

Quick guide

The Constitution

April 2007

A glossary

Acts of Parliament: Acts of Parliament are laws made by the UK Parliament. Proposals for new laws (**Bills**) are debated by both the House of Commons and the House of Lords. If both Houses of Parliament vote for the proposals then the Bill is ready to become an Act. It can only be described as an Act when it has received **Royal Assent** from the Monarch. They are sometimes also referred to as **Statutes**.

Assembly: See National Assembly for Wales

Assembly Members (AMs): The 60 elected representatives forming the **National Assembly for Wales**.

Assembly Proceedings: Any proceedings of the **National Assembly for Wales** (i.e. plenary), committees or sub-committees of the National Assembly for Wales

Committees: There are three kinds of committee in the Assembly: committees that scrutinise **LCOs** and **Measures**; **Scrutiny Committees** and **Standing Committees** such as the **Audit Committee**.

Committee of the Whole Assembly: This is when legislation is considered in detail by all **AMs** rather than just by those elected to a committee. It is a common practice across other legislatures. For example, the *Government of Wales Act 2006* itself was scrutinised by a Committee of the whole House of Commons.

Constitution: A constitution is the set of laws, rules, principles and procedures that specify how a state is to be governed, and define the relationships between the branches of government, and between the government and the individual. Most countries have a constitution written down in a single document but the UK is said to have an “unwritten constitution”. In fact, its constitution is found in a range of sources including Acts of Parliament, case law and custom and precedent.

Corporate Body: During the First Assembly (1999-2003) and the Second Assembly (2003-2007) the **National Assembly for Wales** was constituted as a corporate body with a single legal identity. The *Government of Wales Act 2006* has put into effective the legal separation of the **executive** (the **Welsh Assembly Government**) and the legislature (the **National Assembly for Wales**.)

Counsel General: The Chief Legal Adviser to the **Welsh Assembly Government**. The Counsel General is not a Welsh Minister but *is* a member of the **Welsh Assembly Government**

Draft Legislative Competence Order (LCO) (Draft Order): This refers to an LCO that has undergone **pre-legislative scrutiny** as a **Proposed order** and is under consideration by the **Assembly** and **Parliament** who will vote on whether to approve it or not. It cannot be amended.

Deputy Welsh Ministers: Appointed by the **First Minister** from among the **Assembly Members**. They form part of the **Welsh Assembly Government**, but are not included in the definition of **Welsh Ministers**. There are to be no more than 12 Welsh Ministers (which here does not include the First Minister) and Deputy Welsh Ministers in total at any one time.

Executive: A term used to describe Government and distinguish it from the **legislature**. It formulates policy and introduces and implements legislation. The **Welsh Assembly Government** is the executive.

Fields: Devolved policy areas within which the **National Assembly for Wales** are able to seek **legislative competence** to enact **Measures**. The Fields are specified in Schedule 5 to the *Government of Wales Act 2006*.

First Minister: An **Assembly Member** appointed by the Monarch to be First Minister, following nomination by the **National Assembly for Wales**. Head of the **Welsh Assembly Government**, who then appoints the other **Welsh Ministers** with the approval of the Monarch.

Government of Wales Act 2006: This Act, passed by the UK Parliament in 2006, supercedes the *Government of Wales Act 1998* which created the Assembly. It separates the the **Executive** and **Legislative** branches of the former corporate body; it gives the Assembly enhanced legislative powers and made changes to the electoral system for Assembly elections.

Legislative Competence: The term used to describe the scope of the **National Assembly for Wales'** power to enact **Measures**. Schedule 5 and Section 94 of the Government of Wales Act 2006 define the National Assembly for Wales' legislative competence as far as its power to enact **Assembly Measures** is concerned. The Assembly obtains legislative competence in relation to a particular policy area once that policy area has been inserted into Schedule 5 of 2006 Act (where the policy area is termed a "Matter"). Legislative Competence may also be extended by Schedule 5 of the 2006 Act being amended by an Act of Parliament.

Legislative Competence Order (LCO): An **Order in Council** made by Parliament under Section 95 of the *Government of Wales Act 2006* that amends Schedule 5 of the 2006 Act

and changes the Legislative Competence of the Assembly.

Legislature: A law-making body where new laws are debated and agreed. It also scrutinises the Government's decisions and holds the Government to account.

Matters: Together with section 94 of the 2006 Act, define the scope of the **National Assembly for Wales'** power to enact **Measures**. Once a **Matter** has been inserted into a **Field** in Schedule 5 to the Government of Wales Act 2006, the Assembly can enact a **Measure** on that topic.

