

Government of Cornwall Bill

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TO

Establish and make provision about the Cornish Assembly; to transfer functions and powers to the Assembly; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

CORNISH ASSEMBLY

The Assembly

1 The Assembly

- (1) There shall be an Assembly for Cornwall to be known as the Cornish Assembly or Senedh Kernow (but referred to in this Act as “the Assembly”). 5
- (2) The Assembly electoral regions, and the number of Assembly seats for each Assembly electoral region, shall be provided for by or in accordance of with Schedule 1.
- (3) Members of the Assembly (referred to in this Act as “Assembly members”) are to be returned in accordance the provision made by and under this Act for— 10
 - (a) the holding of general elections of Assembly members (for the return of the entire Assembly), and
 - (b) the filling of vacancies in Assembly seats.
- (4) The term of the office of an Assembly member— 15
 - (a) begins when the member is declared to be returned as an Assembly member, and
 - (b) continues until the end of the day before the day of the next ordinary election.
- (5) But Assembly members may at any time resign their seat by giving notice to— 20
 - (a) the Presiding Officer, or

- (b) any person authorised by the standing orders of the Assembly to receive the notice.
- (6) The validity of any Assembly proceeding is not affected by any vacancy in its membership.

Elections 5

2 Voting at ordinary elections

- (1) Each person entitled to vote at an ordinary election in an Assembly electoral constituency shall have one vote.
- (2) A person is entitled to vote at an election of an Assembly member in an Assembly constituency if, on the day of the election, he – 10
 - (a) would be entitled to vote at a general election in an electoral area wholly or partly included in an Assembly constituency, and
 - (b) is registered in the register of local government electors at an address within an Assembly constituency.
- (3) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41). 15

3 Method of elections

- (1) Section 85 of the Local Government Act 2000 (c. 22) (options for elections) shall have effect in relation to the Cornish Assembly as if, in that section, the word “councillors” is replaced by “Assembly members”. 20
- (2) Assembly members shall be elected under the single transferable vote system at an election, unless provision is made for change under subsection (4).
- (3) The Assembly may make provision for change of the electoral system after consultation with – 25
 - (a) the electoral commission, and
 - (b) the Assembly.
- (4) At an ordinary election a person may not be a candidate to be the Assembly member for more than one Assembly constituency.

4 Extraordinary general elections

- (1) The Assembly must propose a day for the holding of an extraordinary general election if subsection (2) or (3) applies. 30
- (2) This subsection applies if – 35
 - (a) the Assembly resolves that it should be dissolved, and
 - (b) that resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.
- (3) This subsection applies if any period during which the Assembly is required under section 32 to nominate an Assembly member for appointment as the First Minister ends without such a nomination being made.

- (4) If an extraordinary general election is held under this section within the period of six months ending with the day on which the poll at the next ordinary general election would be held, that ordinary general election is not to be held.
- (5) In calculating any period of days for the purposes of subsection (4), the following days are to be disregarded – 5
 - (a) Saturday and Sunday,
 - (b) Christmas Eve, Christmas Day and Good Friday,
 - (c) any day which is a bank holiday in Cornwall under the Banking and Financial Dealings Act 1971 (c. 80), and
 - (d) any day appointed for public thanksgiving or mourning. 10

Vacancies

5 Constituency seats

- (1) This section applies where the seat of an Assembly member returned for an Assembly constituency is vacant.
- (2) Subject to subsection (6), an election shall be held in the Assembly constituency to fill the vacancy. 15
- (3) At the election to fill the vacancy, each person entitled to vote at the election shall have only a constituency vote.
- (4) The date of the election shall be fixed by the presiding officer in accordance with subsection (5). 20
- (5) The date fixed shall be not later than three months after the occurrence of the vacancy, except that if the vacancy does not come to the presiding officer's notice within one month of its occurrence the date fixed shall be not later than three months after the vacancy comes to the notice of the Presiding Officer.
- (6) An election shall not be held if it appears to the presiding officer that the latest date which may be fixed for the poll would fall within the period of three months preceding an ordinary election. 25
- (7) A person may not be a candidate in an election to fill a vacancy if he is an Assembly member or a candidate in another such election.
- (8) For the purposes of this section a vacancy shall be taken to have occurred on such date as may be determined under the standing orders of the Assembly. 30
- (9) References in this section and section 9 to the presiding officer include references to any person for the time being performing the functions of presiding officer.

6 Power to make provision about elections etc 35

- (1) The Secretary of State may by order make provision as to –
 - (a) the conduct of elections for the return of Assembly members, including the operation of the single transferable vote system,
 - (b) the questioning of an election for the return of Assembly members and the process for investigating alleged or apparent irregularities, and 40
 - (c) the return of an Assembly member otherwise than at an election.

- (2) An order under this section may –
- (a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments,
 - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for the return of Assembly members, and 5
 - (c) so far as may be necessary in consequence of any provision made by this Act or an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors. 10
- (3) In this section, “the election enactments” means –
- (a) the Representation of the People Acts,
 - (b) the Political Parties, Elections and Referendums Act 2000 (c. 41),
 - (c) the European Parliamentary Elections Act 2002 (c. 24), and 15
 - (d) any other enactments relating to parliamentary elections, European Parliamentary elections or local government elections.

