disqualifications mentioned in the guidance e.g. judge/civil servant/member of police or armed forces led him to falsely assume that it was offices such as those to which the section applied.
 - That having been a candidate in the 2007 Assembly Elections and at a number of council elections, and no issues of his eligibility having arisen then, he believed that he was not a disqualified person. He had undergone his Party's candidate approval process several times in the past.
- (v) He was not alerted by his Party to any issue arising with regard to disqualification.
This is confirmed by the Party's Chief Executive.
- (vi) He was unable through speaking commitments at other sessions of the Party Conference to attend the PowerPoint presentation to candidates given by the Electoral Commission. However, he doubts whether had he seen the slide referring to the 2006 Order, it would have caused him to make that further inquiry.
- (vii) He acknowledges that the duty to check his eligibility for election was his and his alone.
- (viii) He signed the consent to nomination form on 28 March 2011 (Appendix 6) in the belief that he was eligible for election.
- (ix) It was not until matters were brought to his attention on 17 May 2011 that he realised he was a disqualified person and looked at the 2010 Order for the first time.
- (x) Probably because the letter (paragraph 17(vi) above) was stamped second class and addressed to the wrong postcode, he had not received it prior to 17 May 2011. However, it had been his intention to resign from the Care Council for Wales (amongst other posts) in any event upon his election to the Assembly

because he realised it would be inappropriate for him to continue in that role. This process of disengagement would have begun on 20 May 2011.

21. Conclusions in the Case of John Dixon

- At the time of his selection as a candidate and immediately prior to signing his nomination form, John Dixon read the guidance provided to candidates by the Electoral Commission.
- He agrees that he would have read the reference provided to the 2006 Disqualification Order and the additional caution.
- He acknowledges that he had a responsibility to check the 2006 Order.
- He further acknowledges that at no time did he check the Order (either in its 2006 or 2010 form).
- Perhaps because he was lulled into a false sense of security by his experiences in earlier elections, he honestly believed that he was eligible to be a member of the National Assembly.



Gerard Elias QC
30 June 2011

Appendix 1

Excerpt from Electoral Commission presentation at Welsh Liberal Democrat Party Conference (4-6 March 2011)

The Electoral Commission

Disqualifications

- You cannot be a candidate if at the time of your nomination or election you:
 - are a judge
 - are a civil servant
 - are a member of the armed forces
 - are a member of a police force
 - are a member of a legislature of any country or territory outside the Commonwealth (other than Ireland)
 - are employed as a member of the staff of the Assembly
 - hold an office that is mentioned in The National Assembly for Wales (Disqualification) Order 2006
 - are the subject of a bankruptcy restrictions order or interim order

Appendix 2
 Consent to nomination form - Aled Roberts

NAW-Re

National Assembly for Wales

Consent to nomination – Party -
 Region

This form is for a candidate contained in a party list for a region.

Region:	NORTH WALES	Date of Election	Thursday 5 May 2011
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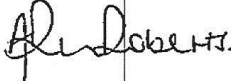
Section 1 - Candidate's details and declaration

1 (candidate's name in full):	ALED RHYC ROBERTS.
of (home address including postcode):	PENLLWYN, STRYT Y PLAS, RHOSLLANNERCHRUGOG, WRECSAM LL14 1TG.
Office address in case you are required to be an agent. See note 3.	GUILDHALL WRECSAM

I hereby consent to my nomination as a candidate at the above-mentioned Election. I am aware of the provisions of sections 16 - 19 of the 2006 Act (disqualification) and of any Order in Council under section 12(1)(b) of the 1998 Act or 16(1)(b) of the 2006 Act and that to the best of my knowledge and belief I am not disqualified for membership of the Assembly. I am not an individual candidate or a candidate on any other party list in the election for this or any other region, nor a candidate at a constituency election, the poll for which is to be held on Thursday 5 May 2011.

