

**National Assembly for Wales**

**Code of Conduct for Assembly  
Members and Associated Documents**

May 2016



**National Assembly for Wales**  
Table Office

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# Introduction

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# Introduction

1. The essential purpose of this Code of Conduct ('the Code') is to uphold the reputation of the National Assembly for Wales and to provide the openness and accountability necessary to reinforce public confidence in the integrity of Members of the National Assembly in the way in which they discharge their important public duties and responsibilities.
2. This Code applies to all Members of the National Assembly. Members must comply with it.
3. **Section 1** sets out the specific standards of conduct expected of all Members in the discharge of their duties.
4. **Section 2** provides guidance to Members to assist them in complying with the requirements of the Code.<sup>1</sup> Assembly Members should note, however, that the responsibility to be aware of the relevant provisions of the Code and for compliance with them, rests upon each individual member.

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<sup>1</sup> The most up to date version of this document will be the one published on the Assembly's website. Members should therefore bear this in mind when consulting the hard copy version of this document.



5. **Section 3** sets out the Complaints Procedure.
6. **Section 4** includes links to the legislation and Standing Orders which underpin the operation of the Code as well as related forms and other documents.
7. The range of **sanctions** available to the National Assembly for Wales where any Member is found to be in breach of the provisions of the Code is set out in Standing Orders 22.10 and 22.10A.



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# **Section 1: Code of Conduct for Assembly Members**

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# Code of Conduct for Assembly Members

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**Last updated:** 9 March 2016

**Owner:** Committee responsible for Standards of Conduct

**Contact:** Clerk to the Committee responsible for Standards of Conduct

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## Purpose of the Code

1. The purpose of this Code of Conduct is:
  - i. to provide guidance for all Members of the National Assembly on the standards of conduct expected of them in the discharge of their Assembly and public duties;
  - ii. to provide the openness and accountability necessary to reinforce public confidence in the way in which Members of the National Assembly perform their Assembly and public duties.
2. This Code applies to all Members of the National Assembly who have not taken leave of absence.

## General Standards of Conduct:

### Personal conduct

#### 3. Members of the Assembly:

- must comply with the Code of Conduct for Assembly Members;
- should act always on their personal honour;
- must never accept any financial inducement as an incentive or reward for exercising parliamentary influence;
- must not vote on any Order or motion, or ask any question in plenary or a committee, or promote any matter, in return for payment or any other material benefit (the "no paid advocacy" rule).

#### 4. Members of the Assembly should observe the seven general principles of conduct identified by the Committee on Standards in Public Life. The seven principles are:

- a. Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Assembly Members should avoid conflict between personal and public interests and resolve any conflict between the two at once and in favour of the public interest.

- b. Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Assembly Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and refrain from any action which would bring the Assembly, or its Members generally, into disrepute. Members should not ask Assembly Commission or Welsh Government staff to act in any way which would compromise the political impartiality of the Civil Service and/or Assembly Commission staff or conflict with the Civil Service Code and/or the Assembly Commission Staff Code of Conduct.

- c. Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- d. Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

No improper use shall be made of any payment or allowance made to Assembly Members for public purposes and the administrative rules which apply

to such payments and allowances must be strictly observed.

- e. **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions, and restrict information only when the wider public interest clearly demands.

Assembly Members must not prevent any person from gaining access to information which that person is entitled to by law, but must not disclose confidential information, including confidential information from Assembly Committees, without consent unless required to do so by law. Any such confidential material received by Members in the course of their Assembly duties should only be used in connection with those duties and must never be used for the purpose of financial gain. In any activities in relation to, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, Members must always bear in mind the need to be open and frank with other Assembly Members, and with officials.

- f. **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- g. Leadership:** Holders of public office should promote and support these principles by leadership and example.

## Specific Standards of Conduct:

### Registration of Interests

5. Members of the Assembly must register in the Register of Members' Interests all relevant interests defined in the Annex to Standing Order 2, in order to make clear what are the interests that might reasonably be thought to influence their actions.
6. The categories of registrable interests (as set out in the Annex to Standing Order 2) are as follows:

Directorships held by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, in public and private companies, including those which are individually unremunerated but where remuneration is paid through another company in the same group.

Employment, office, trade, profession or vocation (apart from membership of the Assembly) for which the Member or, to the Member's knowledge, the Member's partner, is remunerated or in which the Member has any pecuniary interest, including the receipt of any public funds.

The names of clients, when the interests referred to above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which arise out of, or are related in any matter to his or her membership of the Assembly.



Gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly received by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, from any company, organisation or person and relating to or arising out of membership of the Assembly.

Any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which, to the Member's knowledge, has tendered for, is tendering for, or has, a contract with the Assembly Commission or Welsh Government .

Financial sponsorship (i) as a candidate for election to the Assembly, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (ii) as a Member of the Assembly by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage.

Subject to any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, relating to or arising out of membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or by public funds.

Any land and property, of the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial

income is derived other than any home used for the personal residential purposes of the Member or the Member's partner or any dependent child of the Member.

The names of companies or other bodies in which the Member has, either alone or with or on behalf of the Member's partner or any dependent child, a beneficial interest or in which, to the Member's knowledge, the Member's partner or a dependent child has a beneficial interest in shareholdings of a nominal value greater than one per cent of the issued share capital, or less than one per cent but more than an amount specified in any resolution of the Assembly.

Paid or unpaid membership or chairmanship by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, of any body funded in whole or in part by the Assembly Commission or the Welsh Government, where the Member knows, or ought to have known, of the Assembly Commission or Welsh Government funding.

## **Declaration of Registrable Interests**

7. Members of the Assembly must declare, before taking part in any Assembly proceedings, any interest which is a relevant interest, under Standing Order 2, in the context of the debate or the matter under discussion. A declaration must relate to a decision to be made at the meeting in question. It must concern a matter where the Member (or their partner or dependent children) might gain a financial advantage from such a decision, where that advantage would be greater than that which might accrue to the electorate generally. This is necessary in order that their

audience may form a balanced judgement of their arguments.

## **Prohibition of Voting in Relation to Registrable Interests**

8. A Member is prohibited from voting in any proceedings of the Assembly if, in relation to any interest which is required to be registered under Standing Order 2, a particular decision of the Assembly or a Committee might result in a direct financial advantage to the Member greater than that which might accrue to the electorate generally.

## **Declaration of Relevant Interests**

9. At the appropriate time in any Assembly proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

## **Use of Assembly Resources**

10. Members are required to comply with the 'Rules and Guidance on the Use of Assembly Resources' and any guidance on the use of Assembly resources specifically relating to an election campaign.

## **Public Access to Information**

11. The principles under which the National Assembly for Wales provides information are detailed in the 'Code of Practice on Public Access to Information' which has been approved by the Assembly Commission. Assembly Members seeking information are required to comply with the Code by

making a request in writing to the Information Governance Manager, National Assembly for Wales.

## **Relationships between Assembly Members and Assembly Staff**

12. All staff of the National Assembly for Wales (Assembly Commission staff) are bound by Staff Code of Conduct, whilst Welsh Government Staff continue to be bound by the Civil Service Code. Members should at all times, in their dealings with the staff of these bodies, respect the principles of both Codes. Relationships between Members and staff should be professional and based on mutual respect, and Members should have regard to the duty of staff to remain politically impartial when carrying out their duties.

## **Members' Salaries and Allowances**

13. Members are required to comply with 'The National Assembly for Wales (Assembly Members and Officers) (Salaries, Allowances etc.) Determination'.
14. The Determination sets out the salaries and allowances which Members are entitled to as a result of the discharging of their Assembly duties.

## **Standards Investigations: Duties in respect of the Commissioner for Standards and the Committee on Standards of Conduct**

15. Members shall cooperate, at all stages, with any investigation into their conduct by the Commissioner for Standards; or by the Committee on Standards of Conduct in accordance with Standing Order 22.2(i).

16. No Member shall lobby a member of the Committee on Standards of Conduct in a manner calculated or intended to influence their consideration of a complaint of a breach of any matter encompassed under Standing Orders 22.2(i).
17. No Member shall misrepresent any recommendation made by the Committee on Standards of Conduct in relation to any complaint it has considered under the 'National Assembly for Wales' Procedure for Dealing with Complaints against Assembly Members.'

### **Enforcement of the Code of Conduct**

18. Any allegations of non-compliance with this Code will follow the process set out in the 'National Assembly for Wales' Procedure for Dealing with Complaints against Assembly Members', as approved by the National Assembly Committee on Standards of Conduct.
19. Information on the role of the Commissioner for Standards, including contact details can be found on the **Assembly's web-site** or from the Standards Commissioner's office or **website**.



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# **Section 2: Guidance on the Code of Conduct**

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# Guidance for Assembly Members on the registration, declaration and recording of financial and other interests

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This guidance relates to paragraphs 4(a), 5, 6, 7, 8 and 9 of the Code of Conduct.

**Last updated:** 17 June 2015

**Owner:** Committee responsible for Standards of Conduct

**Contact:** Head of the Table Office

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## 1. Introduction

1. The purpose of this guidance is to assist Assembly Members to fulfil their duties and obligations in relation to the registration, declaration and recording of financial and other interests, as set out under Section 36 of the *Government of Wales Act 2006*<sup>2</sup> ('the 2006 Act') and the Assembly's Standing Orders.<sup>3</sup> It also includes details of interests that must be reported separately by Members to the Electoral Commission.
2. This guidance is not, however, a substitute for the 2006 Act or the Assembly's Standing Orders, which Members must comply with when first registering and subsequently reviewing their interests and memberships and declaring

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<sup>2</sup> *Government of Wales Act 2006* (Chapter 32) Section 36

<sup>3</sup> National Assembly for Wales, *Standing Orders of the National Assembly for Wales*, April 2014



and recording them. Please note also that no written guidance can provide for all circumstances, and the examples included in this guidance should not be regarded as constituting an exhaustive list.

3. This guidance does not cover the rules relating to the employment of family members or the rules on the involvement of Members in lobbying for reward or consideration. These are available separately in the **Guidance for Assembly Members on the Recording of the Employment of Family Members with the Support of Commission Funds** and the **Guidance on Lobbying and Access to Assembly Members**.
4. References in this guidance to Assembly proceedings means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee.

## 2. Background and statutory framework

5. Section 36 of the 2006 Act requires the Assembly's Standing Orders to include provision for a Register of Members' Interests and for that register to be published and made available to the public. The Act also specifies the particular categories of interests which must be dealt with by the Assembly's Standing Orders. The 2006 Act in addition requires Members to orally declare financial and other interests (which must be set out in the Standing Orders) before taking part in Assembly proceedings relating to that matter. These provisions are currently set out in Standing Order 2, the Annex to Standing Order 2 and Standing Orders 13.8A and 17.24A, the main elements of which are:
  - **2.1 - registration of interests** in a register which is open for public inspection;
  - **2.6 - declaration of registrable interests** before a Member takes part in any Assembly proceedings;
  - **2.9 - a bar on voting** in relation to any interest which is required to be registered or declared where the decision is likely to give rise to a direct financial advantage to the Member which is greater than that accruing to the electorate generally;
  - **13.8A and 17.24A – declaration of relevant interests** at the appropriate time during any Assembly proceedings.
6. These provisions are explored in detail in Chapters 5 and 7.

7. In addition to the requirements set out under Standing Order 2, Members must also record certain other interests as specified in Standing Orders 3, 4, and 5. Further information about these requirements are included in Chapter 8 of this guidance.
8. In accordance with Standing Order 22.2, supervisory responsibility for compiling, maintaining and ensuring the accessibility of the Register and any associated guidance rests with a responsible committee (currently the Assembly's Standards of Conduct Committee). Further information about the role of the Responsible Committee is included in Section 3.2.
9. In addition to the duties set out in the 2006 Act and in the Assembly's Standing Orders, Members also have statutory obligations to check, record and report certain interests directly to the Electoral Commission, as set out in the *Political Parties, Elections and Referendums Act 2000*<sup>4</sup> ('the PPERA 2000') and, if they are constituency candidates, to report donations towards their election campaign spending under the *National Assembly for Wales (Representation of the People) Order 2007* (the 2007 Order).<sup>5</sup> Further information about these requirements is set out in Chapter 6.

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<sup>4</sup> ***Political Parties, Elections and Referendums Act 2000*** (Chapter 41)

<sup>5</sup> ***National Assembly for Wales (Representation of the People) Order 2007***  
SI2007/236

### 3. Failure to comply and complaints procedure

10. The responsibility for ensuring compliance with Standing Orders 2 to 5 rests with individual Assembly Members alone, although advice may be sought from the Presiding Officer, the Chief Executive and Clerk to the Assembly or the Registrar of Members' Interests (through the Assembly's Table Office). It is, therefore, appropriate for this guidance to outline the arrangements for enforcement and penalty in cases of non-compliance.

#### 3.1. What happens if you don't comply with the rules?

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11. Section 36(7) of the 2006 Act makes it an offence for a Member to take part in any proceedings without having complied with the requirements set out in Standing Order 2.
12. A Member who is guilty of such an offence is liable on summary conviction to a fine of up to level 5 on the standard scale. Prosecutions relating to non-compliance with Standing Orders may only be instituted by, or with the consent of, the Director of Public Prosecutions.
13. A protocol for dealing with complaints about a contravention of section 36(7) of the Act has been agreed with the South Wales Police and the Director of Public Prosecutions. A copy of the protocol or information about its contents is available from the Registrar.

#### 3.2. Role of the 'Responsible Committee'

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14. Standing Order 22 sets out the role of the Responsible Committee (currently the Assembly's Standards of Conduct Committee) in relation to the matters dealt with in this guidance. The primary role of the Committee is to

investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards. Following the submission of a report to the Responsible Committee in relation to a failure to comply with the relevant Standing Orders or any Assembly resolution relating to the financial or other interests of Members, the Assembly may resolve to exclude a Member for a specified period, withdraw any rights and privileges from a Member, or to censure him or her.

15. During the period for which the Member is excluded the Member is not entitled to receive any salary from the Assembly and is not permitted to attend the Assembly or any of its committees or sub-committees. Under Standing Order 22.10(ii) the Responsible Committee may choose to remove any other rights and privileges of Membership of the Assembly, as set out in the procedures for the investigation of complaints established under Standing Order 22.2(iv). These sanctions are in addition to the possibility of prosecution under section 36(7) of the 2006 Act.