Presiding Officer and administration

7 Presiding officer etc

- (1) The Assembly must, at its first meeting following an ordinary or extraordinary general election, elect from among the Assembly members – 20
- (a) a presiding officer (referred to in this Act as “the Presiding Officer”), and
 - (b) a deputy presiding officer (referred to in this Act as “the Deputy Presiding Officer”). 25
- (2) The person elected under paragraph (a) of subsection (1) is to be known as the Presiding Officer or by such other title as the standing orders may provide; and the person elected under paragraph (b) of that subsection is to be known as the Deputy Presiding Officer or by such other title as the standing orders may provide. 30
- (3) The Presiding Officer holds office until the conclusion of the next election of a Presiding Officer under subsection (1).
- (4) The Deputy Presiding Officer holds office until the Assembly is dissolved.
- (5) But the Presiding Officer or Deputy Presiding Officer – 35
- (a) may at any time resign,
 - (b) ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution, and
 - (c) may be removed from office by the Assembly if a motion of no confidence is passed by more than two thirds of Assembly members.
- (6) The Presiding Officer’s functions may be exercised by the Deputy Presiding Officer if – 40
- (a) the office of Presiding Officer is vacant, or
 - (b) the Presiding Officer is for any reason unable to act.

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- (7) The Presiding Officer may (subject to the standing orders) authorise the Deputy Presiding Officer to exercise functions of the Presiding Officer.
- (8) The standing orders may include provision for the Presiding Officer’s functions to be exercisable by any person specified in, or determined in accordance with, the standing orders if – 5
- (a) the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act, and
 - (b) the office of Deputy Presiding Officer is vacant or the Deputy Presiding Officer is for any reason unable to act.
- 8 Clerk of Assembly** 10
- (1) The Assembly Commission must appoint a person to be the Clerk of the Assembly (referred to in this Act as “the Clerk”).
- (2) The person appointed under subsection (1) is to be known as the Clerk of the Assembly or by such other title as the standing orders may provide.
- (3) The Clerk’s functions may be exercised by any other member of the staff of the Assembly (or person seconded to work at the Assembly) authorised by the Assembly Commission if – 15
- (a) the office of Clerk is vacant, or
 - (b) the Clerk is for any reason unable to act.
- (4) The Clerk may authorise any other member of the staff of the Assembly (or person seconded to work at the Assembly) to exercise functions on the Clerk’s behalf. 20
- 9 Assembly Commission**
- (1) There is to be a body corporate to be known as the Cornish Assembly Commission referred to in this Act as “the Assembly Commission”. 25
- (2) The members of the Assembly Commission are to be –
- (a) the Presiding Officer, and
 - (b) four other Assembly members.
- (3) The standing orders must make provision for the appointment of the four other Assembly members as members of the Assembly Commission. 30
- (4) The Assembly may give special or general directions to the Assembly Commission for the purpose of, or in connection with, the exercise of the Assembly Commission’s functions.
- Committees*
- 10 Committees and sub-committees** 35
- (1) The standing orders may provide –
- (a) for the appointment of committees of the Assembly, and
 - (b) for such committees to have power to appoint sub-committees,
 - (c) for the composition of committees in compliance with subsection (2).
- (2) The provision included in standing orders must – 40

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- (a) secure that its membership reflects (so far as is reasonably practicable) the balance of the political groups to which Assembly members belong, and
 - (b) make provision for the eligibility of persons appointed for its membership. 5
- (3) The members of a committee of the Assembly, or of a sub-committee of such a committee, may not include anyone who is not an Assembly member.
 - (4) The standing orders must make provision about the membership, chairing and procedure of committees of the Assembly and sub-committees of such committees. 10
 - (5) The standing orders may include provision for excluding from the proceedings of a committee of the Assembly, or a sub-committee of such a committee, an Assembly member who is not a member of the committee or sub-committee.
 - (6) The validity of any proceedings of a committee of the Assembly, or of a sub-committee of such a committee, is not affected by – 15
 - (a) any vacancy in its membership,
 - (b) any defect in the appointment of its members or of the person who chairs it, or
 - (c) any failure to comply with provisions of the standing orders relating to procedure. 20
- 11 Audit Committee**
- (1) The committees of the Assembly must include one to be known as the Audit Committee or by such other name as the Assembly may determine.
 - (2) The Audit Committee is to have the number of members specified by the standing orders. 25
 - (3) None of the following may be a member of the Audit Committee –
 - (a) the First Minister or any person designated to exercise the functions of the First Minister,
 - (b) a Cornish Minister appointed under section 25,
 - (c) a Deputy Cornish Minister. 30
 - (4) The Audit Committee must not be chaired by an Assembly member who is a member of a political group with an executive role.

Remuneration, oaths etc

- 12 Remuneration of Assembly members**
- (1) *The Assembly must make provision for the payments of salaries to Assembly members.* 35
 - (2) *The Assembly may make provision for the payment of allowances to Assembly members.*
 - (3) *The Assembly may make provision for the payment of pensions, gratuities or allowances to, or in respect of, any person who –*
 - (a) *has ceased to be an Assembly member, or* 40