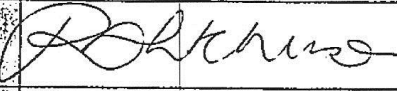
My date of birth is:	Day (DD)	Month (MM)	Year (YYYY)
	17	05	1962

Note: It is an offence to make a false declaration in this form.
 Maximum penalty of one year imprisonment.

Candidate's Signature:		Date:	31. 3. 2011.
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Section 2 - To be completed by the witness

The declaration above was signed in my presence by the candidate named above.

Signed (name in full):	RACHEL HITCHINSON
Witness Name (Block Capitals):	
Date:	31. 3. 2011.

See Note Overleaf

Appendix 3
National Assembly for Wales (Disqualification) Order 2006

Statutory Instruments

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⁽¹⁾) 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⁽²⁾, 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.

Meriel McCullagh
Deputy Clerk of the Privy Council

SCHEDULE
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;
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(3);
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(4);
Any member of a panel of persons who may be appointed to serve on a tribunal(5) established by section 9 of the Protection of Children Act 1999(6);
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;

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⁽⁷⁾) 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⁽⁸⁾ as amended by the British Overseas Territories Act 2002⁽⁹⁾, 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(10);
Pensions Ombudsman and any deputy to that Ombudsman appointed under section 145A of the Pensions Schemes Act 1993(11);
Person holding a politically restricted post, within the meaning of Part I of the Local Government and Housing Act 1989(12), under—
(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(13);
Returning officer for a constituency or an electoral region of the National Assembly for Wales;
Social Fund Commissioner.

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.

(1) [1998 c.38](#)

(2) [S.I. 2003/437](#).

(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](#)

(7) [2000 c.26](#)

(8) [1981 c.61](#)

(9) [2002 c.8](#)

(10) [2004 c.35](#)

(11) [1993 c.8](#)

(12) [1989 c.42](#)

(13) [1977 c.42](#)

Appendix 4

National Assembly for Wales (Disqualification) Order 2010

Statutory Instruments

2010 No. 2969

Constitutional Law

The National Assembly for Wales (Disqualification) Order 2010

Made 15th December 2010

Coming into force 11th January 2011

At the Court at Buckingham Palace, the 15th day of December 2010

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 16(6) of the Government of Wales Act 2006([1](#)) a draft of this Order was laid before, and approved by a resolution of, the National Assembly for Wales.

Accordingly, Her Majesty, in pursuance of section 16(1) and (5) of that Act, 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 2010 and comes into force on 11th January 2011.

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 National Assembly for Wales (Disqualification) Order 2006

3. The National Assembly for Wales (Disqualification) Order 2006([2](#)) is revoked.

Judith Simpson
Clerk of the Privy Council

SCHEDULE
**Offices disqualifying holders from membership of the National
Assembly for Wales**

PART 1

Bodies the members of which are disqualified

A committee established by the Pensions Regulator under section 9 of the Pensions Act 2004(3);

A National Park authority for a National Park in Wales;

A panel, established under Schedule 10 to the Rent Act 1977(4), 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 section 27 of, and Schedule 3 to the Education Act 2005(5);

A tribunal referred to in paragraph 10 of Schedule 26 to the Schools Standards and Framework Act 1998(6);

Adjudication Panel for Wales or Panel Dyfarnu Cymru;

Agricultural Land Tribunal;

An urban development corporation for an urban development area wholly in Wales;

Anglesey Recovery Board;

Any member of the Big Lottery Fund appointed under paragraph 1 of Schedule 4A to the National Lottery Etc. Act 1993(7) or of a committee established under paragraph 7(1)(b) of that Schedule;

Arts Council of Wales;

Board of Trustees of the National Library of Wales appointed by the Welsh Ministers;

Board of Trustees of the National Museum of Wales appointed by the Welsh Ministers;

Board of the Pension Protection Fund(8);

British Waterways Board;

Board of Medical Referees appointed by the Welsh Ministers(9);