### 3.3. Complaint procedures

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16. The arrangements for complaints against Assembly Members are set out in the **National Assembly for Wales' Procedure for Dealing with Complaints Against Assembly Members, which** is available on the Assembly and Commissioner for Standards' website.
17. The Assembly's Commissioner for Standards must carry out a preliminary investigation of any complaint about the conduct of Assembly Members. Complaints, whether from Assembly Members or from members of the public, should

be addressed in writing to the Commissioner for Standards by using the following contact details. The acknowledgement of receipt of a complaint by the Commissioner for Standards is not an indication that the complaint is admissible.

**Commissioner for Standards  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA**

**Email: [standards.commissioner@assembly.wales](mailto:standards.commissioner@assembly.wales)**

**Tel: 0300 200 6542**

18. Members should be aware that Section 9 of the *Commissioner for Standards Measure 2009*<sup>6</sup> also places a duty on the Chief Executive and Clerk of the Assembly to refer a matter to the Commissioner, if the Clerk has reasonable grounds for suspecting:

- that the conduct of an Assembly Member has, at a relevant time, failed to comply with a requirement of a relevant provision, and
- that the conduct in question is relevant to the Clerk's functions under section 138 of the 2006 Act (Clerk to be the principal accounting officer for the Commission).

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<sup>6</sup> *National Assembly for Wales Commissioner for Standards Measure 2009* (nawm4)

## 4. Register of Members' Interests: General information

### 4.1. The purpose of the Register of Members' Interests

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19. The purpose of the Register of Members' Interests ('the register') is to give notification on a continuous basis to Assembly Members and to the public of those financial and other interests which might reasonably be thought to influence the conduct or actions of Members in the Assembly.
20. **These requirements are neither optional nor voluntary.** As outlined in Chapter 3, participation in proceedings, having failed to register the interests specified in paragraph 5 of the Annex to Standing Order 2, is a criminal offence under Section 36(7)(a) of the 2006 Act.

### 4.2. How do you register an interest?

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21. Members may register an interest by completing and signing a **Registration and Recording Interest form**, which is available on the Assembly's website.
22. Registrations relating to the employment of family members with the support of Assembly Commission funds are made by completing a separate **Record of the Employment of Family Members form**. Further information about the rules relating to the employment of family members is set out in section 8.1 of this document and in the **Guidance for Assembly Members on the Recording of the Employment of Family Members with the Support of Commission Funds**.

### 4.3. When should you send your form?

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23. Under Standing Orders 2.3 and 5.5, Members must complete, sign and submit a Registration and Recording Form within **eight weeks** of taking the oath or the making of the affirmation.
24. It is then the responsibility of Members to notify changes in their registrable and recordable interests within **four weeks of any such change occurring**. Because of this, Members are advised to review their interests regularly.
25. Non-compliance with these timescales in relation to the requirements under Standing Order 2, may constitute a **criminal offence** under Section 36 of the 2006 Act.

### 4.4. Where should your form be sent?

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26. Completed and signed forms should be either delivered in person by the Member or an authorised member of staff or sent in hard copy to the Assembly's Table Office using the following address:

**Table Office  
Third Floor, Ty Hywel  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA**

27. The Table Office cannot accept electronic versions of completed forms by email.



#### **4.5. What happens to the form?**

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28. Once the Registration and Recording Interest Form has been received, it will be processed and placed in hard copy on the register by Table Office Clerks.
29. The contents of the register is available for public inspection. An updated online version is placed on the Assembly's website every month and a hard copy can be made available through the Table Office on request.
30. The online version of the register also includes details of the employment of family members (Standing Order 3), the time involved by member in 'registrable activities' (Standing Order 4) and membership of societies (Standing Order 5).

#### **4.6. Who can help you?**

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31. The Table Office is on hand to assist with any queries Members have in relation to these rules, however, the responsibility for complying with requirements relating to the registration and recording of interests rests solely with individual Members. Members should also note that this guidance and any subsequent advice given cannot be a definitive interpretation of the requirements arising out of the 2006 Act and Standing Orders, as legal interpretation rests finally with the Courts.

32. Contact details for the Table Office are included below:

**Table Office**  
**Third Floor, Ty Hywel**  
**National Assembly for Wales**  
**Cardiff Bay**  
**CF99 1NA**

**Email: [tableoffice@assembly.wales](mailto:tableoffice@assembly.wales)**

**Tel: 0300 200 6388**

## 5. What should be registered?

33. The Annex to Standing Order 2 requires Assembly Members to register their interests in the following categories (known as the 'registrable interests').
34. Before considering the detail, Members should take note of the two general requirements set out in the Annex to Standing Order 2:
  01. Remunerated activity in the areas of public relations, and political advice and consultancy relating to the functions of the Assembly shall be included in category 2.
  02. The majority of the interests specified in the categories below include a reference to interests independently possessed by or given to the partner or any dependent child of the Member, and these must also be registered if such interests are known to the Member.
35. In addition to the statutory requirements to register interests under Standing Order 2, Member must also record interests in relation to Standing Order 3 (Recording of the Employment of Family Members with the Support of Commission Funds), Standing Order 4 (Recording Time Involved in Registrable Activities), and Standing Order 5 (Recording of Membership of Societies). Further information about these requirements are included in Chapter 8.
36. Definitions of 'partner' and 'dependent children' are included in the Glossary at the end of this guidance.

## 5.1. Category 1: Directorships

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**Remunerated directorships held by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, in public and private companies including directorships which are individually unremunerated but where remuneration is paid through another company in the same group.**

37. In this category, and in other relevant categories, Members are advised to include as 'remuneration' not only salaries and fees, but also the receipt of any taxable expenses, allowances, or benefits, such as the provision of a company car.
38. Members should state the name of the company in which the directorship is held and give a broad indication of the company's business where it is not self-evident from its name.
39. In addition to any remunerated directorships, Members are also required to register any directorships which are held and which are themselves unremunerated but where the companies in question are associated with, or subsidiaries of, a company in which he or she holds a remunerated directorship.
40. Interests registered under Category 1 are considered to be 'registrable activities'. Therefore Members must also make a notification under Standing Order 4. Notification under Standing Order 4 relating to recording time involved in registrable interests, must be made at the same time as a registration under Category 1. Further information about the requirements set out in Standing Order 4 is included in Chapter 8 of this guidance.

## 5.2. Category 2: Remunerated Employment, Office, Profession etc.

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**Employment, office, trade, profession or vocation (apart from membership of the Assembly), for which the Member or, to the Member's knowledge, the Member's partner, is remunerated or in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, has any pecuniary interest.**

41. Details of all employment outside the Assembly and any sources of remuneration which do not fall clearly within any other category should be provided in this category.
42. For employment, Members should state the employer or company, the nature of the business, and indicate the nature of the post which they hold in the company or the services for which the company remunerates them. Members who have paid posts as consultants or advisers should indicate the nature of the consultancy, for example "management consultant", "legal adviser", "parliamentary and public affairs consultant".
43. If the Member, or the Member's partner, is in receipt of public funds then this should also be stated, along with the source of those funds (e.g. Common Agricultural Policy payments, Arts Council of Wales grants etc.), but it is not necessary to include the amount received. 'Public funds', for the purpose of this category, does not include public sector salaries and therefore it is not necessary for Members to additionally state that a person employed in the public sector (e.g. teachers, nurses etc.) is in receipt of public funds. However, any public funds received by those

employed in such professions, other than salary (e.g. through additional contractual work), should be included.

44. Any remunerated activity in the areas of public relations and political advice and consultancy relating to the functions of the Assembly must be included in this category. This includes any remunerated activity connected with any proceedings in the Assembly, a committee or sub-committee, the sponsoring of functions in the Assembly buildings and making representations to the Assembly Cabinet or any of its members. Assembly Members must ensure that such remunerated activity does not breach the prohibition on lobbying for reward or consideration.<sup>7</sup>
45. Details of agreements involving the paid provision of services in the Member's capacity as an Assembly Member also need to be registered under this category.
46. Interests registered under Category 2 are considered to be 'registrable activities'. Therefore Members must also make a notification under Standing Order 4. Notification under Standing Order 4 must be made at the same time as a registration under Category 2. Further information about the requirements set out in Standing Order 4 is included in Chapter 8 of this guidance.

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<sup>7</sup> Further information about the Assembly's rules in relation to lobbying is available in the **Guidance on Lobbying and Access to Assembly Members**.

### 5.3. Category 3: The Names of Clients (Services)

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**In relation to Categories 1 (Directorships) and 2 (Remunerated Employment, Office, Profession etc.), Members are also required to register the names of clients when the interests referred to above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, which arise out of, or are related in any manner to, his or her membership of the Assembly.**

47. In respect of any paid employment registered/declared in Category 1 (Directorships) and Category 2 (Remunerated employment, office, profession, etc.), any provision to clients of services which relate to, or arise out of, the Member's position as a Member should be registered under this category.
48. The names of all clients, including companies and partnerships to which services are provided, should be listed together with the nature of the client's business in each case. Where a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, receives remuneration from a company or partnership engaged in consultancy business which itself has clients, the Members should list any of those clients to whom services or advice are provided, either directly or indirectly.
49. The types of services that are intended to be covered here include those connected with any Assembly proceeding, or other services related to membership. If a Member or, to the Member's knowledge, the Member's partner or any

dependent child of the Member over the age of sixteen has clients in a non-Assembly professional capacity (for example as a doctor, solicitor or accountant), the Member is **not required** to register the names of those clients, provided it is clear beyond doubt that the services which are being provided do not arise out of or relate in any manner to the Member's capacity as an Assembly Member.

50. Under this category, if a Member or, to the Member's knowledge the Member's partner or any dependent child of the Member over the age of sixteen, is employed as an Assembly adviser by a firm which is itself a consultancy and therefore is providing such advice and services to its clients, the Member should disclose those of the consultancy's clients with whom he or she has a direct connection for the purpose of providing advice or services related to the Assembly or who benefit from the provision of such advice or services. Where a company or partnership is named as a client, the nature of the company or partnership's business should be indicated.



## 5.4. Category 4: Gifts, Hospitality, Material Benefits or Advantage

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**Gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly received by the Member or, to the Member's knowledge the Member's partner or any dependent child of the Member, from any company, organisation or person and relating to or arising out of membership of the Assembly.**

**The current value of gifts, hospitality or material benefit or advantage that are required to be registered is 0.5 per cent of a Member's basic gross annual salary.<sup>8</sup>**

**Additional requirements under the Political Parties, Elections and Referendums Act 2000:**

- **Members should also be aware that in addition to their reporting obligations to the Assembly under this category, they have a statutory duty under the PPERA 2000 to check, record and report the same gift, hospitality, material benefit or advantage separately to the Electoral Commission. Further information on these requirements can be found in Chapter 6.**

51. The Assembly resolved on 10 May 2006<sup>9</sup> that the specified financial values above which gifts, hospitality and any other benefits must be registered is 0.5 per cent of the basic

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<sup>8</sup> Currently £320.

<sup>9</sup> National Assembly for Wales, *RoP: Plenary*, 10 May 2006

gross annual Assembly salary for an Assembly Member. Apart from gifts and hospitality, other material benefits or advantage might include relief from indebtedness, concessionary loans, provision of services, etc.

52. Any gift, or benefit, which in any way relates to membership of the Assembly and which is given gratis, or at a cost below that generally available to members of the public, should be registered whenever the value of the gift or benefit is greater than the amount specified above. Any similar gift or benefit which is received by any company or organisation in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, has a controlling interest should also be registered.
53. Gifts and material benefits in this category (and other categories) are **exempt from registration/declaration** if they do not relate in any way to membership of the Assembly. Consequently, gifts which are received by a Member on behalf of the Assembly as a whole do not need to be registered/declared provided they are handed over to the Assembly and a record is made of the Assembly's ownership of the gift. Whether this exemption applies in any particular case is in the first instance a matter for the individual Member to decide. If there is any doubt it should be registered.
54. Pensions, are not in themselves registrable, however, Members who are concerned about transparency may declare interests relating to pension income under Standing Order 13.8A and 17.24A (where a Member may make an oral declaration of any relevant interest which the Member or a family member has or is expecting to have in any matter arising in those proceedings).

## 5.5 Category 5: Contracts with the Assembly Commission or Welsh Government

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**Any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which, to the Members' knowledge, has tendered for, is tendering for, or has, a contract with the Assembly Commission or Welsh Government.**

55. Members should register/declare the source of all remuneration or material benefits received from any company or other body which, to the Members' knowledge, has tendered or is tendering for contracts with the Assembly. As with Category 4 (Gifts, Hospitality, Material Benefit or Advantage), Members are not required to register pension income under this, or any other, category.
56. It is for the Member to decide what constitutes a material benefit, but clearly any gifts or hospitality which are not registrable under Category 4 above but given by a company with contractual links with the Assembly would need to be identified in this category.

## 5.6. Category 6: Financial Sponsorships

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### Financial sponsorship in relation to the following:

- a.** as a candidate for election to the Assembly, where, to the knowledge of the Member, the sponsorship in any case exceeds 25 per cent of the candidate's election expenses; or
- b.** as a Member of the Assembly by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage.

### Additional requirements under the National Assembly for Wales (Representation of the People) Order 2007

- Members should be aware that any donations over £50 given to them as a constituency candidate for the purpose of meeting their candidate campaign spending under the 2007 Order must be from a permissible source and be reported in their candidate's spending return after the election.

### Additional requirements under the Political Parties, Elections and Referendums Act 2000

- Members should be aware that in addition to their reporting obligations to the Assembly under this category, they also have a statutory duty under the PPERA 2000 to check, record and report the same financial sponsorship separately to the Electoral

**Commission. Further information is available in Chapter 6.**

57. This category deals with sponsorship by companies, trade unions, professional bodies, trade associations and other organisations. Under this category and paragraph 1 of the general heading of the annex to Standing Order 2, the Member is required to register the source of any contribution to his or her election expenses in excess of 25 per cent of the total of such expenses.
58. Members should also be aware, however, that their allowances and remuneration as an Assembly Member cannot be used for election purposes. In practice, this means that Members cannot make a claim to the Assembly for any costs associated with election material and other election expenses.
59. Under this category, constituency Members are required to register the source of any contribution to his or her election expenses in excess of 25 per cent of the total of such expenses as included in the campaign spending return required under the *National Assembly for Wales (Representation of the People) Order 2007*.<sup>10</sup> Regional candidates expenditure is not required to be registered, as their expenditure is treated by the PPERA 2000 as being incurred by the party.