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- (b) *has ceased to hold office as the Presiding Officer or Deputy Presiding Officer, or such other office in connection with the Assembly as the Assembly may determine, but continues to be an Assembly member.*
- (4) The Assembly must ensure that information concerning –
- (a) the amounts paid to each Assembly member as salary and allowances, and
 - (b) the total amount paid to Assembly members as salaries and allowances, is published for each financial year (and may, in particular, do so by requiring it to be published by the Assembly Commission).
- 13 Limit on salaries of Assembly members** 10
- (1) The Assembly must make provision to ensure that the amount of the salary payable to an Assembly member in accordance with section 12 is reduced if a salary is payable to the Assembly member –
- (a) pursuant to a resolution (or combination of resolutions) of either House of Parliament relating to the remuneration of members of that House, or
 - (b) under section 1 of the European Parliament (Pay and Pensions) Act 1979 (c. 50) (salaries of Representatives).
- (2) The provision made must ensure that the amount of salary is reduced –
- (a) to a particular proportion of what it otherwise would be or to a particular amount, or
 - (b) by the amount of any salary payable to the Assembly member as mentioned in subsection (1)(a) or (b), by a particular proportion of that amount or by some other particular amount.
- (3) Provision may be made under this section by –
- (a) the standing orders, or
 - (b) resolutions of the Assembly,
- and may include provision conferring functions on the Assembly Commission.
- 14 Oath or affirmation of allegiance**
- (1) An Assembly member must take the oath of allegiance in the form set out in section 2 of the Promissory Oaths Act 1868 (c. 72) (or make the corresponding affirmation) as soon as is reasonably practicable after being returned as an Assembly member (whether for the first time or subsequently).
- (2) The standing orders must specify the person before whom the oath is to be taken (or the affirmation made).
- (3) Until an Assembly member has taken the oath (or made the affirmation) the Assembly member must not do anything as an Assembly member, other than –
- (a) take part in proceedings of the Assembly at which Assembly members take the oath or make the affirmation, or
 - (b) take part in any earlier proceedings for the election of the Presiding Officer or Deputy Presiding Officer.
- (4) If an Assembly member has not taken the oath (or made the affirmation) within –

- (a) the period of two months beginning with the day on which the Assembly member was declared to be returned, or
- (b) such longer period as the Assembly may have allowed before the end of that period of two months,
- at the end of that period of two months or longer period the Assembly member ceases to be an Assembly member (so that the Assembly member’s seat is vacant). 5
- (5) Until an Assembly member has taken the oath (or made the affirmation), no salary, allowance, gratuity or payment towards the provision of a pension, allowance or gratuity is to be paid under this Act to or in respect of the Assembly member. 10
- (6) But subsection (6) does not affect any entitlement to payments in respect of the period before the Assembly member took the oath (or made the affirmation) once the Assembly member has done so.
- 15 Assistance to groups of Assembly members** 15
- (1) *The Assembly Commission must make to (or in respect of) political groups to which Assembly members belong such payments as the Assembly from time to time determines for the purpose of assisting Assembly members who belong to those political groups to perform their functions as Assembly members.*
- (2) A determination under subsection (1) may make provision— 20
- (a) for calculating the amount of any payment to (or in respect of) a political group,
- (b) for the conditions subject to which payments to (or in respect of) a political group are to be made, and
- (c) for claims for such payments to be made to the Assembly Commission. 25
- (3) A determination under subsection (1) may make different provision for different political groups.
- (4) The standing orders must include provision—
- (a) for the publication of every determination under this section, and
- (b) for the publication for each financial year of information about the sums paid under this section in the financial year. 30

Proceedings etc

- 16 Standing orders**
- (1) Assembly proceedings are to be regulated by standing orders (referred to in this Act as “the standing orders”). 35
- (2) The standing orders shall be drawn up by the Clerk and must be approved by the Assembly Commission.
- (3) The standing orders must include provision for preserving order in Assembly proceedings, including provision for—
- (a) preventing conduct which would constitute a criminal offence or contempt of court, and
- (b) a sub judice rule. 40

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- (4) The standing orders –
- (a) must include provision requiring the proceedings of the Assembly to be held in public, and for proceedings of a committee of the Assembly or a sub-committee of such a committee to be held in public except in circumstances provided for in the standing orders, and 5
 - (b) may include provision as to the conditions to be complied with by members of the public attending the proceedings (including provision for excluding any member of the public who does not comply with the conditions).
- (5) The standing orders must include provision – 10
- (a) for reporting the proceedings of the Assembly, and for reporting proceedings of committees of the Assembly and sub-committees of such committees which are held in public, and
 - (b) for publishing the reports of proceedings as soon as reasonably practicable after the proceedings take place. 15
- (6) Standing orders shall include provision –
- (a) for general debate on a Bill with an opportunity for members to vote on its general principles,
 - (b) for the consideration of, and an opportunity for members to vote on, the details of a Bill, and 20
 - (c) for a final stage at which a Bill can be passed or rejected.
- (7) Standing orders may make provision different from that required by subsection (1) for the procedure applicable to Bills of any of the following kinds –
- (a) Bills which restate the law, 25
 - (b) Bills which repeal spent enactments,
 - (c) private Bills.
- (8) The Assembly may by resolution remake or revise the standing orders; but if the motion for a resolution to replace or revise the standing orders is passed on a vote, it has no effect unless at least two-thirds of the Assembly members voting support it. 30
- (9) The standing orders must include provision for securing that the Assembly may only pass a Bill containing provisions which would, if contained in a Bill for an Act of Parliament, require the consent of Her Majesty or the Duke of Cornwall if such consent has been signified in accordance with the standing orders. 35
- (10) The Clerk must publish the standing orders.

17 Participation by UK Ministers etc

- (1) The Secretary of State is entitled to participate in proceedings of the Assembly if invited to do so but not to vote. 40
- (2) The standing orders must include provision for any documents which –
- (a) contain material relating to any proceedings of the Assembly which have taken place or are to take place, and
 - (b) are made available to all Assembly members,
- to be made available to the Secretary of State no later than the time when they are made available to Assembly members. 45

- (3) The standing orders may make provision for –
- (a) the participation of the Secretary of State in proceedings of any committee of the Assembly, or any sub-committee of any such committee, and
 - (b) the participation in any Assembly proceedings of Ministers of the Crown and of persons serving in the department of any Minister of the Crown. 5
- (4) The provision made by virtue of subsection (3) may not include provision conferring any right to vote.
- (5) The standing orders may include provision for the making available of documents or information in connection with participation in Assembly proceedings pursuant to standing orders made in accordance with this section. 10