British Broadcasting Corporation Trust;

British Transport Police Authority;

Care Council for Wales or Cyngor Gofal Cymru;

Care Quality Commission;

Central Arbitration Committee;

Channel Four Television Corporation;

Child Maintenance and Enforcement Commission;

Commission for Equality and Human Rights;
Competition Appeal Tribunal;
Competition Commission;
Competition Service;
Council for Healthcare Regulatory Excellence;
Council of the Advisory, Conciliation and Arbitration Service;
Countryside Council for Wales;
Electoral Commission or Comisiwn Etholiadol;
Environment Agency or Asiantaeth yr Amgylchedd;
First-tier tribunal;
Food & Drink Advisory Partnership;
Food Standards Agency or yr Asiantaeth Safonau Bwyd;
Food Standards Agency Advisory Committee for Wales;
Gas and Electricity Markets Authority;
General Teaching Council for Wales or Cyngor Addysgu Cyffredinol Cymru;
Health and Safety Executive;
Health Protection Agency or yr Asiantaeth Diogelu Iechyd;
Higher Education Funding Council for Wales other than a member who is also an employee of the Council;
Human Fertilisation and Embryology Authority;
Human Tissue Authority;
Independent Appeal Panel for Farmers;
Independent Police Complaints Commission;
Independent Remuneration Panel for Wales;
Independent Social Services Complaints Panel;
Joint Nature Conservation Committee;
Local Better Regulation Office;
Local Government Boundary Commission for Wales;
Meat Promotions Wales or Hybu Cig Cymru;
Mental Health Review Tribunal for Wales;
National Employment Savings Trust Corporation;
Office of Communications;
Office of Fair Trading;
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;
Statistics Board or Bwrdd Ystadegau established by the Statistics and Registration Service Act 2007([10](#));

Upper Tribunal;
Valuation Tribunal for Wales;
Welsh Industrial Development Advisory Board;
Welsh Language Board or Bwrdd yr Iaith Gymraeg;
Welsh Levy Board or Bwrdd Ardollau Cymru.

PART 2

Other disqualifying offices

A person appointed by the Welsh Ministers under section 3(1) of the Local Government and Housing Act 1989(11);

An auditor appointed under section 13(2) of the Public Audit (Wales) Act 2004(12);

Ambassador or Permanent Representative to an international organisation representing Her Majesty's Government in the United Kingdom;

Auditor General for Wales and members of his or her staff;

Certification officer and any assistant certification officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992(13);

Chair of Welsh Health Specialised Services Committee;

Chair and members of the Marine Management Organisation;

Chair and members of the Welsh Committee of the Administrative Justice & Tribunals Council;

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;

Chairman and Chief Executive of the Student Loans Company Limited;

Chairman and Chief Executive of the Technology Strategy Board;

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 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;

Children's Commissioner for Wales or Comisiynydd Plant Cymru, Deputy

Children's Commissioner and members of his or her staff;

Civil Service Commissioner;
Commissioner for Older People in Wales or Comisiyndd Pobl hŷn Cymru,
Deputy Commissioner and members of his or her staff;
Commissioner for Public Appointments;
Commissioner and assistant Commissioner of the Boundary Commission for
England;
Commissioner and assistant Commissioner of the Boundary Commission for
Northern Ireland;
Commissioner and assistant Commissioner of the Boundary Commission for
Scotland;
Commissioner and assistant Commissioner of the Boundary Commission for
Wales;
Comptroller and Auditor General;
Director of Finance Wales Public Limited Company or any wholly owned
subsidiary of Finance Wales Public Limited Company;
Director of the Pensions Advisory Service Limited;
Director of the Post Office company (within the meaning of Part 4 of the
Postal Services Act 2000(14)) 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 member of their staff;
Governor or Administrator of a British overseas territory within the meaning
of section 50(1) of the British Nationality Act 1981(15);
Health Service Commissioner;
Her Majesty's Chief Inspector of Education and Training in Wales or Prif
Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru;
High Commissioner representing Her Majesty's Government in the United
Kingdom;
Independent Case Examiner for the Department for Work and Pensions;
Independent Groundwater Complaints Administrator appointed under
section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act
1993(16);
Ombudsman for the Board of the Pension Protection Fund appointed under
section 209 of the Pensions Act 2004(17) and any deputy to that
Ombudsman appointed under section 210 of that Act;
Parliamentary Commissioner for Administration;
Pensions Ombudsman appointed under section 145 of the Pensions Schemes
Act 1993(18) and any deputy to that Ombudsman appointed under section
145A of that Act;
Person holding a politically restricted post, within the meaning of Part 1 of
the Local Government and Housing Act 1989(19), under—
(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 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;
Returning officer for a constituency or an electoral region of the National
Assembly for Wales;
Social Fund Commissioner;
Trustee of the Independent Living Fund (2006).