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<sup>10</sup> *National Assembly for Wales (Representation of the People) Order 2007* SI2007/236

60. Further **guidance for candidates and agents on spending and donations** is available on the Electoral Commission’s website.
61. Subsection (b) of this category relates to other forms of financial sponsorship. This is intended to cover any regular or continuing support from persons including companies or organisations from which the Member receives any financial or material benefit in support of his or her role as a Member of the Assembly.
62. If a company is the sponsor, the nature of its business should be indicated. Members should register any financial sponsorship arrangement in which they are personally involved, irrespective of whether they receive personal payment.
63. It is considered that the provision of services of a research assistant or secretary whose salary, in whole or in part, is met by an external organisation, and the provision of free or subsidised accommodation for the Member’s use, other than accommodation provided solely by the constituency party, should be registered, as appropriate, either in this section or under category 5 “Gifts, hospitality, material benefits or advantage”.
64. The Assembly resolved on 19th May 1999<sup>11</sup> that accommodation provided by a local authority or other body at no cost, or at a subsidised cost, to a Member for the sole purpose of holding constituency surgeries is exempt from registration.

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<sup>11</sup> National Assembly for Wales, **RoP: Plenary**, 19 May 1999

65. Members should also register and declare any substantial donations which are made by an organisation or company on a regular basis to their constituency party when such donations are linked directly to their own candidacy or membership of the Assembly.
66. The Assembly resolved on 19th May 1999 that “donations are to be regarded as financial sponsorship if such donations in any year are directly linked to a person’s candidacy for election to, or membership of, the Assembly and amount to at least £500 in value (and references above to donations include a single donation)”. However, donations made directly to a constituency party as an expression of general political support, not linked to the Member’s candidacy or membership of the Assembly, **do not come within the Assembly’s resolution.**
67. Similarly **it is not necessary** to register a trade union donation to a constituency party which is not linked to the promotion of a particular Assembly candidate or Member. However, financial support of a Member by a trade union should be regarded as within category 6 and should be registered (provided of course it exceeds 25 per cent of election expenses) even where the trade union is affiliated to the political party in question.

## 5.7. Category 7: Overseas Visits

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**With the exceptions specified in any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, relating to or in any way arising out of membership of the Assembly where the cost of the visit was not wholly borne by the Member or the Member's partner or dependent child, or by Welsh Government or Assembly Commission public funds**

**Additional requirements under the Political Parties, Elections and Referendums Act 2000:**

- **Members should also be aware that in addition to their reporting obligations to the Assembly under this category, they also have a statutory duty under the PPERA 2000 to check, record and report the same overseas visit separately to the Electoral Commission. Further information is available in Chapter 6.**

68. The Member should provide the date, destination, and purpose of the visit, along with the name of the government, organisation, company or individual that met the cost. Where only part of the cost was borne by an outside source (for example, the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a Cross-Party Assembly Group but not paid for by the Assembly or by a group, it is not sufficient to name the group as the sponsor of the visit: the Government, organisation,



company or person ultimately meeting the cost should be specified.

69. The Assembly resolved on 19th May 1999<sup>12</sup> that the following categories of visit need not be registered but should be declared when relevant in Assembly proceedings.
- Visits which are paid for by, or which are undertaken on behalf of the Assembly or which are made on behalf of an international organisation to which the Assembly belongs;
  - Visits abroad with, or on behalf of, a Committee of the Assembly;
  - Visits arranged for, and paid for, wholly by a Member's own political party;
  - Visits paid for wholly by an institution of the European Union or by a political group of the European Parliament.
70. Visits which are entirely unconnected with membership of the Assembly are also exempt from registration but visits combining public duties with private purposes should be registered unless the public duties are undertaken in the course of visits covered by any of the exceptions listed above or unless the whole cost is paid for by the Member or the Member's partner or any dependent child.

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<sup>12</sup> National Assembly for Wales, *RoP: Plenary*, 19 May 1999

## 5.8. Category 8: Land and Property

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**Any land or property, other than any home used for the personal residential purposes of the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial income is derived.**

71. Members should include on the nature of the property, and general location (e.g. “Woodland in Meirionnydd”, “Dairy farm in Vale of Glamorgan”, “3 residential rented properties in Llandudno”).
72. The Assembly resolved on 19th May 1999<sup>13</sup> that “substantial value” means an amount equivalent to the basic gross annual salary for an Assembly Member<sup>14</sup> and “substantial income” means an amount equivalent to 10 per cent of the basic gross annual salary for an Assembly Member.<sup>15</sup> There is no need, however, to register specific amounts.
73. There is no clear-cut definition of a property that is ‘used for personal residential purposes’. Members will need to exercise their judgement in deciding whether a property is exempt from registration for this reason. There are a number of factors that Members may wish to take into account and which may give an indication of whether a particular property is exempt - these are listed below. It is

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<sup>13</sup> National Assembly for Wales, *RoP: Plenary*, 19 May 1999

<sup>14</sup> Currently £64,000.

<sup>15</sup> Currently £6,400.

important to stress that these factors are not exhaustive or prescriptive and other factors may be important in specific circumstances:

- Whether a substantial income is derived from the property. Generally, a property from which a Member their partner or dependent children derive an income (particularly if it is a substantial income as defined above) is unlikely to be a property used for 'personal residential purposes'.
- Whether the property is used exclusively by the Member, their partner and children or other immediate or close family members.
- Whether the Member or their partner or any dependent children pay council tax or utilities bills in respect of the property.
- Whether a property, such as a farm, on which the Member or their partner or any dependent children has a residence, should be registered if it has a substantial value aside from the residential use.

74. It is possible for a Member or the Member's partner or dependent child to have more than one home 'used for personal residential purposes of the Member or Member's partner or dependent child'. Such properties do not need to be registered.

## 5.9. Category 9: Shareholdings

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**The names of companies or other bodies in which the Member has, either alone, or with or on behalf of his or her partner or dependent children, a beneficial interest or in which, to the Member's knowledge, the Member's partner or any dependent child of the Member has a beneficial interest, in shareholdings:**

- a. of a market value greater than one per cent of the issued share capital; or**
- b. less than one per cent but more than an amount specified in any resolution of the Assembly.**

**This requirement includes any option to acquire shares.**

**Where the Member is, either alone, or with his or her partner or dependent children, the beneficiary of a blind trust, this must also be registered.**

75. The value of a shareholding is determined by the market price of the share on:
- the date the Member was elected to the Assembly, or if acquired after the Member was elected to the Assembly, the date of acquisition; or
  - subsequent to initial election or acquisition, the value at 5th April each year.
76. This means that Members must make an annual assessment of their shareholdings and register any shareholding which, although it may previously have been

valued below the threshold is, at 5th April, valued above the threshold. Members are required to register shareholdings held within 8 weeks of their election to the Assembly or within 4 weeks of acquiring shares or the 5th of April each year depending on the circumstances.

77. Members may also indicate that a shareholding's value at 5th April has dropped below the threshold. In these circumstances, the Member will not be required to declare the shareholding in relevant Assembly proceedings.
78. If the market price cannot be ascertained (e.g. because the company is unquoted and there is no market in the shares), the nominal value of the shareholding should be used instead.
79. Interests in shareholdings include share options. As it may be difficult to calculate the value of a share option for registration purposes, their value is deemed to be the same as the value of the share at any given time. As with shareholdings, Members are required to make an annual assessment of any share options and register any options which, although it may previously have been valued below the threshold is, at 5th April, valued above the threshold.
80. Interests in shareholdings also include beneficial interests in Blind Trusts. Blind Trusts should be registered along with their value (if known).
81. When determining whether or not shareholdings are registrable under the criteria set out above, Members should include not only holdings in which they themselves have a beneficial interest but also those in which the interest is held together with, or on behalf of, their partner

or dependent children. For each shareholding, the entry should state the name of the company or body, briefly indicate the nature of its business and make clear which of the criteria for registration is applicable.

### **5.10. Category 10: Membership/Chairmanship of bodies in receipt of Assembly Commission or Welsh Government funds**

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**Paid or unpaid membership or chairmanship by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, of any body funded in whole or in part by the Assembly Commission or Welsh Government.**

82. The Welsh Government and Assembly have extensive funding powers in relation to public bodies and any formal association that a Member has with such bodies as a member or chair should be registered.
83. Where the Assembly Member knows or ought to have known, that the Member's partner or any dependent child of the Member, has an association with a voluntary body or other body as a member or a chair which receives funding from the Assembly Commission or the Welsh Government, that should be registered.
84. The advice of the Presiding Officer, the Clerk, or the Registrar of Members' Interests, can be sought as to whether a body is funded wholly or in part by the Welsh Government.

85. The definition of the term 'membership' in this category includes the following:

- Any officeholder, for example, chairman, treasurer or president of the organisation, but also includes trustees and directors, patrons and vice presidents.
- Membership of the governing body or board of the organisation.
- Any remunerated position, be it executive or administrative within or relating to the organisation.

## **6. Reporting Interests to the Electoral Commission**

86. In addition to the duties set out in the 2006 Act and in the Assembly's Standing Orders, Members also have statutory obligations to check, record and report certain interests directly to the Electoral Commission, as set out in the PPERA 2000 and, if they are constituency candidates, to report donations towards their election campaign spending under the 2007 Order. Members are encouraged to view the Electoral Commission's guidance (see links overleaf) or contact the Electoral Commission directly if they have any queries relating to these requirements.

87. In reporting interests to the Electoral Commission, Members should also be aware that:

- any financial sponsorship, gift, hospitality, material benefit or advantage (including any donation or loan) over £500 for their use in connection with their political activities either as

a Member or as a member of a political party **must be from a permissible source and recorded**;

- additional information must be provided to the Electoral Commission in respect of **loans they are given for their use in connection with their political activities**; and
- they have 30 days to provide the required report to the Electoral Commission.

## 6.1. Gifts, Hospitality, Material Benefit or Advantage

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88. Members must report any **gift, hospitality, material benefit or advantage** (including any **donation or loan**) that is for the Member's use in connection with their political activities either as a Member or as a member of a political party, **and** it is either:

- over £1,500 and from a permissible source (either on its own or aggregated with other donations from the same source), or
- over £500 and from an impermissible or unidentifiable source.

## 6.2. Financial Sponsorship

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89. Members must report certain information to the Electoral Commission if they are given financial sponsorship for their use in connection with their political activities, **and it is either:**

- over £1,500 and from a permissible source (either on its own or aggregated with other donations from the same source); or



- over £500 and from an impermissible or unidentifiable source.

### 6.3. Overseas Visits

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90. Members must report certain information to the Electoral Commission if the cost of an overseas trip exceeds £1500 (either on their own or aggregated with other visits paid for by the same source) and was in connection with the Member's political activities either as a Member or as a member of a political party.
91. Members should be aware, however, that:
  - PPERA 2000 permissibility requirements do not apply to overseas visits; and
  - PPERA 2000 provides no exemption from reporting where the cost of the overseas visit was wholly borne by the Member's partner or dependent child.

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Electoral Commission [guidance on donations to regulated individuals](#).

Electoral Commission [guidance for candidates and agents](#) at elections to the National Assembly for Wales.

## 7. Oral declarations and restrictions on voting

### 7.1. The purpose of oral declarations

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92. The essential purpose of oral declarations is to ensure that the public is made aware of any past, present or future financial interest which might reasonably be thought by others to influence the Member's contribution to a debate or discussion.

### 7.2. When should Members declare interests?

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93. The instances whereby Members are required to declare interests during proceedings are split into two categories, which are subject to criminal and non-criminal sanctions respectively:

#### 1. Declaration of Registrable Interest (Criminal)

Standing Orders 2.6 and 2.7 states that:

“In the circumstances specified in Standing Order 2, before taking part in any Assembly proceedings, a Member must make an **oral declaration of any financial interest** which he or she has, or may be expecting to have, or which, to the Member's knowledge, the Member's partner or any dependent child of the Member has, or may be expecting to have in any matter arising in those proceedings.

An oral declaration under Standing Order 2.6 must be made in relation to any interest which is specified in paragraph 5 of the Annex to Standing Order 2 if a particular decision in those proceedings might result in a direct financial advantage to the Member, or, to the Member's knowledge, the Member's partner or any dependent child of the

Member, **greater than that which might accrue to the electorate generally.”**

Participation in proceedings without declaring registrable interests under these Standing Orders **is a criminal offence under Section 36(7)(a) of the 2006 Act.**

## **2. Declaration of Relevant Interest (Non-criminal)**

Under Standing Orders 13.8A and 17.24A, a Member must, at the appropriate time, make an oral declaration of any 'relevant interest' which the Member or a family member has or is expecting to have in any matter arising in those proceedings.

Standing Orders 13.8A and 17.24A define a 'relevant interest' for these purposes as being an interest which might reasonably be thought by others to influence the Member's contribution to the debate or discussion.

In contrast to the requirements for declaring any current relevant interest under Standing Order 2.6 and 2.7, failure to declare a future interest or a relevant interest under Standing Orders 13.8A and 17.24A **is not a criminal offence under the 2006 Act**, but, may be the subject of a complaint to the Commissioner for Standards.

94. A flowchart diagram explaining how these two categories work alongside each other is included overleaf.

**Do you, or a family member, have or expect to have an interest relating to a matter arising in proceedings?**

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**YES**



**NO**



**No further action required.**

**To whom does the interest relate?**

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You, your partner or a dependent child



A family member (other than you, your partner or dependent child)



**Go to next page.**

Will the Assembly be making a decision in those proceedings which might result in a direct financial advantage to you, your partner, or your dependent child?

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**YES**



**NO**



**Go to next page.**

Will the 'direct financial advantage' be greater than that which might accrue to the electorate generally?