18 Consultation about UK Government’s legislative programme

- (1) As soon as is reasonably practicable after the beginning of each session of Parliament, the Secretary of State must undertake with the Assembly such consultation about the UK Government’s legislative programme for the session as appears to the Secretary of State to be appropriate. 15
- (2) The consultation in relation to the UK Government’s legislative programme for a session must include participating in proceedings of the Assembly relating to it on at least one occasion. 20
- (3) For this purpose the UK Government’s legislative programme for a session of Parliament consists of the bills which, at the beginning of the session, are intended to be introduced into either House of Parliament during the session by a Minister of the Crown.
- (4) If, at any time after the beginning of a session of Parliament, it is decided that a Bill should be introduced into either House of Parliament during the session by a Minister of the Crown and no consultation about the Bill has been undertaken under subsection (1), the Secretary of State must undertake with the Assembly such consultation about the Bill as appears to the Secretary of State to be appropriate. 25
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- (5) This section does not require the undertaking of consultation with the Assembly about a bill if it appears to the Secretary of State that there are considerations relating to the bill that make such consultation inappropriate.

19 Equality of treatment

- (1) The Assembly must, in the conduct of Assembly proceedings, give effect, so far as is both appropriate in the circumstances and reasonably practicable, to the principle that the English and Cornish languages should be treated on a basis of equality. 35
- (2) The Assembly must make appropriate arrangements with a view to securing that Assembly proceedings are conducted with due regard to the principle that there should be equality of opportunity for all people. 40

20 Integrity

- (1) The standing orders must include provision –

- (a) for a register of interests of Assembly members, and
 - (b) for the register to be published and made available for public inspection.
- (2) The standing orders must require Assembly members to register in the register of interests registrable interests, as defined for the purposes of this subsection. 5
- (3) The standing orders must require any Assembly member who has –
 - (a) a financial interest, as defined for the purposes of this subsection, or
 - (b) any other interest, or an interest of any other kind such as benefit in kind, as so defined,in any matter to declare that interest before taking part in Assembly proceedings relating to that matter. 10
- (4) The standing orders may include provision for preventing or restricting the participation in any Assembly proceedings of an Assembly member who has an interest within subsection (2) or (3) in any matter to which the proceedings relate. 15
- (5) The standing orders must include provision prohibiting an Assembly member from –
 - (a) advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or 20
 - (b) urging, in consideration of any such payment or benefit in kind, any other Assembly member to advocate or initiate any cause or matter on behalf of any person by any such means.
- (6) An Assembly member who –
 - (a) takes part in Assembly proceedings without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsections (2) to (4), or 25
 - (b) contravenes any provision included in the standing orders in pursuance of subsection (5),commits an offence. 30
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) The validity of any Assembly proceedings is not affected by any contravention or failure to comply with any provision included in the standing orders in pursuance of this section. 35

Witnesses and documents

21 Power to require attendance

- (1) Subject as follows, the Assembly or any committee of the Assembly may require by giving notice, in writing, to any person –
 - (a) to attend Assembly proceedings for the purpose of giving evidence, or 40
 - (b) to produce for the purposes of the Assembly (or a committee of the Assembly or a sub-committee of such a committee) documents in the possession, or under the control, of the person,concerning any matter relevant to the exercise by the Cornish Ministers of any of their functions. 45

- (2) A person to whom a notice under subsection (1) has been given is guilty of an offence if he –
- (a) refuses or fails, without reasonable excuse, to attend proceedings as required by the notice,
 - (b) refuses to answer any question which is properly put to him when attending any proceedings as required by the notice, 5
 - (c) refuses or fails, without reasonable excuse, to produce any document required by the notice to be produced by him, or
 - (d) intentionally alters, suppresses, conceals or destroys any document required by the notice to be produced by him. 10
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to –
- (a) a fine not exceeding level 5 on the standard scale, or
 - (b) imprisonment for a term not exceeding three months.
- (4) A person is not obliged by this section to answer any question or produce any document which he would be entitled to refuse to answer or produce in or for the purposes of proceedings in a court in England and Wales; and subsection (2) has effect accordingly. 15

PART 2

CORNISH ASSEMBLY GOVERNMENT 20

Government

22 Cornish Assembly Government

- (1) There is to be a Cornish Assembly Government whose members are –
- (a) the First Minister or,
 - (b) the Cornish Ministers appointed under section 25, 25
 - (c) the Deputy Cornish Ministers.
- (2) In this Act and in any other enactment or instrument the First Minister and the Cornish Ministers appointed under section 25 are referred to collectively as the Cornish Ministers.

Ministers, staff etc 30

23 The First Minister

- (1) The First Minister is to be appointed by Her Majesty after nomination in accordance with section 24.
- (2) The First Minister holds office at Her Majesty's pleasure.
- (3) The First Minister may at any time tender resignation to Her Majesty and ceases to hold office as First Minister when it is accepted. 35
- (4) A person ceases to hold office as the First Minister if another person is appointed to that office.
- (5) The functions of the First Minister are exercisable by a person designated by the Presiding Officer if – 40

- (a) the office of the First Minister is vacant,
 - (b) the First Minister is for any reason unable to act, or
 - (c) the First Minister has ceased to be an Assembly member.
- (6) A person may not be designated to exercise the functions of the First Minister unless the person is – 5
- (a) an Assembly member, or
 - (b) if the Assembly has been dissolved, a person who ceased to be an Assembly member by reason of the dissolution.
- (7) A person may be designated to exercise the functions of the First Minister only on the recommendation of the Cornish Ministers (unless there is no-one holding office as a Cornish Minister appointed under section 25). 10
- (8) If a person is designated to exercise the functions of the First Minister, the designation continues to have effect even if the Assembly is dissolved.