Measures of the National Assembly for Wales (Measures): A new category of legislation, which may be used to amend existing **Acts of Parliament** and make new provision. Measures can, generally, only relate to **Matters** listed in the **Fields** set out in Part 1 of Schedule 5 to the Government of Wales Act 2006.

National Assembly for Wales (Assembly): The unincorporated association of 60 **Assembly Members** - a separate **legislature** established under the *Government of Wales Act 2006*, with a parliamentary/legislative and scrutinising function.

National Assembly for Wales Commission: A corporate body to support the new **National Assembly for Wales**. This will be responsible for employing staff, holding property, entering into contracts and ensuring that support services are provided for **Assembly Members**. Members of the Commission will be the Presiding Officer and four other Assembly Members.

Parliamentary Supremacy: Parliamentary supremacy is the doctrine in UK constitutional law that the Parliament of the United Kingdom is the sovereign law making body. This means it is supreme to all other governmental institutions and may amend or repeal any legislation passed by previous parliaments with a majority.

Plenary: This is the term that is used for when the all 60 **AMs** of the **Assembly** meet to conduct business.

Pre-legislative scrutiny: Consideration of draft legislation by a Parliamentary or **Assembly** committee before the formal process of approval is started. With regard to LCOs, this enables elected **AMs** to seek information, take evidence and propose improvements to a proposed Order before a draft Order is laid.

Primary legislation: For most purposes, an **Act** of Parliament.

Privy Council: A meeting of the Queen and her Privy Counsellors who are members of the government

Proceedings of the Assembly: This term refers to meetings of the **Assembly** in **Plenary** session only.

Proposed Legislative Competence Order (LCO) (Proposed Order): A preliminary draft

Order in Council prepared for pre-legislative scrutiny by an **Assembly Member**, **Assembly Committee** or the **Welsh Assembly Government** that would, if a **Draft Order** is laid before the Assembly and Parliament and passed, enhance the **legislative competence** of the Assembly.

Public Accounts Committee: The Public Accounts Committee is the only committee that is required by the *Government of Wales Act 2007*. It must be chaired by an opposition AM.

Referendum: The procedure by which a question is referred to the electorate, who vote on it in a similar way to a general election.

Royal Approval: Assembly Measures will be approved by the Monarch at the Privy Council.

Secretary of State for Wales: The Secretary of State for Wales is a member of the UK Government and currently has a seat in Cabinet. His or her role is defined as acting to ensure that the interests of Wales are fully taken into account by the UK Government in making decisions that will have effect in Wales; to represent the UK Government in Wales and to be responsible for ensuring the passage of Wales-only legislation through Parliament. The Secretary of State may attend and speak in **Proceedings of the Assembly** but may not vote and is not a Member of the Assembly.

Standing Orders: The rules which govern regulation of **Assembly** proceedings.

Statutes: Another term for **Acts of Parliament**.

Subordinate Legislation: Also known as secondary legislation or delegated legislation, subordinate legislation is law made by ministers under powers given to them by **Acts of Parliament** in order to implement and administer the requirements of **Primary Legislation**. Under the *Government of Wales 1998* the Assembly was empowered to make subordinate legislation. From May 2007, most subordinate legislation in devolved matters will be made by Welsh Ministers.

Welsh Assembly Government: A new body with governmental/executive responsibilities established under the *Government of Wales Act 2006*, to develop policies and take decisions. The members of the Welsh Assembly Government will be:

- The First Minister
- The Welsh Ministers
- The Counsel General to the Welsh Assembly Government
- The Deputy Welsh Ministers

Welsh Assembly Government staff are members of the Home Civil Service

Welsh Consolidated Fund: A fund into which is paid public money allocated to Wales by the UK Government, via the Secretary of State for Wales, and also that received from other sources.

Welsh Minister: An **Assembly Member** appointed as Welsh Minister by the **First Minister**, with the approval of the Monarch, forming part of the **Welsh Assembly Government**.

Welsh Ministers: The **First Minister** and the **Welsh Ministers** appointed by the First Minister. This does not include **Deputy Welsh Ministers** or the **Counsel General**.

West Lothian Question: Refers to the issue of whether MPs who do not sit for English seats should continue to vote on matters relating to England in the UK Parliament. Named after Tam Dalyell, the former MP for West Lothian, who framed the question when devolution was proposed in the 1970s

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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