---

**YES**



**NO**



**Go to next page.**

**Oral declaration required under Standing Orders 2.6 and 2.7, and Members restricted from voting under Standing Order 2.9.**

**Could that interest be reasonably thought by others to influence the Members' contribution during proceedings?**

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**YES**



**Consider making an oral declaration under Standing Orders 13.8A and 17.24A.**

**NO**



**No further action required.**

### 7.3. Restrictions on voting

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95. Under Standing Order 2.9, where a Member has a registrable interest which is required to be declared under Standing Order 2.6 and 2.7, the Member is not allowed to vote if in relation to that interest the decision might result in a direct financial advantage to the Member which is greater than that which might accrue to the electorate generally. Otherwise, Members may vote in the proceedings of the Assembly.
96. As with the requirement to register and declare registrable interests, failure to comply with Standing Order 2.9 on this matter is a **criminal offence** under Section 36(7)(a) of the 2006 Act.
97. When voting, a Member must consider whether he or she might directly benefit financially from a decision more than the electorate generally. The Member therefore should consider two questions:
- The first is whether the particular matter to be voted on in Assembly proceedings involves a decision which might affect an interest required to be registered or declared under the Annex to Standing Order 2.
  - The second question is whether a decision ‘might result in a **direct financial advantage** to the Member greater than that which might accrue to the electorate generally’.
98. If a Member gained a direct financial advantage from a decision therefore that would be greater than that which

might accrue to the electorate generally he or she would be prohibited from voting on that matter.

#### 7.4. Declaring future interests

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99. Where an oral declaration is required under Standing Orders 2.6 and 2.7, Members should be aware that the requirements for such declarations are broader in scope than the standing orders relating to the registration of interests. As well as current interests (i.e. those in the current Register or interests acquired in the previous four weeks), Members are required to declare interests which are specified in the Annex to standing order 2 which they **may be expecting to have** before taking part in any proceedings of the Assembly if the interest is in any matter to which the proceedings relate.
100. Expected future interests may be more significant than current interests and candour from Members is therefore essential. Where, for example, a Member is debating subordinate legislation or making representations on a matter from which the Member has a reasonable expectation of personal financial advantage of a kind specified in the Annex to Standing Order 2, a declaration must be made.
101. In deciding when a possible future benefit is sufficiently tangible to necessitate declaration, the key word in the rule that the Member must bear in mind is 'expecting'. Where a Member's plans or degree of involvement in a project have reached the stage where there is a reasonable expectation that a registrable benefit will accrue, then a declaration explaining the situation should be made. Where the interest is such as to require a declaration before speaking,

Members should also ensure that they comply with the rules on voting (see section 7.3).

## 7.5. Declaring relevant interests

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102. Where an oral declaration is required under Standing Orders 13.8A and 17.24A, Members should be aware that they must declare **any relevant interest which they or a family member has or is expecting to have**, and that such interests could be broader in scope than the 'registrable interests' outlined in paragraph 5 of the annex to Standing Order 2. For example, although Members do not have to *register* the employment of dependent children under paragraph 5(iii) of the annex to Standing Order 2 relating to 'Remunerated Employment, Office, Profession etc.', Members may be required to *declare* such employment, so long as it might reasonably be thought by others to influence the Member's contribution to the debate or discussion.
103. Standing Orders 13.8A and 17.24A provide Members with discretion to decide whether an interest which the Member or family member has or is expecting to have is a 'relevant interest'. As with expected future interests therefore, candour from Members is essential in deciding whether a declaration is required under this Standing Order or not.
104. The definition of 'Family Members' for the purposes of Standing Orders 13.8A and 17.24A, is the same as included under Standing Order 3 relating to the Recording of the Employment of Family Members (the full definition is included in the Glossary at the end of the document).
105. The rules relating to restrictions on voting (explained in section 7.3) **do not apply**:



- in relation to the requirement under Standing Order 13.8A and 17.24A to declare any 'relevant interest' which the Member or a family member has or is expecting to have in any matter arising in those proceedings; or
- to the exercise of a casting vote under Standing Order 6.20.

## 7.6. How should Members declare interests in practice?

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106. An interest should be declared if it is either within a category specified in the annex to the Standing Order 2 or within the scope of Standing Orders 13.8A and 17.24A, and if it is relevant in any matter to which the proceedings<sup>16</sup> relate. **It is the responsibility of the Member to judge whether an interest relates sufficiently to a particular proceeding to require a declaration.**

107. Members should declare both registrable and relevant interests each time that they participate in proceedings of the Assembly, as follows:

- Registrable Interest:
- In Plenary – before a member speaks for the first time in each agenda item but not each time that they subsequently speak during the particular item of business.
- In committee/sub-committee – at the beginning of each meeting.

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<sup>16</sup> "Assembly proceedings" means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee.

- Relevant Interest:
- At the appropriate time in Assembly proceedings.

108. Provided that the details (including any relevant amounts) are included in the Register of Members' Interests, the Member may simply refer to the interests and the fact that the interests are to be found in the Register. If the declaration relates to interests which are either not in the Register or are ones which the Member (or to the Member's knowledge, the Member's partner or any dependant child of the Member) may expect to have in the future, then the full details (including relevant amounts if appropriate) will be required to be given in the declaration.
109. The declaration itself should be sufficiently informative to enable the listener to understand the nature of the interest being declared, it is not enough to say 'I have an interest in the matter under discussion'.
110. The declaration must also identify the kind of interest involved. For example, 'I am a farmer with interests in land or animals which would be affected by the scheme' or 'I own a house in the area affected by the scheme being considered' or 'I am a member of the board of one of the organisations which would be affected by this decision'. If a member has more than one interest then each must be declared (e.g. 'I am a farmer whose land would be affected by the scheme and I am also the owner of a house occupied by my parents and which will be affected').

## 8. Other requirements relating to Members' Interests

111. In addition to the statutory requirements to register interests under Standing Order 2, Member must also record the following interests:
- **Standing Order 3:** Recording of the Employment of Family Members with the Support of Commission Funds
  - **Standing Order 4:** Recording Time Involved in Registrable Activities
  - **Standing Order 5:** Recording of Membership of Societies
112. The requirements under these Standing Orders are modelled on those in Standing Order 2 so that, for instance, timescales for declaring recordable interests are identical. Like Standing Order 2, the provisions are neither optional nor voluntary, however, Members should note that these requirements are not covered by the criminal sanctions applicable to breaches of the rules relating to the register of interests and oral declarations set out under Standing Order 2.
113. Notifications made under these Standing Orders are published in the same online document as the Register of Interests.

## 8.1. Recording of the Employment of Family Members with the Support of Commission Funds

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### Standing Order requirement (Standing Order 3)

Under Standing Order 3, any Member who, at any time, with the support of Assembly Commission funds, employs (either directly or indirectly) a person whom that Member knows to be a family member of that Member or of another Member, must register that employment.

Further **guidance on the employment of family members** is available on the Assembly's website.

114. Registering the employment of family members with the support of Commission Funds is done in practice by completing a separate **Record of Employment of Family Members form** and sending a signed hard copy to the Table Office (contact details for the Table Office are included under Section 4 of this guidance). The timescales for declaring the employment of family members are identical to those that apply for registering interests generally.
115. The Record of the Employment of Family Members is maintained in the Table Office. It is open to public inspection in the Table Office itself during opening hours and copies of individual entries may be made available on request.
116. The Record of the Employment of Family Members is published in the same online document as the Register of Interests.

## 8.2. Recording Time involved in Registrable Activities

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### Standing Order requirement (Standing Order 4)

Where a Member is required to register an interest under Categories 1 (Directorship) and 2 (Remunerated Employment, Office, Profession etc.) (collectively known as the 'registrable activities'), Members must also note **the time he or she is involved in those activities.**

117. Members must notify the time involved in any registrable activities by reference to the following bands, as set out in Standing Order 4.3:
- **Band 1:** Less than 5 hours per week;
  - **Band 2:** Between 5 and 20 hours per week;
  - **Band 3:** More than 20 hours a week.
118. A notification under Standing Order 4 must be made at the same time as a registration of a relevant interest under Categories 1 and 2. Notifications under this Standing Order can be made by Members filling in the relevant sections on the **Registration and Recording Interest form**. These notifications are published in the same online document as the Register of Interests.

## 8.3. Recording of Membership of Societies

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### Standing Order requirement (Standing Order 5)

Members are required under Standing Order 5 to register their membership, or position of general control of management, of a **private society or a private club which has entry requirements for membership.**

119. Following advice from the Committee responsible for Standards of Conduct, the Record of Membership of Societies was introduced following the adoption by the Assembly of Standing Order 5 on 19 April 2005. Standing Order 5 replaced the former requirement under Standing Order 2 for Members to register their Membership of the Freemasons.
120. The policy behind the requirement is similar to that for Standing Order 2 i.e. to give notification on a continuous basis to Assembly Members and to the public of memberships of private clubs or societies which might be thought to influence members' conduct or actions in the Assembly.
121. Examples of Memberships of Bodies which **must be recorded** include the following:
- Private Societies which have requirements in addition to, or instead of, subscription requirements and agreement to terms and conditions of membership – particularly where Membership is by selection or invitation only (e.g. Freemasons, Rotary, Round Table).
  - Private Clubs which have requirements in addition to, or instead of, subscription

requirements and agreement to terms and conditions of membership – particularly where Membership is by selection or invitation only (e.g. Private Members Clubs, such as the Cardiff and County Club).

122. Examples of Memberships of Bodies which **do not need to be recorded** include the following:

- Public Bodies (e.g. CADW, English Heritage, Historic Scotland)
- Private societies which have only the requirement to pay a subscription (e.g. National Trust, RAC, AA, RSPB)
- Private societies which have terms and conditions of membership (e.g. University or College of Further or Higher Education, Parent/Teacher Association, Religious Bodies, Professional Bodies)
- Private Clubs which only have requirements to pay a subscription and/or agreement to conditions of membership (e.g. Recreational Clubs or Working Persons Clubs - provided there is no element of membership which is by invitation or selection only).

123. Notifications under this Standing Order can be made by Members filling in the relevant sections on the **Registration and Recording Interest form**. Such notifications are published in the same online document as the Register of Interests.

## Glossary

**Assembly Proceedings:** Any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee.

**Commissioner for Standards:** The independent person appointed by the National Assembly for Wales, to safeguard standards, to uphold reputations, and to address concerns.

**Dependent Child:** Any person who, at the time of registration is under the age of sixteen or is under the age of nineteen and receiving full time education at a recognised education establishment and is:

- a) A child of the Member; or
- b) A step-child of the Member by marriage; or
- c) A child legally adopted by the Member; or
- d) A child who, the Member intends to legally adopt, or
- e) a child who, for at least the previous 6 calendar months has been financially supported by the Member.

**Family Member:** Family member means:

- (a) a partner of a Member;
- (b) a child or grand-child of a Member;
- (c) a parent or grand-parent of a Member;
- (d) a brother or sister of a Member;
- (e) a nephew or niece of a Member; or
- (f) an uncle or aunt of a Member;

the expressions “child”, “grand-child”, “parent”, “grand-parent”, “brother”, “sister”, “uncle” and “aunt” apply equally to half-, step-,



foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;

**Partner:** “partner” means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses.

**PPERA 2000:** Political Parties, Elections and Referendums Act 2000.

**Registrable interest:** The interests specified in the Annex to Standing Order 2.

**Relevant interest:** An interest which might reasonably be thought by others to influence the Member’s contribution to the debate or discussion.

**Responsible Committee:** Currently the Standards of Conduct Committee:

**2006 Act:** Government of Wales 2006.

**2007 Order:** The National Assembly for Wales (Representation of the People) Order 2007.

# Guidance for Assembly Members on the recording of the employment of family members with the support of commission funds

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This guidance relates to paragraph 4(a) of the Code of Conduct.

**Last updated:** 2 February 2010

**Owner:** Committee responsible for Standards of Conduct

**Contact:** Head of the Table Office

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1. This guidance was approved by the Committee on Standards of Conduct on 2 February 2010.
2. The purpose of this guidance is to assist Members in discharging the duties placed upon them under the Assembly's Standing Order 3. It is not, however, a substitute for Standing Order 3. Responsibility for complying with the duties placed upon them rests with Members alone, although they may seek advice from the Chief Executive and Clerk.
3. The main elements of the Assembly's Standing Order 3 are:
  - 3.1 – Members who employ family members (as defined in the Standing Order) must make a notification under this Standing Order.
  - 3.2 – Provides the definitions of who is to be regarded as a "family member" under this Standing Order. (NB the

requirement to notify also extends to members of the families of other AMs.)

3.3 – Sets the requirements for what must be included in any notification made under this Standing Order.

3.4 and 3.5 – Provide details of the deadlines by which notifications under this Standing Order must be made.

3.6 – Notification must be given by completing and signing the form prescribed by the Presiding Officer.

3.7 – The record of notifications made under this Standing Order is open for public inspection.

3.8 – There is a continuing duty on Members to ensure that the record of notifications is correct.

4. These provisions are explored in greater detail in **Sections 2 and 3** of this guidance.
5. Standing Order 3 covers the recording by Members of their employment of family members. Failure to record employment of family members is a matter that the Committee for Standards of Conduct may investigate under Standing Order 22 and can recommend action if it finds that a Member has not complied with the provisions of Standing Order 3.

### **The record of the employment of family members with the support of commission funds (SO3)**

6. Under Standing Order 3 any Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member

must, no later than the date specified in Standing Order 3.4, make a notification under this Standing Order.

7. The provisions of Standing Order 3 are modelled on those in Standing Order 2 and 5, as can be seen in the timescales for recording the employment of family members. Like Standing Order 2 and 5, the provisions are neither optional nor voluntary.

## **Recording of Employment in practice**

8. The definitions of what needs to be recorded by notification are set out in Annex A.
9. Details of the specific matters that need to be included in any notification are set out in Annex B.
10. There are two main questions that Members need to consider in deciding whether or not they are required to make a formal notification of employment under this Standing Order. If the answer to the two questions below is **yes**, then formal notification will be required:

**Is the person I employ a ‘family member’ of mine, or a ‘family member’ of another Assembly Member?**

**Is the employment of that ‘family member’ being made with the support of Commission Funds?**

11. Standing Order 3.2 provides a definition of what constitutes a family member (Annex A). Standing Order 3.1 only requires notification, of course, if a Member knows that the person they employ is a family member of theirs or another Member before notification of the employment is required.