24 Choice of First Minister

- (1) If one of the following events occurs, the Assembly must, before the end of the relevant period, nominate an Assembly member for appointment as First Minister. 15
- (2) The events are –
- (a) the holding of an ordinary or extraordinary general election,
 - (b) the Assembly resolving that the Cornish Ministers no longer enjoy the confidence of the Assembly, 20
 - (c) the First Minister tendering resignation to Her Majesty,
 - (d) the First Minister dying or becoming permanently unable to act, and
 - (e) the First Minister ceasing to be an Assembly member otherwise than by reason of a dissolution. 25
- (3) The relevant period is the period of 28 days beginning with the day on which the event occurs; but –
- (a) if another of those events occurs within that period, the relevant period is (subject to paragraph (b)) extended to end with the period of 28 days beginning with the day on which that other event occurs, and 30
 - (b) the relevant period ends if the Assembly passes a resolution under section 4(2)(a) or when Her Majesty appoints a person as the First Minister.
- (4) The Presiding Officer must recommend to Her Majesty the appointment of the person nominated by the Assembly under subsection (1). 35

25 Cornish Ministers

- (1) The First Minister may, with the approval of Her Majesty, appoint Cornish Ministers from among the Assembly members.
- (2) A Cornish Minister appointed under this section holds office at Her Majesty's pleasure. 40
- (3) A Cornish Minister appointed under this section may be removed from office by the First Minister.
- (4) A Cornish Minister appointed under this section may at any time resign.

(5)	A Cornish Minister appointed under this section must resign if the Assembly resolves that the Cornish Ministers no longer enjoy the confidence of the Assembly.	
(6)	A Cornish Minister appointed under this section who resigns ceases to hold office immediately.	5
(7)	A Cornish Minister appointed under this section ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.	
26	Deputy Cornish Ministers	
(1)	The First Minister may, with the approval of Her Majesty, appoint Deputy Cornish Ministers from among the Assembly members to assist the First Minister or a Cornish Minister appointed under section 25.	10
(2)	A Deputy Cornish Minister holds office at Her Majesty’s pleasure.	
(3)	A Deputy Cornish Minister may be removed from office by the First Minister.	
(4)	A Deputy Cornish Minister may at any time resign.	
(5)	A Deputy Cornish Minister must resign if the Assembly resolves that the Cornish Ministers no longer enjoy the confidence of the Assembly.	15
(6)	A Deputy Cornish Minister who resigns ceases to hold office immediately.	
(7)	A Deputy Cornish Minister ceases to hold office on ceasing to be an Assembly member otherwise than by reason of a dissolution.	
27	Limit on number of Ministers	20
(1)	No more than twelve persons are to hold a relevant Cornish Ministerial office at any time.	
(2)	A relevant Cornish Ministerial office means the office of Cornish Minister appointed under section 48 or the office of Deputy Cornish Minister.	
	<i>Functions</i>	25
28	Introduction	
(1)	The persons to whom this section applies have the functions conferred or imposed on them by or by virtue of this Act or any other enactment or prerogative instrument.	
(2)	This section applies to the Cornish Ministers and the First Minister.	30
29	Exercise of functions	
(1)	Functions may be conferred or imposed on the Cornish Ministers by that name.	
(2)	Functions of the Cornish Ministers and the First Minister are exercisable on behalf of Her Majesty.	
(3)	Functions of the Cornish Ministers are exercisable by the First Minister or any of the Cornish Ministers appointed under section 25.	35

- (4) Any act or omission of, or in relation to, the First Minister or any of the Cornish Ministers appointed under section 25 is to be treated as an act or omission of, or in relation to, each of them.
- (5) But subsection (4) does not apply in relation to the exercise of functions conferred or imposed on the First Minister alone. 5

30 Transfer of Ministerial functions

- (1) Her Majesty may by Order in Council –
 - (a) provide for the transfer to the Cornish Ministers or the First Minister of any function so far as exercisable by a Minister of the Crown in relation to Cornwall, 10
 - (b) direct that any function so far as so exercisable is to be exercisable by the Cornish Ministers or the First Minister concurrently with the Minister of the Crown, or
 - (c) direct that any function so far as exercisable by a Minister of the Crown in relation to Cornwall is to be exercisable by the Minister of the Crown only with the agreement of, or after consultation with, the Cornish Ministers or the First Minister. 15
- (2) An Order in Council under this section may, in particular, provide for any function exercisable by the Cornish Ministers or the First Minister by virtue of an Order in Council under subsection (1)(a) or (b) to be exercisable either generally or in such circumstances as may be specified in the Order in Council, concurrently with any other of the Cornish Ministers or the First Minister. 20
- (3) An Order in Council under this section may make such modifications of –
 - (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or 25
 - (b) any other instrument or document,as Her Majesty considers appropriate in connection with the provision made by the Order in Council.
- (4) No recommendation is to be made to Her Majesty in Council to make an Order in Council under this section unless a draft of the statutory instrument containing the Order in Council – 30
 - (a) has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) has been approved by the Cornish Ministers.

