

Research Briefing **Presiding Officer and Deputy Presiding Officer – A Constitution quick guide**

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National Assembly for Wales
Research Service

The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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A quick guide covering the role and functions of the National Assembly for Wales' Presiding Officer and its Deputy Presiding Officer.



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The Presiding Officer and Deputy Presiding Officer

The role of the Presiding Officer and Deputy Presiding Officer

The offices of Presiding Officer and Deputy Presiding Officer were created by the Government of Wales Act 1998.

At its first meeting after an election, the Assembly must elect a Presiding Officer and Deputy Presiding Officer. The Presiding Officer's main role is to chair Plenary, maintain order and protect the rights of Assembly Members. The Presiding Officer is responsible for ensuring that business is handled on the basis of equality and impartiality. He or she is responsible for Standing Orders and is the final authority on their interpretation. The Presiding Officer also plays an active role in representing the Assembly and Wales's interests on a national, UK and international stage.

The Deputy Presiding Officer deputises as necessary for the Presiding Officer. The Presiding Officer's functions may be exercised by the Deputy Presiding Officer if the Presiding Officer's office is vacant, or if the Presiding Officer is for any reason unable to act, and the Presiding Officer may, subject to **Standing Orders**, authorise the Deputy Presiding Officer to exercise functions of the Presiding Officer.

Elin Jones AM (Plaid Cymru) was elected to serve as the Presiding Officer for the Fifth Assembly, with **Ann Jones AM** (Welsh Labour) elected as the Deputy Presiding Officer.

Dame Rosemary Butler AM served as Presiding Officer in the Fourth Assembly and David Melding AM as Deputy Presiding Officer. The Rt.Hon. the Lord Elis-Thomas AM served as Presiding Officer in the first three Assemblies.

There were three Deputy Presiding Officers in the First, Second and Third Assemblies. Jane Davidson AM held the post between May 1999 and October 2000. She was succeeded by Dr John Marek AM, who served until the end of the Second Assembly. Dame Rosemary Butler AM served in the Third Assembly.

Election

The **Government of Wales Act 2006** ("the 2006 Act"), as amended, provides for the election of a Presiding Officer and a Deputy Presiding Officer. The Standing Orders state that the Presiding Officer and Deputy Presiding Officer must not belong to:

- the same political group;
- different political groups both of which have an executive role; or
- different political groups neither of which has an executive role.

In effect, this means that one will be from the governing political group or groups and the other from the opposition. This provision can be disapplied if approved by two-thirds of those voting. Furthermore, if, in the course of an Assembly, the Presiding Officer and Deputy become members of the same political group; different political groups both of which have an executive role; or different political groups neither of which has an executive role, and

neither resigns from office, then any Member may propose a motion that the Presiding Officer and Deputy may remain in office.

This happened in the Third Assembly, when The Rt.Hon. the Lord Elis-Thomas AM and Dame Rosemary Butler AM served as Presiding Officer and Deputy despite belonging to the political groups that formed a coalition government. If no such motion is proposed, or the motion is not passed on a vote supported by at least two-thirds of those voting, then both the Presiding Officer and Deputy must resign from office.

The Presiding Officer and Deputy Presiding Officer may not vote in Plenary proceedings, whether they are in the chair or not, apart from to exercise their casting vote.

The Presiding Officer holds office until a new Presiding Officer is elected. The effect is that the Presiding Officer does not cease to hold office merely because of the dissolution of the Assembly before a National Assembly for Wales election. The Deputy Presiding Officer, on the other hand, holds office only until dissolution of the Assembly. Either may, however, resign, and each would also cease to hold office upon ceasing to be an Assembly Member otherwise than by virtue of a dissolution (e.g. by resignation as an Assembly member) or by being removed from office by resolution of the Assembly.

Chairing the Assembly Commission

The 2006 Act provides for the creation of corporate body to be known as “the Assembly Commission” which will be composed of the **Presiding Officer and four other Assembly Members** (see Constitutional quick guide on The Assembly Commission). The Presiding Officer will chair meetings of the Assembly Commission. This role may not be delegated to the Deputy Presiding Officer. If there is no Presiding Officer in post, or if the Presiding Officer is unable to act, then it is for the Assembly Commission to appoint another of its members to preside over its meetings.

Chairing the Business Committee

Standing Orders provide for a Business Committee comprising the Presiding Officer as Chair and one Member from each political group. This arrangement is subject to approval by a two-thirds majority of the Assembly.

Other Presiding Officer Functions under the 2006 Act

Some of the Presiding Officer's other functions under the 2006 Act, as amended by the *Wales Act 2017*, include:

- Fixing the date of an election in the event of a constituency vacancy.(section 10 (4))
- Proposing, for the holding of the poll at an ordinary Assembly election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May. (section 4 (1))
- Receiving notification of the filling of a regional member vacancy.(section 11 (2))
- Receiving notification of a Member's resignation.(section 15)

- Deciding questions arising under the standing orders about the political group (if any) to which a member belongs.(section 25 (4) (b))
- Receiving notification of the issue of a direction by a Welsh Minister or the Counsel General to a current or former member of staff of the Welsh Assembly Government (or person with an equivalent status) that the person need not give evidence or produce documents to the Assembly, its' committees or sub-committees.(section 38 (5) (a))
- Administering the oath or affirmation to anyone giving evidence in Assembly proceedings.(section 40 (1) (b))
- Designating a person to act as First Minister (on the recommendation of the Welsh Ministers) if the First Minister's office is vacant, the First Minister is unable to act or the First Minister has ceased to be an Assembly Member. (section 46 (5))
- Recommending to the Monarch the Assembly's choice as First Minister. (section 47 (4))
- Stating whether the provisions of an Assembly Bill are, in the view of the Presiding Officer, within the Assembly's legislative competence. (section 110 (3))

Further information

For further information on any aspect of the constitution, please contact Alys Thomas (alys.thomas@assembly.wales).