

Quick guide

The Constitution – The Assembly Commission

April 2007

Why have an Assembly Commission?

A key change arising from the re-constitution of the National Assembly for Wales as a legislative body, distinct from the executive put into effect by the Government of Wales Act 2006 ("the Act"), is the need to establish an Assembly Commission to enable administrative and legal arrangements to be made for employing staff, holding property, purchasing services, entering into contracts and so on. Such arrangements already exist in Scotland and Westminster.

Provisions for a Commission in the Act

The Government of Wales Act 2006 creates an Assembly Commission. It provides for the establishment, membership and functions of the Commission and for it to provide the Assembly (or to arrange for the Assembly to be provided) with the staff, property and services required for its purposes.

The Commission will consist of the Presiding Officer and four other Assembly Members. As with the staff of the House of Commons and the Scottish Parliament, the staff of the Assembly (current Assembly Parliamentary Service staff), will be employed by the Commission and so will no longer be civil servants.

The Shadow Commission

The Shadow Commission was established by a vote in Plenary on 17 May 2006 and was a Committee of the Assembly. It was created to plan and prepare for matters that are now the responsibility of the Commission which came into existence in May 2007, after the Assembly Election.

The Shadow Commission was chaired by the Presiding Officer, and consisted of four Assembly Members, one from each of the political groups.

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| ■ Rt. Hon., Dafydd Elis-Thomas AM (Chair) | ■ William Graham AM |
| ■ Lorraine Barrett AM | ■ Elin Jones AM |
| ■ Peter Black AM | |

The issues that the Shadow Commissioners considered included:

- Reviewing budget requirements for 2007-2008 and future years;
- Organisational Design;
- Property;
- Measuring satisfaction with service provision;
- Future training needs.

Appointment of Commission Members

After an Assembly election the Assembly must consider a motion tabled by the Business Committee proposing the names of the four Members to be appointed as members of the Commission under the Act.

So far as is reasonably practicable, members of the Commission (other than the Presiding Officer) must belong to different political groups.

If there are four or more political groups in the Assembly, it is for the leader of each of the four largest political groups to inform the Business Committee of the name of the nominee from their political group.

If there are fewer than four political groups in the Assembly the leader of each political group must inform the Business Committee of their nominee and the Business Committee will determine the name of any additional Members to be nominated.

If there are two or more political groups with the **same** number of members, the Presiding Officer, having regard to the level of electoral support of each of the political groups in question, determines which of those political groups is to be regarded as the larger.

Resignation or Removal from Office

A member of the Commission resigns from the Commission by giving notice in writing to the Clerk but the Presiding Officer cannot resign from the Commission.

Any Member may table a motion proposing that a particular Member (other than the Presiding Officer) be removed from the Commission. If the motion is agreed to in a Plenary meeting the Member is removed from the Commission with immediate effect.

Finance and Annual Report

The Assembly Commission must, after each financial year, publish and lay before the Assembly a report on the exercise of its functions during that financial year.

The Assembly Commission is required to prepare accounts for each financial year which are submitted to the Auditor General Wales, who then reports to the Assembly.

Other duties and powers

The Act requires that the Commission must apply the principles of sustainable development, equality of opportunity and equal treatment of the English and Welsh languages to the exercise of its functions.

The Act also provides a power for the Assembly Commission to promote public awareness of devolved government in Wales, and the system for the election of Assembly Members.

Further information

For further information on the Constitution Series, please contact **Dr. Alys Thomas** (Alys.Thomas@Wales.gsi.Gov.UK), Members' Research Service.

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