31 Promotion etc of well-being 35

- (1) The Cornish Ministers may do anything which they consider appropriate to achieve the promotion or improvement of the economic, social and environmental well-being of Cornwall.
- (2) The power under subsection (1) may be exercised in relation to or for the benefit of – 40
 - (a) the whole or any part of Cornwall, or
 - (b) all or any persons resident or present in Cornwall.
- (3) The power under subsection (1) includes power –
 - (a) to enter into arrangements or agreements with any person,

- (b) to co-operate with, or facilitate or co-ordinate the activities of, any person,
- (c) to exercise on behalf of any person any functions of that person, and
- (d) to provide staff, goods, services or accommodation to any person.
- 32 Support of Cornish language** 5
- (1) In relation to the support of the Cornish language, Cornish Ministers must –
- (a) adopt a scheme setting out how they propose to promote and facilitate the use of the Cornish language, and
- (b) so far it is reasonably practicable, adhere to the principle that in the conduct of public business in Cornwall the English and Cornish languages should be treated on a basis of equality. 10
- 33 Representations about matters affecting Cornwall**
- The Cornish Ministers and the First Minister may make appropriate representations about any matter affecting Cornwall.
- Functions: supplementary* 15
- 34 Agency arrangements and provision of services**
- (1) Arrangements may be made between the Cornish Ministers and any relevant authority for –
- (a) any functions of one of them to be exercised by the other,
- (b) any functions of the Cornish Ministers to be exercised by members of staff of the relevant authority, 20
- (c) any functions of the relevant authority to be exercised by members of the staff of the Cornish Assembly Government, and
- (d) the provision of administrative, professional or technical services by one of them for the other. 25
- (2) Any arrangements under paragraphs (a), (b) or (c) of subsection (1) for the exercise of functions of the Cornish Ministers do not affect the responsibility of the Cornish Ministers; and such arrangements for the exercise of any functions of a relevant authority do not affect the responsibility of the relevant authority.
- (3) The references in subsections (1) and (2) to functions do not include functions of making, confirming or approving subordinate legislation contained in a statutory instrument. 30
- (4) In this section and section 35 “relevant authority” means any Minister of the Crown or government department, any public authority (including any local authority) in England and Cornwall or the holder of any public office in England and Cornwall. 35

PART 3

ASSEMBLY MEASURES

Power

35 Transfer of functions

- (1) On the coming into force of this Act there shall be transferred to the Cornish Assembly all the functions of Cornwall Council. 5
- (2) Arrangements for the transfer of powers shall be made with consultation with—
 - (a) Cornwall Council,
 - (b) any relevant authority. 10
- (3) Subject to the provisions of this Part, an Act of the Assembly may make any provision that could be made by an Act of Parliament.
- (4) A provision of an Act of the Assembly is within the Assembly’s legislative competence if it relates to one or more of the subjects listed in Schedule 2.

36 Acts of the Cornish Assembly 15

- (1) The Assembly may make laws, to be known as Acts of the Cornish Assembly.
- (2) Proposed Acts of the Cornish Assembly shall be known as Bills; and a Bill shall become an Act of the Cornish Assembly when it has been passed by the Assembly and has received Royal Assent.
- (3) The validity of an Act of the Cornish Assembly is not affected by any invalidity in the Assembly proceedings leading to its enactment. 20
- (4) This section does not affect the power of the Parliament of the United Kingdom to make laws affecting or relating to Cornwall.

37 Scrutiny of Bills before introduction

- (1) The Presiding Officer shall, on or before the introduction of a Bill in the Assembly, decide whether or not in his view the provisions of the Bill would be within the legislative competence of the Assembly and state his decision. 25
- (2) The form of any statement, and the manner in which it is to be made, shall be determined under standing orders, and standing orders may provide for any statement to be published. 30

PART 4

FINANCE

Funding

38 Cornish Consolidated Fund

- (1) There is to be a Cornish Consolidated Fund. 35

- (2) *The Secretary of State shall from time to time make payments into the Fund out of money provided by Parliament of such amounts as the Secretary of State may determine.*
- (3) The Assembly must ensure that information concerning the Cornish Consolidated Fund is published for each financial year (and may, in particular, do so by requiring it to be published by the Assembly Commission). 5

PART 5

FINAL PROVISIONS

39 Regulations and transitional provisions etc

- (1) Regulations may make such provision as the Secretary of State considers necessary or expedient for transitory or transitional purposes in connection with the coming into force of any provision of this Act. 10
- (2) Regulations and orders made under this Act shall be made by statutory instrument.
- (3) No statutory instrument under this Act shall be made unless a draft has been laid before and approved by a resolution of each House of Parliament. 15

40 Expenses

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and* 20
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

41 Short title and commencement

- (1) This Act may be cited as the Government of Cornwall Act 2009.
- (2) This Act comes into force 12 months after the date on which it is passed. 25

SCHEDULES

SCHEDULE 1

Section 1

ASSEMBLY CONSTITUENCIES AND ASSEMBLY ELECTORAL REGIONS

General

- | | | |
|---|---|----|
| 1 | (1) There shall be 40 Assembly constituencies in Cornwall and 123 Members representing these constituencies. | 5 |
| | (2) The Boundary Commission shall determine the boundaries of these constituencies and the number of Members representing each one. | |
| | (3) The Boundary Commission shall publish its determination. | |
| 2 | Paragraphs 1 and 2 are subject to any Order in Council under the Parliamentary Constituencies Act 1986 (c. 56) (“the 1986 Act”), as that Act has effect as extended by this Schedule. | 10 |

Local inquiries in respect of Assembly electoral regions

- | | | |
|---|---|----|
| 3 | The Boundary Commission may, if it thinks fit, cause a local inquiry to be held in respect of any Assembly electoral constituency or constituencies. | 15 |
| 4 | Section 250(2) and (3) of the Local Government Act 1972 (c. 70) (witnesses at local inquiries) shall apply in relation to any local inquiry which the Commission may cause to be held in pursuance of this paragraph. | |