12. The provisions of this Standing Order also clearly state that Members are not only required to record details of where they employ family members **directly**, but also where they employ family members on an **indirect basis**. Direct employment is more easily identified; however, Members are advised to consider in greater detail whether employment of family members might fall under the indirect category. As a guide, the following are examples of what would constitute direct or indirect employment. Members should note however that this is not a definitive list, and it is their responsibility to ensure that they comply with the Standing Order:

**Direct Employment:** Employment of a family Member as: a member of their Support Staff; constituency office receptionist; case-worker; etc.

**Indirect Employment:** Employment of a small company or firm from which a family member derives a significant benefit; for example, a Member who employs a small cleaning firm in which the 'family member' is a partner or which employs the 'family member' as a cleaner. But a Member need not give notification in relation to a family member who is employed by a large concern, such as a utility, just because the Member receives a supply of services from that company.

## The deadlines for the recording of employment – SO 3.4 and 3.5

13. Standing Order 3.4 requires Members to make a formal notification of the employment of family members:
  - a. within **eight** weeks of taking the oath or making the affirmation; or
  - b. within **four** weeks of:
    - i. the first occasion on which the family member receives a payment with the support of Commission funds,
    - ii. the date on which the employee becomes a family member of that Member or of another Member, or
    - iii. the date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member, whichever is the later.
14. It is also the responsibility of Members under Standing Order 3.5 to provide formal notification of any changes to the details already recorded (e.g. a change to the capacity in which a family member is employed) within **four** weeks of each change occurring.
15. Because of the requirement in Standing Order 3 to provide notification of any change in the details recorded within four weeks of that change occurring, Members are advised to review their notifications regularly.
16. The content of the Record of the Employment of Family Members is available for public inspection. An updated copy

is placed on the Assembly's website every week that a revised entry is made and a copy can be inspected in the Assembly building (via the Table Office) or via the Assembly's website (NB: page to be created).

## Annex A

### Definitions of the categories of matters that must be recorded in accordance with Standing Order 3

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Standing Order 3 requires:

- 3.1 A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 3.4, make a notification under this Standing Order.
- 3.2 In this Standing Order:
  - i. “family member” means:
    - (a) a partner of a Member;
    - (b) a child or grand-child of a Member;
    - (c) a parent or grand-parent of a Member;
    - (d) a brother or sister of a Member;
    - (e) a nephew or niece of a Member; or
    - (f) an uncle or aunt of a Member.



- ii. “partner” means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses.
- iii. the expressions “child”, “grand-child”, “parent”, “grand-parent” “brother”, “sister”, “uncle” and “aunt” apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;
- iv. “Commission funds” means amounts paid by the Commission by way of allowances under Standing Order 1.7.

## Annex B

### Details of the specific matters that need to be included in any notification made in accordance with Standing Order 3

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Standing Order 3 requires Members to include the following information in any notification made:

- i.** the Member's name;
- ii.** if the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- iii.** the full name of the employee;
- iv.** the relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- v.** the capacity in which the employee is employed, including any job title;
- vi.** the date on which the employment commenced;
- vii.** if the employment has ceased, the date on which it ceased; and
- viii.** the hours which the employee is contracted to work each week.

Members are also required to make a notification of any changes to the information that has been recorded. Therefore, if the details of employment, set out above change in any way, Members must make a notification of those changes.

Notification under Standing Order 3.1 (initial notification) or Standing Order 3.5 (changes in details) must be made by completing and signing the form which has been prescribed by the Presiding Officer. This form must be delivered to the Table Office in hard copy.

# Rules and Guidance on the Use of Assembly Resources

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This document relates to paragraph 10 of the Code of Conduct.

**Last updated:** May 2016

**Owner:** Assembly Commission

**Contact:** Members' Business Support

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## Background

1. This document, which applies from 6 May 2016, sets out for Assembly Members rules and guidance relating to the use of Assembly Resources.
2. The information has been approved by the Chief Executive and Clerk of the National Assembly in her capacity as Principal Accounting Officer for the Assembly Commission.
3. The word 'must' in this document denotes a rule. Any other wording in this document is guidance.
4. 'Assembly Resources' means any support provided to Assembly Members by the Assembly Commission. That support may be in the form of financial resources, staff resources or any other form of support provided by the Assembly Commission.
5. This document identifies the different sets of rules on the use of Assembly Resources by which Members must abide. In particular, Members are advised to refer to:

- The Remuneration Board’s **Determination for the Fifth Assembly** (‘the Determination’)
  - The **Code of Conduct** for Assembly Members. This document is referred to in paragraph 10 of the Code of Conduct.
  - The National Assembly for Wales **Standing Orders**.
6. Members must ensure that they understand and comply with this document. Members who are in doubt as to whether they may use Assembly Resources for a particular purpose must first obtain written confirmation from the Head of Members’ Business Support (MBS) that use of Assembly Resources for the purpose in question is permitted.

## **Principles of Support**

7. The Determination sets out a number of general principles of conduct that underpin the rules by which allowances may be claimed. These principles apply equally to the use of all Assembly Resources provided to Assembly Members. Members are strongly encouraged to familiarise themselves with them and to act on them accordingly. Similarly, the Code of Conduct for Assembly Members sets out general standards of conduct to which Members must have regard when using Assembly Resources.
8. Members have personal responsibility for all expenses incurred and resources used in their name. They should, therefore, only delegate work to staff having ensured that staff have a clear understanding of the limits of the authority given to them.

9. Complaints of misuse of Assembly Resources may be referred to the Standards Commissioner.
10. Other rules and guidance produced by the Assembly Commission from time to time will also be subject to the principles of support detailed above.

## **Conduct**

11. Further information is available to Members regarding conduct, behaviour and the recording of interests. The documents listed below support and complement this document as to the use of Assembly Resources:
  - **Register of Members Interests**
  - **Guidance on the recording of employment of family members**
  - **Rules on the operation of Cross Party Groups**
  - **Guidance on lobbying and access to Members**
  - **AMSS Code of Conduct** (internal link only)
  - **National Assembly for Wales ICT Security and Usage Rules** (internal link only)
  - **Official Languages Scheme**
  - **Guidance on booking rooms** (internal link only)
  - **The Policy Research and Communications Fund** (internal link only)

## Use of Resources for Assembly business

12. Assembly Members must ensure that they use Assembly Resources for the purpose of their activities as Assembly Members only and not for any of the purposes listed below, which are prohibited:

- personal, business or commercial communications;
- party political activity of any kind, for example, party-political fund-raising, recruitment of party members and the organisation and publicising of party political meetings; and
- campaigning for the election or re-election of particular candidates for any public office (including the Member in question).

## Stationery, Printing, Copying and Postal Resources

13. Stationery, printing, copying and postal resources provided by the Assembly Commission (“Central Resources”) must not be used for the following purposes:

- newsletters and annual reports;
- leaflets;
- greetings cards and similar communications; or
- circulars (communications sent in identical, or near identical, form to numerous addresses).

14. However, Central Resources may be used for Circulars that are:
- sent in response to requests for communications from recipients of Circulars;
  - sent to signatories of a petition addressed to the Member (but this exception does not apply if the Member is a petitioner); and
  - surgery notices.<sup>17</sup>
15. Members are able to use their Office Costs Allowance to cover the cost of stationery, printing, copying and postage for items for which Central Resources may not be used (as listed in paragraph 13), but which are for their activities as Assembly Members. Surgery Notices may also be advertised and the costs met from the Office Costs Allowance.
16. Members drawing on the use of Assembly Resources for publications, must comply with the Assembly Commission’s **Official Languages Scheme**.

## **Assembly Member Websites and Social Media**

17. Assembly Members’ websites, which have been established or maintained using Assembly Resources, may only be used for activities related to the role of an Assembly Member.

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<sup>17</sup> A surgery notice is a document whose sole purpose is to inform constituents of the place, date and time of Members’ surgeries or to tell the public about how to find out this information. The fact that a document of another description (e.g. a newsletter) also contains such information does not mean that the document constitutes a Surgery Notice.



Care will be needed to avoid giving the impression that the content of a Member or a group's website, supported by Assembly Resources, is intended to support the election of a particular candidate (or candidates) of a political party. Information on the content of communications is provided in paragraphs 31 -38.

18. The following will not, in themselves, be regarded as breaching the prohibition on party political content:
  - The website identifying the Member as being a member of a political party or the website displaying the logo of that Member's party.
  - Links on the website to one or more (separate) websites that carry party political content. The website must make clear that the links lead to websites that are not hosted by the Assembly Member and not funded from Assembly Resources.
19. Members are responsible for ensuring that any future changes to social media platforms do not result in these rules being breached.
20. When using social media, Members are reminded that although they may not be drawing on Assembly Resources, they are still bound by the Code of Conduct for Assembly Members and the ICT Security and Usage Rules. Similarly, support staff are bound by the AMSS Code of Conduct and the ICT Security and Usage Rules.

## **Booking of rooms on the Assembly estate**

21. Assembly Members may book meeting rooms for their activities as Members only. Meeting rooms must not be booked for party political purposes i.e. a room must not be booked primarily or substantially for the purpose of promoting the work of any political party.
22. Responsibility and accountability for the use of meeting rooms rests with the Assembly Member who has made the booking (or on whose behalf the booking was made). In addition, that Assembly Member (or another Member) must attend the meeting.
23. Information on the booking of rooms involving external visitors may be accessed here: **Guidance on booking rooms.**

## **Sponsoring events on the Assembly estate**

24. Members sponsoring events on the Assembly estate must abide by the rules and responsibilities that fall to them as stated in the Events policy and the accompanying terms and conditions.

## **Use of the Assembly estate for filming**

25. Media operations, such as filming or recording, in any part of the Assembly estate must never disrupt the activity in that area or impact on visitor access.
26. The prior consent of the Presiding Officer, requested via the Media Office, must be obtained in order to carry out filming, photography or recording in the Siambur, committee rooms, public galleries or other restricted access areas.

27. For party political content, media operations are allowed in public areas in the Senedd and in Members' offices. However, media operations for these purposes, are not allowed in restricted areas, such as the Siambur or committee rooms. Overt campaigning for votes is not allowed anywhere on the Assembly estate.
28. During an Assembly election period, when the Assembly has been dissolved, no media operations are allowed on the Assembly's estate by, or for the benefit of, a political party or individual candidate.
29. Further advice or guidance can be given by the Media Office [0300 200 6252].

## **Use of Assembly Resources during Election Periods**

30. Members must abide by guidance that will be produced around times of elections. This includes guidance on dissolution during Assembly elections and guidance for European, UK or local elections.

## **Content of communications**

31. The following section on the content of communications is drawn from the Rules and Guidance on the Policy Research and Communications Fund, as set out by the Remuneration Board.
32. Members may use Assembly Resources to engage with their constituents, and, in particular:
  - a. communicate their work to the public;
  - b. raise awareness of their work;

- c. improve transparency and accountability; and
  - d. encourage engagement with constituents.
- 33. Members must not use Assembly Resources for the purposes of overt party political communications (such as, the use of Assembly Resources to campaign for votes for a political party).
- 34. Members must exercise judgement in each case to ensure that resources are used appropriately. The test that Members must apply is, firstly, that Assembly Resources are being used in respect of the purposes shown in paragraph 32 above; and, secondly, that it is not done in an overtly party political way.
- 35. Members must seek advice in advance from MBS where there is any doubt about whether the proposed communications would be an acceptable use of Assembly Resources. MBS will advise Members accordingly.

**Illustrative examples of resources that might be used in communicating with constituents (this list is not exhaustive)**

- 36. The following are examples of how resources might be used to promote local communication and engagement:
  - to develop resources that make connections between the Assembly’s responsibilities and powers, local issues and the Member’s activity;
  - to assist with the development of a professionally produced newsletter;
  - to produce regular newsletters;

- to produce constituent surveys or conduct listening groups with constituents in order to take soundings on issues of local importance;
- to develop resources that build connections between the Assembly and other democratic institutions in the locality e.g. making connections and raising awareness of differences between the work of local councillors, local MPs, Members and MEPs;
- to produce public information videos about an individual Member’s work – what I do, how to get in touch, how I can help, where to find me, what I’m working on, etc.;
- to develop professional websites integrated with social media platforms; and
- to develop blogs.

**Examples of typical content when using Assembly resources for communicating with constituents (this list is not exhaustive)**

37. The following is a list of content that would be considered appropriate when engaging with constituents using Assembly resources:

- statements or information about the Member’s work as a Member;
- articles promoting constituency activity;
- information highlighting government schemes that have specific benefits to the

constituency/constituents, including contact points e.g. job centres;

- information about changes to benefits or otherwise that are directly related to their constituents and how they can obtain help and further information;
- statements about Wales or UK government activity, but only where the Member directly links them to their constituency or region or can demonstrate that constituents would have a particular interest in, or need to know about, that activity;
- items reporting what Members have said or done in the Assembly;
- items raising awareness of issues and encouraging constituents to participate in consultations/surveys;
- small, discreet logos, along with the logo of the National Assembly.

38. Content that would **not** be considered appropriate and that must be avoided:

- party political statements/overtly campaigning for votes;
- promoting party activity – e.g. information about party meetings;
- large, imposing party logos;

- general statements about government activity across Wales (or the UK) without reference to the Member's constituency or region.

# Rules for the operation of Cross-Party Groups

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These rules relates to paragraphs 3 and 4 of the Code of Conduct.

**Last updated:** 23 June 2013

**Owner:** Committee responsible for Standards of Conduct

**Contact:** Clerk to the Committee responsible for Standards of Conduct

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## 1. Introduction

1. Cross-Party Groups are widely recognised as a valuable part of the democratic process. It is equally important that there is openness and transparency in the way that groups operate.
2. These rules for the operation of Cross-Party Groups replace the 'Presiding Officers' Guidelines on the Formation of Cross-Party Groups', which were made on 10 March 2004.
3. All existing Assembly Cross-Party Groups are subject to these new Rules from the date on which they come into effect.

## 2. Definition and Status

4. The purpose of Assembly Cross-Party Groups is to provide a forum for Assembly Members from different parties to meet in order to consider and discuss shared interests in particular subjects.



