



Elin Jones AC, Llywydd

Cynulliad Cenedlaethol Cymru

Elin Jones AM, Presiding Officer

National Assembly for Wales

Huw Irranca-Davies AM
Chair
Constitutional and Legislative Affairs Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Your ref:
Our ref: EJ/HG

18 August 2017

Dear Huw

**Assembly reform: disqualification, defamation, contempt of court and
Assembly privilege**

As you will be aware, the Wales Act 2017 provides the Assembly with powers to determine its own internal, operational and electoral arrangements. The Commission is leading work to explore how these powers might be used to ensure that this institution is a stronger, more accessible, inclusive and forward-looking legislature that delivers effectively for the people of Wales.

Earlier this year I announced that the Commission intends to introduce legislation in 2018 to change the Assembly's name. I have also established an Expert Panel to consider matters relating to the size and electoral arrangements of the Assembly. Once the Panel has reported, the Commission will consider the full scope of the reform programme and the legislative proposals we intend to bring forward.

As part of this scoping work, the Commission is also considering whether any reform is required to the sections of the Government of Wales Act 2006 relating to the Assembly's internal arrangements which the Wales Act 2017 will bring within the Assembly's legislative competence. This includes provisions which fall within the remit of your Committee, and on which I would welcome your views.

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

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Disqualification

Sections 16 to 19 of GOWA make provision in relation to disqualification from membership of the Assembly. As part of the scoping work, my officials are giving careful consideration to the recommendations made in the Fourth Assembly's Constitutional and Legislative Affairs Committee's 2014 report on disqualification. I will write further in the autumn to seek your Committee's views on these issues.

Defamation, contempt of court and Assembly privilege

Sections 42 and 43 of GOWA provide protections for Assembly Members from proceedings against them on the basis of defamation and, in some circumstances, contempt of court. The protection offered to Members is narrower than that offered by the principle of parliamentary privilege which operates in Westminster, although wider than the statutory protection in Scotland and Northern Ireland.

You will be aware that Assembly privilege is not a reserved matter under the Wales Act 2017. In principle, therefore, the Assembly could confer new privileges on itself, subject to the other reservations and competence tests which might apply.

I would welcome the views of your Committee on:

- the provisions in sections 42 and 43, in particular whether any legislative changes would be desirable as part of the Commission's reform work;
- whether any other reforms to the privileges of the Assembly would be desirable, and if so whether the Assembly reform legislation could be an appropriate legislative vehicle.

To ensure that your Committee's views can inform the development of the legislation, it would be helpful to receive your views on any issues which might require legislative change as part of the reform programme by the end of 2017.

Yours sincerely

Elin Jones AM
Llywydd