SCHEDULE 2

Section 35

TRANSFER OF POWERS

20

SUBJECTS IN WHICH FUNCTIONS ARE TO BE TRANSFERRED

Agriculture

- | | | |
|---|---|----|
| 1 | (1) Agriculture, including animal health and welfare, plant health, plant varieties and seeds, horticulture, fisheries, fish health, forestry, rural development. | 25 |
| | (2) The following are excepted – | |
| | (a) Hunting with dogs. | |
| | (b) Regulation of scientific or other experimental procedures on animals. | |
| | (c) Import and export control, and regulation of movement, of animals, plants and other things, apart from (but subject to provision made by | 30 |

	or by virtue of any Act of Parliament relating to the control of imports or exports) –	
	(i) the movement into and out of, and within, Cornwall of animals, animal products, plants, plant products and other things related to them for the purposes of protecting human, animal or plant health, animal welfare or the environment or observing or implementing obligations under the Common Agricultural Policy, and	5
	(ii) the movement into and out of, and within, Cornwall of animal feedstuff, fertilisers and pesticides (or things treated by virtue of any enactment as pesticides) for the purposes of protecting human, animal or plant health or the environment.	10
	(d) Authorisations of veterinary medicines and medicinal products.	
	<i>Ancient monuments and historic buildings</i>	15
2	Archaeological remains, ancient monuments, buildings and places of historical or architectural interest, historic wrecks.	
	<i>Culture</i>	
3	(1) Arts and crafts, museums and galleries, libraries, archives and historical records, cultural activities and projects.	20
	(2) The following are excepted –	
	(a) Public lending rights.	
	(b) Broadcasting.	
	(c) Classification of films and video recordings.	
	(d) Government indemnities for objects on loan.	25
	(e) Payments to Her Majesty’s Revenue and Customs in respect of property accepted in satisfaction of tax, apart from property in which there is a Cornish national interest.	
	<i>Economic development</i>	
4	(1) Economic regeneration and development, including social development of communities, reclamation of derelict land and improvement of the environment, promotion of business and competitiveness.	30
	(2) The following are excepted –	
	(a) Fiscal, economic and monetary policy and regulation of international trade.	35
	(b) Regulation of anti-competitive practices and agreements, abuse of dominant position and monopolies and mergers.	
	(c) Intellectual property.	
	(d) Creation, operation, regulation and dissolution of types of business association.	40
	(e) Insolvency.	
	(f) Product standards, safety and liability, apart from in relation to food (including packaging and other materials which come into contact with food), agricultural and horticultural products, fish and fish	

- products, seeds, fertilisers and pesticides (and things treated by virtue of any enactment as pesticides).
- (g) Consumer protection, including the sale and supply of goods to consumers, consumer guarantees, hire purchase, trade descriptions, advertising and price indications, apart from in relation to food (including packaging and other materials which come into contact with food), agricultural and horticultural products, fish and fish products, seeds, fertilisers and pesticides (and things treated by virtue of any enactment as pesticides). 5
- (h) Financial services, including investment business, banking and deposit-taking, collective investment schemes and insurance. 10
- (i) Financial markets, including listing and public offers of securities and investments, transfers of securities, insider dealing and money laundering. 30
- (j) Telecommunications, wireless telegraphy (including electromagnetic disturbance), internet services and electronic encryption. 15
- (k) Postal services, post offices and the Post Office, apart from financial assistance for the provision of services (other than postal services and services relating to money or postal orders) to be provided from public post offices. 20
- (l) Generation, transmission and supply of electricity, apart from pollution.
- (m) Energy conservation, apart from the encouragement of energy efficiency otherwise than by prohibition or regulation. 25
- (n) Coal, including mining and subsidence, apart from land restoration and other environmental matters.
- (o) Oil and gas, apart from pollution.
- (p) Units and standards of weights and measurement and the regulation of trade so far as involving weighing, measuring and quantities. 30
- (q) Industrial Development Advisory Board.

Education and training

- 5 (1) Education, vocational, social and physical training and the careers service, promotion of advancement and application of knowledge.
- (2) Research Councils are excepted. 35

Environment

- 6 Environmental protection, including pollution, nuisances and hazardous substances, collection, management and disposal of waste, land drainage and land improvement, countryside and open spaces (including the designation and regulation of national parks and areas of outstanding natural beauty), nature conservation and sites of special scientific interest, protection of natural habitats, coast and marine environment (including seabed), biodiversity, genetically modified organisms, smallholdings and allotments, common land, town and village greens, burial and cremation. 40

Fire rescue services and promotion of safety

- 7 Fire and rescue services, promotion of fire safety otherwise than by prohibition or regulation. 45

Food

- 8 Food and food products, food safety (including packaging and other materials which come into contact with food), protection of interests of consumers in relation to food.

Health and health services

5

- 9 (1) Promotion of health, prevention, treatment and alleviation of disease, illness, injury, disability and mental disorder, control of disease, family planning, provision of health services, including medical, dental, ophthalmic, pharmaceutical and ancillary services and facilities, clinical governance and standards of health care, organisation and funding of national health service. 10
- (2) The following are excepted –
- (a) Abortion.
 - (b) Human genetics, human fertilisation, human embryology, surrogacy arrangements. 15
 - (c) Xenotransplantation.
 - (d) Regulation of health professionals (including persons dispensing hearing aids).
 - (e) Poisons.
 - (f) Misuse of and dealing in drugs. 20
 - (g) Human medicines and medicinal products, including authorisations for use and regulation of prices.
 - (h) Standards for, and testing of, biological substances (that is, substances the purity or potency of which cannot be adequately tested by chemical means). 25
 - (i) Vaccine damage payments.
 - (j) Welfare foods.
 - (k) Health and Safety Commission, Health and Safety Executive and Employment Medical Advisory Service and provision made by health and safety regulations. 30

Highways and transport

- 10 (1) Highways, including bridges and tunnels, streetworks, traffic management and regulation, transport facilities and services.
- (2) The following are excepted –
- (a) Road freight transport services, including goods vehicles operating licensing. 35
 - (b) Regulation of use of motor vehicles and trailers on roads, their construction and equipment and conditions under which they may be so used, apart from regulation of use of vehicles carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment. 40
 - (c) Road traffic offences.
 - (d) Driver licensing.
 - (e) Driving instruction.
 - (f) Insurance of motor vehicles. 45
 - (g) Drivers' hours.