5. Cross-Party Groups are not formal Assembly groupings and are not, therefore, bound by any of the Assembly's Standing Orders. They have no formal role in policy development.
6. Cross-Party Groups may be set up by Members in respect of any subject area relevant to the Assembly, but should not attempt to replicate the functional areas covered by Assembly committees, nor do they have any of the powers of an Assembly Committee (e.g. they cannot summon witnesses or Ministers to attend meetings or to provide documentation, and they cannot use the National Assembly for Wales logo or branding).

### **3. Membership**

7. A Group must include Members from at least three political party groups represented within the Assembly.
8. Groups may also include members from outside the Assembly. Membership of individuals from outside the Assembly is at the discretion of the Group.

### **4. Election of Office Holders**

9. Each group should elect a Chair and a Secretary.
10. The Chair of the Group must be an Assembly Member. The Group's Secretary may be an Assembly Member, an Assembly Member's Support Staff, or an individual from outside the Assembly. However, in the case of the group appointing a Secretary who is not an Assembly Member, that person must not act without the prior approval of the Chair of the Group, and all notices, correspondence, documentation and other arrangements relating to the

activities of the Group must be issued in the name of the Chair.

11. A group must normally meet to elect its office-holders. It is expected that office holders will initially be elected at an inaugural annual general meeting. However, office holders may also be elected at other meetings of the group. Following any election of an office-holder, the Chair of the group should notify the change within four weeks, using the registration form at annex A.

## 5. Registration

12. Following the holding of an inaugural AGM or election of office-holders by another means, Cross-Party Groups should register using the appropriate registration form. The form must be signed by the group's Chair and list the membership, which must include at least two other Assembly Members from two other party groups within the Assembly, and names of all Members of the group who are not Assembly Members.
13. The details on the registration forms will be published by Assembly Commission officials on the relevant Cross-Party Groups' section of the Assembly's website.
14. For the purposes of holding an Annual General Meeting, existing Assembly Cross-Party Groups will be expected to hold an AGM within 12 months of the date of these rules coming into effect. Groups registered after this date will be expected to hold an AGM within 12 months of registration.

## **6. Re-registration of Cross-Party Groups after a period of dissolution**

15. Groups must re-register at the start of each new Assembly following elections.

## **7. Recording changes**

16. The Chair of the group is responsible for notifying any changes to group details, including changes to office holders, by submitting an amended registration form. Changes should be notified within four weeks of coming into effect, and will be published on the relevant Cross-Party Groups' section of the Assembly's website.

## **Holding Meetings**

### **8. Use of Assembly Facilities and resources**

17. Cross-Party Groups do not take precedence over formal Assembly business and so will have access to the Assembly's accommodation facilities only subject to availability.
18. Assembly Building room bookings for Cross-Party Group meetings must be made by the Chair of the Group. That Assembly Member will also be responsible for all meeting arrangements including meeting and escorting external members of the Group within the Assembly Building.
19. Cross-Party Groups do not have access to any of the Assembly Commission staffing services such as committee services, with the exception of Welsh to English simultaneous interpretation at meetings held on the Assembly Estate. This may be provided if requested by the Chair of the Group.

20. Cross-Party Groups must respect the limitations on the use of Assembly facilities and resources. Members may make reasonable use of the Assembly's telephone, fax, photocopying, IT facilities and Assembly stationery in pursuit of Cross-Party business or in order to fulfil the requirements of these rules, e.g. to provide information for publication on the Assembly's website.
21. The Chair of the Cross-Party Group will be responsible for ensuring that the group complies with the rules on use of Assembly facilities and resources. Outside organisations and individuals associated with Cross-Party Groups are not entitled to use the Assembly's resources.

## **9. Provision of information in the Official Languages of the Assembly**

22. All information provided by the Assembly Commission about Cross-Party Groups that is required to be published on the National Assembly for Wales' website under these rules, will be available in English and Welsh subject to the provisions of the National Assembly for Wales (Official Languages) Act 2012 and related Assembly Commission Official Languages Scheme. This includes membership, meeting dates and venues, minutes of all meetings including the Annual General Meeting, and the annual financial statement.
23. Arrangements for translating any Cross-Party Group documentation that is not required to be published on the Assembly's website must be made by the Cross-Party Group itself.

## 10. Assembly Access Fund

24. The Access Fund has been established to ensure that Assembly Members have the necessary support to engage with constituents with diverse needs, and provide additional support to disabled Members and disabled support staff.
25. The Access Fund may not be used for the provision of text translation into the Assembly's official languages or Welsh to English interpretation for Member-sponsored events which are organised by external bodies.
26. If the Chair of a Cross Party Group considers that the CPG needs support to allow it to engage with constituents with diverse needs, for example to interpret a language that is not an official language of the Assembly, and this support cannot be provided from within the group's own membership, then they may wish to submit a business case to Members' Business Support for access to the Fund. Full guidance on the Access Fund can be found on the Members' Intranet. In submitting a business case for financial support the Chair should give consideration to the status of Cross-Party Groups, which do not constitute formal Assembly proceedings.

## 11. Advance Notice of Meetings

27. It will normally be for the Chair of the Group to undertake publicising meeting times, venues etc. If this is delegated to the group's Secretary, then that person must only act with the prior approval of the Chair of the Group, and all notices, correspondence, documentation and other arrangements relating to the activities of the Group must be issued in the name of the Chair.

28. The Chair of the Group should provide details of meeting times and venues to the designated Assembly Commission officials in order for these to be published on the Cross-Party Groups section of the website.

## **12. Financial Rules and Registering Interests**

29. There will be no Assembly budget to cover the running costs of Cross-Party Groups, with the exception of provisions under sections 8-10 above. The members of the group must meet any other such costs themselves.
30. Cross-Party Groups must bear in mind the integrity of the Assembly in considering the acceptance of any monies, gifts, hospitality etc. from outside bodies. In particular, individual Members are required to comply with the rules on registration and declaration of financial interests in connection with any activity they undertake within, or on behalf of, Cross-Party Groups – as set out in Standing Order 2.
31. In particular Section 5 of the Annex to Standing Order 2 sets out the registrable interests. This includes; “(iv) gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly...” and “(v) any remuneration or other material benefit which a Member...receives from any public or private company or other body which has tendered for, is tendering for, or has, a contract with the Assembly.”
32. The Assembly resolved on 10 May 2006 that the specified financial values above which gifts, hospitality and any other benefits must be registered/declared is 0.5 per cent of the basic gross annual Assembly salary for an Assembly

Member. Under the current Determination this amounts to anything over £269.26 (0.5 per cent of £53,852).

33. An Assembly Member who takes part in Assembly proceedings without having complied with the rules on registration of interests commits a criminal offence under section 36 of the Government of Wales Act 2006.
34. In addition to the requirement for individual Members of Cross-Party Groups to register any monies, gifts, hospitality or other benefits from outside bodies in the Assembly's Register of Interests (in accordance with Standing Order 2), the Cross-Party Group's Annual Report should list all benefits received by the group as a whole, or its individual Members, from outside bodies. This includes any secretariat or other support or services provided to the group.
35. Members are also reminded of the provisions of Standing Order 2.8, which prohibits lobbying for reward or recognition and which, under Section 36 of the Government of Wales Act is a criminal offence. Lobbying for reward and recognition is defined in Standing Orders as advocating or initiating "any cause or matter on behalf of any body or individual in any proceedings of the Assembly, or "urging any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her spouse, has received or expects to receive."

## 13. Annual General Meeting and Annual Report and Financial Statement

36. The Chair of the Cross-Party Group must call an Annual General Meeting (AGM) of the group every 12 months, at which the group must nominate and vote for office holders (see 'Election of Office Holders' section above). The election of office holders must take place formally at the AGM even if office holder(s) have already been appointed at a recent meeting.
37. The first meeting of the group will be its inaugural AGM. After each subsequent AGM the Chair of the Cross-Party Group must, within six weeks, issue an Annual Report and Financial Statement. This report must include:
- the membership of the group and names of its office-holders;
  - the number of times the group has met since the last AGM, who attended, and a summary of the issues discussed;
  - all professional lobbyists, and voluntary or charitable organisations with whom the group has met during the preceding year;
  - an Annual Financial Statement setting out the group's expenses, benefits and hospitality received. The statement must include a breakdown of costs of all goods and services provided, and benefits received, and the names of the provider(s).



38. The Annual Report and Financial Statement must be published on the Cross-Party Groups" section of the Assembly's website.

## **14. Minutes of Meetings**

39. The Chair of the Cross-Party Group will be responsible for ensuring that the minutes of every meeting of the group are provided to the designated Assembly Commission officials within four weeks of the meeting taking place. The minutes must include details of where the meeting was held, who attended the meeting, including the names and titles of group office-holders such as the Chair and Secretary, group members and external visitors or guests, and a brief description of the issues discussed. The minutes will be published on the relevant Cross-Party Groups' section of the Assembly's website.

## **15. Compliance with the Rules**

40. While all Assembly Members who are members of a Cross-Party Group have a responsibility to ensure that the group conducts itself properly, the Chair of the Group, as signatory of the registration form, will be held primarily responsible for ensuring that the group complies with the rules.
41. Failure to comply with, or contravention of the rules on Cross-Party Groups covering registration, election of office-holders, holding of AGMs or provision of information required by the rules, could lead to withdrawal of recognition of the group on the authority of the Presiding Officer (the group would be de-registered and all details removed from the Assembly's website).

42. Any Member who has a concern about the interpretation of the rules should consult the Assembly Commission official(s) responsible for handling registration of Cross-Party Groups in the first instance.
43. Any complaint concerning personal standards of conduct, the proper use of Assembly resources and/or the proper registration of interests in accordance with Standing Order 2, in relation to a Member's involvement in Cross-Party Group activity, will be handled by the Standards Commissioner and Standards of Conduct Committee in accordance with the National Assembly for Wales's Procedure for Dealing with Complaints against Assembly Members. This may lead to sanctions being imposed on an individual Member.
44. The Standards of Conduct Committee may from time to time consider a paper from the Commission officials dealing with the registration of information about the activities of Cross-Party Group and, if necessary make recommendations to the Presiding Officer concerning compliance with these rules.

**Agreed by Assembly resolution on 26 June 2013**

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# Guidance on lobbying and access to Assembly Members

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This guidance relates to paragraphs 3 and 4 of the Code of Conduct.

**Last updated:** 23 June 2013

**Owner:** Committee responsible for Standards of Conduct

**Contact:** Clerk to the Committee responsible for Standards of Conduct

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1. This guidance is intended to supplement and complement the requirements of the National Assembly for Wales's Code of Conduct for Assembly Members.
2. An Assembly Member should not, in relation to contact with any person or organisation who lobbies, do anything which contravenes the National Assembly for Wales's Code of Conduct for Assembly Members, or any other relevant rule or resolution of the Assembly or any statutory provision.
3. A Member should not, in relation to contact with any person or organisation who lobbies, act in any way which could bring the National Assembly for Wales, or its Members generally, into disrepute.
4. The public must be assured that no person or organisation will gain better access to, or treatment by, any Member as a result of employing a professional lobbyist either as a representative or to provide strategic advice. In particular, a Member should not offer or accord preferential access or treatment to professional lobbyists or their employers. Nor

should professional lobbyists or their employers be given to understand that preferential access or treatment might be forthcoming from another Assembly Member or group or person within, or connected with the National Assembly for Wales.

5. Before taking any action as a result of being lobbied, a Member should be satisfied about the identity of the person or organisation who is lobbying and the motive for lobbying. An Assembly Member may choose to act in response to a professional lobbyist but it is important that the Member knows the basis on which the Member is being lobbied in order to ensure that any action the Member takes complies with the standards set out in the Code of Conduct for Assembly Members.
6. There is currently no voluntary or statutory scheme for registering professional lobbyists operating in Wales. Before agreeing to meet with a person or organisation that the Member believes may be a professional lobbyist, the Member may wish to find out whether the lobbyist is a member of a professional body registering<sup>18</sup> information about who its members represent, and which has a professional code of conduct for its members. This would include public affairs bodies such as Public Affairs Cymru

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<sup>18</sup> For the purposes of this guidance, a 'professional lobbyist' would include 'all those who undertake lobbying activity, i.e. activity aimed at seeking to influence Members, on a professional basis and in a paid role'. This includes in-house lobbyists, charities, trades associations and other organisations that employ staff to undertake lobbying activity, individual lobbyists, as well as consultancies and agencies that either lobby directly on behalf of clients or advise their clients on undertaking lobbying activity.

(PAC) and the Association of Professional Political Consultants (APPC). If the lobbyist is not a member of such a professional body, the Assembly Member must decide whether or not to meet with that individual.

7. In addition, Members should consider taking one or more of the following steps:
  - keeping a record of all meetings with persons considered to be undertaking lobbying activity;
  - requiring the person undertaking the lobbying activity to make a record of the meeting, and provide for the Member to have access to that record at any future time should it be called for, before agreeing to meet with them; and
  - arranging for a member of their support staff to take notes at any meetings with persons considered to be undertaking lobbying activity.
  
8. The Code of Conduct for Assembly Members sets out the standards expected in relation to acceptance of hospitality, gifts and benefits. In addition to this and the statutory provisions in the Government of Wales Act 2006, Members:
  - should not accept any paid work which would involve them lobbying on behalf of any person or organisation or any clients of a person or organisation;
  - should not accept any paid work to provide services as a parliamentary strategist, adviser or consultant, for example advising on National Assembly for Wales affairs or on how to influence

the National Assembly for Wales and its Members. (This does not prevent a Member from being remunerated for activity which may arise because of, or in relation to, membership of the Assembly, such as journalism or broadcasting, involving political comment or involvement in representative or presentational work, such as participation in delegations, conferences or other events);

- should decline all but the most insignificant or incidental hospitality, benefit or gift if the Member is aware that it is offered by a professional lobbyist. Standards of personal conduct and general principles of conduct identified by the Committee on Standards in Public Life are set out in the Code of Conduct for Assembly Members. These include the requirement that a Member should “never accept any financial inducement as an incentive or reward for exercising parliamentary influence”, the “no paid advocacy” rule, and “not to place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.” Since the basis on which many people believe that professional lobbyists sell their services is by claiming to provide clients with influence over decision-makers, it might reasonably be thought that acceptance of a benefit of any significance from such a source could influence a Member’s judgement in carrying out their official duties. (If a Member only

becomes aware of its source after receiving hospitality, a benefit or gift, then the Member should consider reimbursing the costs of any hospitality or benefit or returning any gift.)