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 2006.

(1) [2006 c.32](#).

(2) [S.I. 2006/3335](#).

(3) [2004 c.35](#). The Pensions Regulator is established by section 1 of the Act.

(4) [1977 c.42](#). There have been amendments to Schedule 10 to this Act which are not relevant to this order.

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

(6) 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.

(7) 1993. c.39.

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

(9) *See* Paragraph 3 of Annex 2 to the Scheme in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007 ([S.I. 2007/1072](#)) and paragraph 3 of Schedule 5 to the Scheme in Schedule 1 to the Firefighters' Compensation Scheme (Wales) Order 2007 ([S.I. 2007/1073](#)).

(10) [2007 c.18](#)

(11) [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.

(12) [2004 c.23](#).

(13) [1992 c.52](#)

(14) [2006 c.26](#).

(15) [1981 c.61](#). As amended by section 1(1) of the British Overseas Territories Act [2002 \(c.8\)](#).

(16) [1993 c.42](#). There have been amendments to paragraph 27 of Schedule 7 to the Act not relevant to this order.

- (17) [2004 c.35](#). There have been amendments to section 210 of the Act not relevant to this order.
- (18) [1993 c.48](#). There have been amendments to section 145 of the Act not relevant to this order.
- (19) [1989 c.42](#).

Appendix 5 Excerpt from Electoral Commission Guidance

Introduction

This booklet contains key documents for candidates and agents standing in the National Assembly for Wales elections on 5 May 2011.

This booklet focuses on standing for election and is part of a broad suite of guidance for candidates and agents. The full guidance suite is available for download from our website. In addition to the documents contained in this booklet, the following documents are available on-line:

- Commonly used names
- Postal voting
- The poll
- The count
- Candidate spending at the National Assembly for Wales elections 2011
- Party campaign spending

These, as well as factsheets, Codes of conduct, nomination and election spending forms, are all available for download from the Commission's website at:
www.electoralcommission.org.uk/guidance/resources-for-those-we-regulate/candidates-and-agents.

Our party campaign spending guidance can be downloaded separately from:
http://www.electoralcommission.org.uk/_data/assets/pdf_file/0020/106364/sp-year-campaign-spend-rp.pdf.

If you do not have access to a computer with an internet connection, please call or write to us (contact details are printed at the back of this booklet) and we will send you any printed copies you may require.

Contents

Key guidance documents on standing for election

- Can you stand for election?
- Getting nominated
- Standing for a political party
- Election agents
- Campaigning dos and don'ts

Can you stand for election?

This document is for

Prospective candidates and election agents who want to know the rules on standing in the National Assembly for Wales elections. Throughout this document we use 'you' to refer to the candidate.

The document covers

- Qualifications required to stand for election
- Disqualifications

Related documents

- Getting nominated

Forms

- Nomination papers

2

Types of candidates

The National Assembly for Wales election is made up of two contests: a constituency election and a regional election. You may stand as:

- a constituency candidate
- a candidate named on a party list at the regional election
- an individual candidate at the regional election

You cannot stand for election in a constituency and a region at the same time, or in more than one constituency or region.