- (h) Traffic regulation on special roads, pedestrian crossings, traffic signs and speed limits.
- (i) International road transport services for passengers.
- (j) Public service vehicle operator licensing.
- (k) Documents relating to vehicles and drivers for purposes of travel abroad and vehicles brought temporarily into Cornwall by persons resident outside the United Kingdom. 5
- (l) Vehicle excise duty and vehicle registration.
- (m) Aviation, air transport, airports and aerodromes, apart from –
 - (i) financial assistance to providers or proposed providers of air transport services or airport facilities or services, 10
 - (ii) strategies by the Cornish Ministers or local or other public authorities about provision of air services, and
 - (iii) regulation of use of aircraft carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment. 15
- (n) Shipping, apart from –
 - (i) financial assistance for shipping services to, from or within Cornwall, and
 - (ii) regulation of use of vessels carrying animals for purpose of protecting human, animal or plant health, animal welfare or the environment. 20
- (o) Navigational rights and freedoms, apart from regulation of works which may obstruct or endanger navigation.
- (p) Technical and safety standards of vessels. 25
- (q) Harbours, docks, piers and boatslips, apart from those used or required wholly or mainly for the fishing or agricultural industries, for recreation or for communications between places in Cornwall.
- (r) Carriage of dangerous goods (including transport of radioactive material). 30

Housing

- 11 Housing and housing finance, encouragement of home energy efficiency and conservation, otherwise than by prohibition or regulation, regulation of rent, homelessness, residential caravans and mobile homes.

Local government 35

- 12 (1) Constitution, structure and areas of local authorities, electoral arrangements for local authorities, powers and duties of local authorities and their members and officers, local government finance.
- (2) The following are excepted –
- (a) Local government franchise. 40
 - (b) Electoral registration and administration.
 - (c) Registration of births, marriages, civil partnerships and deaths.
 - (d) Licensing of sale and supply of alcohol, provision of entertainment and late night refreshment.
 - (e) Anti-social behaviour orders. 45
 - (f) Local land charges, apart from fees.
 - (g) Sunday trading.

- (h) Provision of advice and assistance overseas by local authorities in connection with carrying on there of local government activities.

Public administration

- 13 (1) Public Services Ombudsman for Cornwall, audit, examination, regulation and inspection of auditable public authorities, inquiries, equal opportunities in relation to equal opportunity public authorities, access to information held by open access public authorities. 5
- (2) The following are “auditable public authorities” and “equal opportunity public authorities” – 10
- (a) the Assembly,
 - (b) the Assembly Commission,
 - (c) the Cornish Assembly Government,
 - (d) persons who exercise functions of a public nature and in respect of whom the Cornish Ministers exercise functions,
 - (e) persons who exercise functions of a public nature and at least half of the cost of whose functions in relation to Cornwall are funded (directly or indirectly) by the Cornish Ministers, and 15
 - (f) persons established by enactment and having power to issue a precept or levy.
- (3) The following are “open access public authorities” – 20
- (a) the Assembly,
 - (b) the Assembly Commission,
 - (c) the Cornish Assembly Government, and
 - (d) authorities which are Cornish public authorities, within the meaning of the Freedom of Information Act 2000 (c. 36). 25
- (4) The regulation of the profession of auditor is excepted.

Social welfare

- 14 (1) Social welfare including social services, protection and well-being of children (including adoption and fostering), care of young adults, vulnerable persons and older persons, including care standards, badges for display on motor vehicles used by disabled persons. 30
- (2) The following are excepted –
- (a) Child support.
 - (b) Child trust funds.
 - (c) Tax credits. 35
 - (d) Child benefit and guardian’s allowance.
 - (e) Social security.
 - (f) Intercountry adoption, apart from adoption agencies and their functions, and functions of “the Central Authority” under the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. 40
 - (g) The Children’s Commissioner (established under the Children Act 2004 (c. 31).
 - (h) Family law and proceedings.

Sport and recreation

- 15 (1) Sport and recreational activities.
- (2) Betting, gaming and lotteries are excepted.

Tourism

- 16 Tourism. 5

Town and a country planning

- 17 Town and country planning, including listed buildings, conservation areas, hazardous substances, caravan sites, spatial planning, mineral workings, urban development, new towns, protection of visual amenity.

Water and flood defence 10

- 18 (1) Water supply and sewerage, including abstraction and impounding of water, water resources management, water quality, water industry, water charges and representation of consumers of water, safety of reservoirs and other inland water, management and protection of watercourses and flood prevention. 15
- (2) The following are excepted –
 - (a) Appointment of water undertakers or sewerage undertakers for any area most of which is in England.
 - (b) Licensing of water suppliers.

Cornish language 20

- 19 (1) Cornish language.
- (2) The use of the Cornish language in courts is excepted.

Government of Cornwall Bill

A

B I L L

To establish and make provision about the Cornish Assembly; to transfer functions and powers to the Assembly; and for connected purposes.

*Presented by Dan Rogerson
supported by
Matthew Taylor, Mr Colin Breed,
Andrew George, Julia Goldsworthy,
Willie Rennie, Andrew Mackinlay,
Hywel Williams and Mr Angus MacNeil.*

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