9. Members may participate in events for which others are charged a fee to attend. Participation, for example, in a conference or seminar for which delegates are charged a fee may be a useful means of a Member gathering a range of views on a topic. There could be some concern, however, that events falling into this category could be a means of 'buying' access to Assembly Members. It is important that there should be no grounds for such a perception. No preferential treatment should, therefore, be offered or accorded any person or organisation as a result of having made initial contact with an Assembly Members at such an event.
10. Members should not participate in any event if they are aware, or become aware, that the organisers are promoting the event on the basis that those paying to attend the event are „buying“ influence over Assembly Members or that they can expect to receive better subsequent access to, or treatment by Assembly Members, than would be accorded to any other person or organisation.
11. When agreeing to sponsor the hosting of any event, meeting or exhibition on the Assembly estate, Members must at all times comply with the requirements of both the National Assembly for Wales Events Guidelines and the Terms and Conditions for events, which are sent to event organisers and copied to the sponsoring Member. The sponsoring Member or their representative must attend the event, exhibition or meeting, and responsibility for the

event rests with the Member who is sponsoring the booking.

12. Members should ensure that staff working for them are aware of and apply these rules and guidelines when acting on a Member's behalf or in any National Assembly for Wales connection.

**Guidance agreed by Assembly resolution on 26 June 2013.**

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# Code on Different Roles and Responsibilities of Constituency Members and Regional Members

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This guidance relates to paragraphs 3 and 4 of the Code of Conduct.

**Owner:** Committee responsible for Standards of Conduct

**Contact:** Clerk to the Committee responsible for Standards of Conduct

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## Introduction and Statutory Framework

1. This code has been drafted by the Committee on Standards of Conduct, in accordance with section 36(6) of the Government of Wales Act 2006 and Standing Order 1.10.
2. Section 36(6) provides that standing orders must include provision about (or for the making of a code or protocol about) the different roles and responsibilities of Assembly constituency members and Assembly regional members and that –
  - (a) Assembly constituency members must not describe themselves in a manner which suggests that they are Assembly regional members, and
  - (b) Assembly regional members must not describe themselves in a manner which suggests that they are Assembly constituency members.
3. Accordingly, Standing Order 1.10 provides that the Committee on Standards of Conduct must draft, and the

Assembly must make, a code or protocol, in accordance with section 36(6) of the Act, about the different roles and responsibilities of constituency Members and regional Members. The code or protocol must include provision in line with five specified key principles (SO1.10 (i)-(v)) and which must include provision for nine matters set out in the Annex to Standing Order 1.

4. The Code must therefore be read in the light of the following five key principles:
  - i. all Members have a duty to be accessible to the people of the areas for which they have been elected to serve and to represent their interests conscientiously;
  - ii. in approaching the Member of their choice, the wishes of constituents and/or the interests of a constituency or locality are of paramount importance;
  - iii. all Members have equal status;
  - iv. Members should not misrepresent the basis on which they are elected nor the area they serve; and
  - v. no Member should deal with a constituency case or constituency issue that is not within his or her constituency or region (as the case may be), unless by prior agreement.
  
5. In accordance with the Annex to Standing Order 1 the Code makes provision in nine areas:

## Describing Members

**“Provision for regional and constituency Members to describe themselves accurately and for requirements regarding the use of Assembly resources, for example, stationery.”**

6. Members should not misrepresent the basis on which they are elected or the area they serve.
7. Regional Members and constituency Members must describe themselves accurately so as not to confuse those with whom they deal.
8. Constituency Members should always describe themselves as:  
  
“[Name], Member of the National Assembly for Wales for [x] constituency” or “[Name], A.M. for [x] constituency.”
9. Regional Members should always describe themselves as:  
  
“[Name], Member of the National Assembly for Wales for [y] region” or “[Name], A.M. for [y] region.”
10. Regional Members must not describe themselves as a “local” Member for or having a particular interest in only part of the region for which they were elected.
11. Constituency Members should not describe themselves as the sole AM for a particular area or constituency.
12. Members should take note of guidance issued by the Presiding Officer regarding the use of Assembly resources, for example, stationery, including guidance issued as appropriate in the context of a period prior to an election.

## Dealing with Constituency/Regional Issues

**“Provision for Members to be able to take up a matter affecting the constituency or region for which they were elected whilst ensuring that courtesy is shown on matters affecting more than one constituency.”**

13. Any Assembly Member is entitled to take an interest in or take up a matter affecting the constituency or region for which that Member was elected. AMs may wish to contact one another, as a matter of courtesy, where they are involved or planning to become involved in a major local issue, which affects more than one constituency area or region.

## Individual Constituents' Cases

**“Provision to protect the right of a constituent to approach his or her constituency Member, and/or any of the four regional Members elected in his or her region.”**

14. The basic principle is that the wishes of the constituent are paramount. Every constituent is represented by one constituency Member and four regional Members. It is for each constituent to decide whether to approach his or her constituency Member or any of the regional Members elected in his or her region and request that Member to take on a case. Constituents can approach any of the Assembly Members (constituency or regional) elected to represent them as all AMs have equal formal and legal status. Having agreed to take on a case, each AM must then take into account the wishes of the constituent in deciding how best to progress a case.

15. It is expected that each Member will take on a case when approached although it is recognised that there may be legitimate reasons for a Member to decline a constituent's case e.g. if that case seeks action which would represent a conflict of interest with existing casework or is contrary to the Member's political beliefs. If so, the Member would ordinarily be expected to inform the constituent that the Member is not taking up the case.
16. In very exceptional circumstances, it may be appropriate for an AM to pursue an issue on behalf of a person who does not reside in that AM's constituency or region. Before doing so, an AM must be satisfied that there are circumstances which make it genuinely impractical or inappropriate for the issue to be taken up by one of the AMs who represent the person in question. Where such circumstances arise, an AM who proposes to take up the matter on behalf of such a person must, notify the AMs who represent that person, must provide an explanation and must seek the agreement of those AMs. Since such a course of action will only be appropriate in very exceptional circumstances it is possible that the information which it will be appropriate to provide by way of explanation in such a case may be limited. An AM may not take such a matter up without the agreement of the AMs who represent the person in question. AMs should not withhold agreement unreasonably.

## Raising Matters with a Member of the Government

**“Provision to ensure that any Member is entitled to raise with the relevant member of the government a matter on behalf of a constituent in the area (constituency or region) for which they were elected.”**

17. Any Member is entitled to raise with the relevant Minister in the Welsh Assembly Government a matter on behalf of a constituent in the area for which that AM was elected.
18. AMs are reminded of the requirements of the Data Protection Act 1998 when processing personal data and sensitive personal data. (Particularly strict rules apply to the processing of sensitive personal data.) Members should not provide personal data or sensitive personal data about a constituent without the agreement of the constituent. In corresponding with Ministers or other agencies, AMs must ensure that any initial written or oral communication makes clear the basis upon which any personal data or sensitive personal data about a constituent is being provided.

## Members Operating in their Areas

**“Provision reflecting the expectation that Members will work throughout the area (constituency or region) for which they were elected.”**

19. It is expected that Members will work throughout the area (constituency or region) for which they were elected.

## School Visits

**“Provision for notifying Members about official school visits to the Assembly organised by the Commission.”**

20. When schools and colleges are invited to visit the Assembly by the External Communications Service that service will notify the relevant Members (constituency and region). The level of participation in visits is at the Member’s own discretion.

**NB: These provisions do not cover visits arranged by individual Members.**

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## Telephone Enquiries

**“Provision to guide the way in which telephone enquiries from members of the public to the Assembly’s switchboard, seeking to contact a Member, are dealt with.”**

21. Members of the public calling the switchboard for a particular Member (constituency or regional) will be put through only to the Member concerned. If the Member is unavailable, the person calling will be given the option of leaving a message. In approaching the Member of their choice, the wishes of constituents are of paramount importance. Members of the public who do not know the name of the Assembly Member they wish to speak to will be put through to the Assembly Information Line. The Information Line enters the caller’s post code onto the constituency locator and information is given on the names of their constituency and regional Members. The member of the public will then decide which Member to be put through to.

## Members' Staff

**“Provision that Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.10 and any code or protocol drawn up as a result of it.”**

22. Members should ensure that staff working for them, both within the Assembly and locally, including others working on their behalf with constituents, are aware of and act in accordance with Standing Order 1.10 and this Code.

## Enforcement

**“Provision for any complaint against a Member in respect of the code or protocol to be referred to the Committee on Standards of Conduct.”**

23. Any complaint against a Member in respect of the Code should be made to the Commissioner for Standards in accordance with the National Assembly for Wales's procedure for dealing with complaints against Assembly Members (the Complaints Procedure). The complaint will be handled in accordance with the Complaints Procedure. If the Commissioner considers that the complaint is admissible, the Commissioner will proceed to a Formal Investigation into the complaint and will make a report to the Committee on Standards of Conduct.







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# Section 3: Complaints

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# Procedure for dealing with complaints against Assembly Members

## 1. General provisions

### Administrative Arrangements

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- 1.1. Complaints should be made to the Commissioner for Standards (“the Commissioner”), who is an independent statutory officer appointed under the National Assembly for Wales Commissioner for Standards Measure 2009 (“the Measure”). The Commissioner’s Office will log the correspondence and send a letter to acknowledge receipt to the complainant. The letter will explain that this does not necessarily mean that the complaint is admissible and that the complaint can only be considered formally if the complainant is prepared for the details to be released to the Committee and the Member complained of.

### Investigations

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- 1.2. Investigations under this procedure must be conducted by the Commissioner in accordance with the Measure.
- 1.3. When the office of the Commissioner is vacant or the Commissioner is, for any reason, unable to act, the Assembly may appoint a person as an Acting Commissioner to discharge the functions of that office. Further provisions on the appointment of an Acting Commissioner are set out in Section 4 of the Measure.

## Stages

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- 1.4. There are two possible stages to any investigation by the Commissioner into a complaint:
- 1.5. **Preliminary Investigation Stage** which consists of investigating and determining whether a complaint is admissible; and if the complaint be admissible, **Formal Investigation stage** which consists of further investigation of the complaint, and reporting upon it to the Committee on Standards of Conduct.

## Conduct of Investigations

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- 1.6. Subject to the provisions of the procedure, it is for the Commissioner to decide when and how to carry out any investigation at each stage.
- 1.7. Each stage of an investigation into a complaint must be conducted in private. However the Commissioner may at any time make a report to the Committee as to the progress of an investigation into a complaint and must do so if the formal investigation has not been completed within six months of the Commissioner finding that the complaint is admissible.
- 1.8. If investigation of a complaint is on-going at the start of an Assembly election period, it will be suspended and will recommence at the end of that election period. Consideration of a complaint against a Member who is re-elected will be concluded in accordance with this procedure.
- 1.9. In the case of a Member who is not re-elected the sanctions which can be applied in the case of a finding of a breach are restricted and the Committee may take that into account

when considering what action to take in relation to any report by the Commissioner on the complaint.

## **2. Preliminary investigation stage**

- 2.1. At this stage, the Commissioner must investigate and determine whether a complaint is admissible within the terms of paragraph (iii) below. The Commissioner may contact the complainant to elicit more details and to ascertain whether or not he or she is willing for his or her name to be released to the Member complained of and the Committee. The Commissioner may also, at his/her discretion, contact the Member complained of if the Commissioner believes that it is necessary to do so in order to decide whether the complaint is admissible.
- 2.2. If the Commissioner considers that the complaint is admissible, the Commissioner must proceed to a Formal Investigation into the complaint.
- 2.3. If the Commissioner considers that the complaint is inadmissible, the Commissioner must dismiss the complaint and must inform the complainant together with the reasons for that view.

## **3. Admissibility of complaints**

- 3.1. A complaint is admissible under this procedure if:
  - i. it is in writing, where the complainant is unable to make a complaint in writing, facilities will be made available through the Commissioner's office so that he or she can agree the terms of a written statement.

- ii. it is about the conduct of an Assembly Member;
- iii. it is not anonymous and clearly identifies the complainant in a way which provides for further communication with him/her;
- iv. it clearly identifies the Assembly Member complained of;
- v. it is made within one year from the date when the complainant could reasonably have become aware of the conduct complained about; and
- vi. it appears that there is enough substance to justify further investigation (i.e. there is enough evidence to suggest that the conduct complained about may have taken place, and if proved might amount to a breach of any of the matters encompassed within Standing Order 22.2(i)).

#### **4. Formal investigation stage**

- 4.1. At this stage, the Commissioner must investigate an admissible complaint with a view to:
  - i. establishing the facts in relation to whether the Member concerned has committed the conduct complained about; and
  - ii. reaching a conclusion as to whether that Member has, as a result of that conduct, breached one of the matters encompassed within Standing Order 22.2(i).
- 4.2. When a formal investigation into a complaint has been completed, the Commissioner must make a report to the

Committee on Standards of Conduct. The report must include:

- i.** details of the complaint;
- ii.** details of the investigation carried out by the Commissioner;
- iii.** the facts found by the Commissioner in relation to whether the Member concerned has committed the conduct complained about, and any facts provided by the Police, Crown Prosecution Service or the Courts in the case of evidence having been referred (see section on Criminal Offences);
- iv.** the conclusion reached by the Commissioner as to whether that Member has, as a result of that conduct, breached one of the matters encompassed within Standing Order 22.2(i); but
- v.** may not include any comment or recommendation as to what sanction, if any, should be imposed on the Member in question.
- vi.** whether, in the Commissioner's view, the complaint raises any issues of general principle.

If, in the course of carrying out an investigation, the Commissioner becomes aware of any circumstances which give rise to issues of general principle or of general practice relevant to the Clerk's functions under Section 138 of the Act as principal accounting officer, or could, upon further consideration by the Clerk give rise to a duty on the Clerk under Section 9, the Commissioner must also separately



communicate those circumstances in writing to the Clerk.