Do I qualify for standing for election?

To qualify as a constituency or regional candidate you must:

- be at least 18 years old
- be a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union

This must be true on the day you are nominated and on polling day.

Disqualifications

Apart from meeting the qualifications for standing for election, you must also not be disqualified from standing. There are certain people who are disqualified from being elected to the National Assembly for Wales. You cannot be a candidate if at the time of your nomination or election you:

- are a judge
- are a civil servant
- are a member of the armed forces
- are a member of a police force

An eligible Commonwealth citizen is a person who either:

- does not need leave to remain in the United Kingdom, or
- has indefinite leave to remain in the United Kingdom

- are a member of a legislature of any country or territory outside the Commonwealth (other than Ireland)
- are employed as a member of staff of the Assembly
- hold an office that is mentioned in The National Assembly for Wales (Disqualification) Order 2006
- are the subject of a bankruptcy restrictions order or interim order

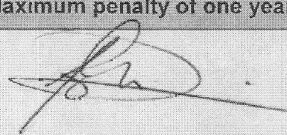
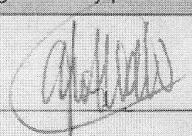
A person may also be disqualified from election if they have been convicted or reported guilty of a corrupt or illegal practice by an election court.

What to do if in doubt

If you are in any doubt about whether or not you are disqualified from standing for election, you must take action to be sure you are not disqualified. If you do not, you could be found guilty of making a false statement on the Consent to nomination form, which is a criminal offence. You should consult the legislation or, if necessary, take independent legal advice. The Returning Officer will not be able to confirm whether or not you are disqualified.

The full range of disqualifications is complex and exceptions may apply. You should consult the relevant legislation to ensure that none of the disqualifications apply and, if in doubt, seek your own legal advice.

Appendix 6
Consent to nomination form – John Dixon

NAW-							
National Assembly for Wales	Consent to nomination – Party - Region						
This form is for a candidate contained in a party list for a region.							
Region	Date of Election						
South Wales Central	Thursday 5 May 2011						
Section 1 - Candidate's details and declaration							
I (candidate's name in full):	JOHN LESLIE DIXON						
of (home address including postcode):	29 GALSTON STREET, ADAMS DOWN, CARDIFF, CF24 0HR						
Office address in case you are required to be an agent. See note 3.							
<p>hereby consent to my nomination as a candidate at the above-mentioned Election. I am aware of the provisions of sections 16 – 19 of the 2006 Act (disqualification) and of any Order in Council under section 12(1)(b) of the 1998 Act or 16(1)(b) of the 2006 Act and that to the best of my knowledge and belief I am not disqualified for membership of the Assembly. I am not an individual candidate or a candidate on any other party list in the election for this or any other region; nor a candidate at a constituency election, the poll for which is to be held on Thursday 5 May 2011.</p>							
My date of birth is:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">Day (DD)</td> <td style="width: 33%; text-align: center;">Month (MM)</td> <td style="width: 33%; text-align: center;">Year (YYYY)</td> </tr> <tr> <td style="text-align: center;">12</td> <td style="text-align: center;">04</td> <td style="text-align: center;">1965</td> </tr> </table>	Day (DD)	Month (MM)	Year (YYYY)	12	04	1965
Day (DD)	Month (MM)	Year (YYYY)					
12	04	1965					
<p>Note: It is an offence to make a false declaration in this form. Maximum penalty of one year imprisonment.</p>							
Candidate's Signature:	<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"></div> <div style="width: 35%;">Date: 28/3/2011</div> </div>						
Section 2 – To be completed by the witness							
The declaration above was signed in my presence by the candidate named above.							
Signed (name in full):							
Witness' Name (Block Capitals):	IAN WALTON						
Date:	28. MARCH 2011						
See Note Overleaf							