- 4.3. No report, concluding that a Member has breached one of the matters within Standing Order 22.2(i) may be made to the Committee unless the Member and the complainant have been given a copy of the draft report and an opportunity to comment on factual accuracy. If there is any comment that is not accepted by the Commissioner the report to the Committee must include details of those disputed facts.
- 4.4. Copies of the Commissioner's final report to the Committee of a formal investigation must be made available to the complainant and the Member complained of at the same time that it is provided to the Committee.
- 4.5. The Member complained of will be informed by the Committee that he or she has the right to:
  - i. make written representations to the Committee within a specified time; and
  - ii. to make oral representations at an oral hearing of the Committee.
- 4.6. The Commissioner's report remains confidential until the Committee has concluded its consideration of the complaint. Those sent copies of the report will be asked to respect this confidentiality.

## **5. Co-operation of members**

- 5.1. This procedure is based on the principle that Assembly Members will co-operate fully with any investigation into a complaint. Members are expected at all times to respond in person to any request from the Commissioner. If at any stage in the consideration of a complaint the Commissioner has reason to believe that any Member is not co-operating, the Commissioner may, having first given notice of the intention to do so to the Member complained of, report this view to the Committee on Standards of Conduct who may arrange for the report to be published and laid before the Assembly as soon as may be.
- 5.2. The making of such a report does not prevent the Commissioner or the Committee from continuing to consider the complaint in line with this procedure.

## **6. Criminal offences**

- 6.1. If at any stage in the consideration of a complaint:
- i. evidence arises of conduct which could involve a breach of section 36(7) of the Government of Wales Act 2006 the Commissioner must inform the Clerk immediately. The Clerk must refer the papers concerned to the Police in accordance with the protocol agreed with the Police and Crown Prosecution Service.
  - ii. evidence arises of conduct which could involve the commission of any other criminal offence, subject only to the expectation that such evidence will usually be referred to the Police, the Commissioner

shall use his/her discretion in determining if, when, and by what mechanism the matter may be referred to the Police.

- 6.2. In such circumstances all consideration of the complaint under this procedure will be suspended until such time as the final outcome of any investigation of the matter by the Police, Crown Prosecution Service or the Courts is known.

## 7. Consideration by the Standards Committee

### Initial Consideration

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- 7.1. The Committee will meet first in private to consider the details of the complaint, **but will make no findings of substance on the complaint at this stage**. The purpose of the private meeting will be to consider whether, in the light of the Commissioner's report, and any other written evidence that it considers appropriate:
- i. any witnesses should be invited to give evidence to the Committee at an oral hearing; and
  - ii. the Committee should consider the complaint in public or private.
- 7.2. The Committee may also consider how it proposes that the Member or witnesses should be questioned.
- 7.3. The Commissioner for Standards may not attend this initial private meeting unless invited by the Committee.
- 7.4. In accordance with Standing Order 22.5, where a Committee Member is subject to a complaint he or she may take no part in any consideration of the complaint by the Committee. In such circumstances, another Member from

the same political group may replace that member in accordance with the arrangements set out in Standing Orders.

## Oral Hearing

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- 7.5. The Committee will meet in private - unless it has decided, having taking into consideration the circumstances of the case and any advice received from the Commissioner for Standards or on behalf of the Assembly Clerk, that it should meet in public - to consider:
- i. any oral or written evidence or representations that the Member complained of wishes the Committee to consider; and
  - ii. any oral or written evidence from witnesses.
- 7.6. The Commissioner may be invited to give evidence at the meeting at the discretion of the Chair.
- 7.7. At any oral hearing, the Member complained of, or any witnesses who choose to give evidence, may be accompanied by an adviser.
- 7.8. A verbatim transcript of the proceedings of any oral hearing will be provided. The general presumption is that the Committee will only ask questions of the Member or witnesses to clarify matters of fact. The Member or any witnesses would have the right to ask and have answered factual questions about procedural or technical matters; they do not have the right to question the Commissioner or the Committee about other matters.

- 7.9. If the Member or witnesses are accompanied, the chair may give permission for that person to make oral representations and the same rules would apply.

### **Committee's Consideration of its Decision**

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- 7.10. Following any oral hearing, the Committee will meet in private to consider whether the Member is in breach of one of the matters encompassed within Standing Order 22.2(i) and what action if any it should advise the Assembly to take if a breach is found.

- 7.11. In order for the committee to take a decision to make a recommendation, as detailed at 7.11, a clear majority must exist in favour of the recommendation.

### **Committee's Recommendations**

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- 7.12. The Committee may take a decision:

- i. that no breach has been found and that the complaint is dismissed;
- ii. that a breach has been found but that it is a failure of such a minor nature that the complaint should be dismissed;

Or the Committee may decide, pending any appeal by the Member concerned, to recommend to the Assembly either:

- iii. that a breach has been found but that no further action should be taken;
- iv. that a breach has been found and that the Member should be "censured" in accordance with Standing Orders;

- v. that a breach has been found and that the Member should be excluded from Assembly proceedings<sup>19</sup> either generally or specifically, for example, proceedings at particular meetings of the Assembly or its committees, for a time to be specified time in the motion for exclusion, and in accordance with Standing Orders<sup>20</sup>;
- vi. that a breach has been found and that certain rights and privileges of membership of the Assembly should be withdrawn from the Member concerned;  
or

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<sup>19</sup> Assembly proceedings” are defined in section 1(5) of the Government of Wales Act 2006 as “any proceedings of the Assembly, committees of the assembly or sub-committees of such committees”.

<sup>20</sup> In the case of a recommendation of exclusion, in accordance with Standing Orders this will automatically result in the withdrawal of a member’s salary for the period of exclusion, but not to the withdrawal of any other allowances provided for under the Determination on Assembly Members’ Pay and Allowances. The salary and allowances of staff employed by the Member concerned will not be affected.

- vii. where deemed appropriate, any combination of the above sanctions may be applied.

The rights and privileges of membership of the Assembly that the Committee may recommend should be withdrawn will be as specified in the Committee's report to the Assembly, and may include:

- withdrawal of a right of access as a member to the Assembly Estate;
- exclusion from other activities which a member might normally have a right to attend; and/or
- removal of representational, ceremonial and related privileges which a member might normally enjoy as a member.

## Considerations

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7.13. In deciding what sanction(s) to recommend to the Assembly, the Committee will make a judgement based on the specific circumstances of the case in question. It will consider the severity of the breach, the extent to which it may have brought the Assembly into disrepute, and whether the case in question is a repeat offence, or shows persistent conduct which may be considered to show contempt for Assembly colleagues, the rules or the institution. The Committee will also take account of intent, i.e. whether a breach is deemed to have been committed intentionally or not, and whether any dishonesty or deceit is deemed to have been involved.

## 8. Reporting and appeal procedure

- 8.1. As soon as may be following the Committee's decision the Member complained of must be provided with a copy of the Committee's report, which must be treated in confidence by all parties. In those cases where the Committee has considered the complaint in private, and where there is no breach or the case is dismissed, the Committee must arrange for the report to be anonymised.

Where a Member has been found in breach by the Committee, and the Committee does not recommend that the complaint be dismissed, the Member complained of may, **within 10 working days of being provided with the Committee's report**, appeal to the Presiding Officer.

The Committee must publish the report of its considerations and lay it before the Assembly along with the Commissioner's report to the Committee. Where the Presiding Officer informs the Committee that an appeal has been made, the Committee may not publish its report or lay it before the Assembly until consideration of the appeal has concluded.

If a complaint is referred back to the Committee under paragraph 8.6 i. the Committee must, at the conclusion of its further consideration of the complaint, prepare a revised report. Paragraph 8.1 will then apply to the revised report instead of to the original report.

### Appointment of a Person to Consider an Appeal

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- 8.2. The Presiding Officer must on each occasion appoint an independent legally qualified person to decide the appeal.



The person appointed, who may not be an Assembly Member or a member of the Assembly's staff, must have been nominated, at the request of the Presiding Officer, by the senior Presiding Judge of the Wales circuit.

- 8.3. Following nomination and prior to appointment of the legally qualified independent person, the Presiding Officer shall afford the Member complained of an opportunity to make representations in writing as to any ground for the non appointment of such person, within five working days of being informed of the name of the nominee. In the event that the Presiding Officer accepts any such ground as valid and determines not to appoint the nominated person, he/she shall seek another nomination as in paragraph 8.2.

### **Consideration of Appeals**

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- 8.4. Appeals will only be considered on the following grounds:
- i. that the Committee's conclusions are based on significant factual inaccuracies which, had they been known, might have led to the Committee finding differently;
  - ii. that there had been procedural irregularities that prejudiced the Member's right to a fair hearing.
- 8.5. The independent legally qualified person appointed to decide the appeal will consider only the reports of the Commissioner and the Committee and any additional written representations made by the appellant. That person will not conduct oral hearings or consider representations from any other source.

- 8.6. The person appointed to decide the appeal must prepare, and provide to the Member and to the Committee, a report of his or her consideration of the appeal and must either:
- i. if the grounds of appeal are established, uphold the appeal and refer the complaint back to the Committee for further consideration; or
  - ii. dismiss the appeal.
- 8.7. The Committee must lay before the Assembly the report of the person appointed to decide the appeal, together with the report of the Commissioner and the report or (if the matter has been referred back to the Committee under paragraph 8.6 i.) revised report of the Committee itself.

In those cases where the Committee has considered the complaint in private, and where the Committee has, after it has been referred back to the Committee by the person appointed to decide the appeal, dismissed the complaint, the Committee must arrange for its revised report and that of the person appointed to decide the appeal, to be anonymised.

## **9. Consideration by the assembly**

### **Where there is no appeal or an appeal is unsuccessful**

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- 9.1. Where an appeal is unsuccessful or where no appeal is made to the Presiding Officer and where the Committee does not decide on dismissal, the Chair of the Standards Committee must table a motion calling on the Assembly to endorse the Committee's recommendations. Such motions will not be subject to amendment. Time to debate the motion must be made available as soon as may be.

## 10. Where breach rectified or complaint dismissed

- 10.1. Where, at any stage of an investigation, the facts are not disputed and the Member immediately rectifies or apologises satisfactorily for a failure of a minor nature the Commissioner may recommend to the Chair of the Standards Committee that the investigation should not be pursued. If the Chair agrees, the Commissioner shall inform the Member and the complainant that although a breach has been found no further action will be taken against the Member.
- 10.2. If the Chair is the subject of such a complaint, the Commissioner may make the recommendation to a member of the Committee on Standards of Conduct who has been nominated by the Committee to act in this respect. The Clerk to the Committee will ensure that a Committee member is so nominated.
- 10.3. In these circumstances, the Commissioner need not report to the Standards Committee except to recommend any action that may be needed to clarify or interpret rules for future reference. Where the Commissioner does choose to report in this way, the name of the Member and complainant need not be identified.

# Protocol between Commissioner for Standards, the National Assembly for Wales and Director of Public Prosecutions

1. Where it becomes apparent to the Clerk of the National Assembly for Wales ('the Clerk') that an Assembly Member is or may be in breach of those requirements under Standing Order 2 relating to the registering of Members' interests, it shall be the duty of the Clerk to report such a breach or possible breach to the Commissioner for Standards forthwith. For the avoidance of doubt, the Clerk shall have no discretion to do anything other than report the matter.
2. It shall not be mandatory for the Clerk to notify the Assembly Member concerned of the fact that the matter is being reported.
3. Upon receipt of the report it shall be the duty of the Commissioner for Standards to consider whether the breach or possible breach of Standing Order 2 may involve a criminal offence under Section 36(7) of the Government of Wales Act 2006.
4. In the event that the Commissioner concludes that there is evidence which could constitute a criminal offence, the Commissioner shall refer the matter to the Director of Public Prosecutions for consideration of the institution of criminal proceedings unless the Commissioner is satisfied:
  - i. that the breach or possible breach of those requirements under Standing Order 2 relating to the

registering of Members' interests was inadvertent;  
and

- ii. that there have been no proceedings in Committee or Plenary session of the National Assembly, since the date when the matter in question should have been registered where the matter unregistered could have had relevance; and
  - iii. it would not be in the public interest to pursue criminal proceedings.
5. In such circumstances the Commissioner for Standards will treat the report as a complaint and follow the appropriate procedures.
6. For the avoidance of doubt, repeated breaches of separate, or the same, aspects of Standing Order 2, may result in the latest matter being referred for consideration of criminal proceedings.

the  $\mathbb{R}^2$ -valued function  $\mathbf{f}$  is a vector field. The vector field  $\mathbf{f}$  is said to be conservative if it is the gradient of a scalar function  $\phi$ , that is, if  $\mathbf{f} = \nabla \phi$ . The scalar function  $\phi$  is called a potential function for  $\mathbf{f}$ . The following theorem gives a necessary and sufficient condition for a vector field to be conservative.

**Theorem 14.10.** Let  $\mathbf{f}$  be a vector field on a region  $R$  in the  $xy$ -plane. Then  $\mathbf{f}$  is conservative if and only if  $\text{curl } \mathbf{f} = 0$ .

**Proof.** Let  $\mathbf{f} = M\mathbf{i} + N\mathbf{j}$  be a vector field on a region  $R$  in the  $xy$ -plane. Suppose that  $\mathbf{f}$  is conservative. Then there is a scalar function  $\phi$  such that  $\mathbf{f} = \nabla \phi$ . Then

$$\text{curl } \mathbf{f} = \text{curl } \nabla \phi = 0.$$

Conversely, suppose that  $\text{curl } \mathbf{f} = 0$ . Then  $M_y = N_x$ . Let  $P$  be a fixed point in  $R$ . For any point  $(x, y)$  in  $R$ , let  $C$  be a curve in  $R$  from  $P$  to  $(x, y)$ . Then

$$\int_C \mathbf{f} \cdot d\mathbf{s} = \int_C M dx + N dy.$$

By Theorem 14.9, the value of this integral is independent of the curve  $C$ . Let  $\phi(x, y)$  be the value of the integral  $\int_C \mathbf{f} \cdot d\mathbf{s}$  for any curve  $C$  in  $R$  from  $P$  to  $(x, y)$ . Then

$$\phi(x, y) = \int_C \mathbf{f} \cdot d\mathbf{s} = \int_C M dx + N dy.$$

Let  $\mathbf{r}(t) = x\mathbf{i} + y\mathbf{j}$  be a curve in  $R$  from  $P$  to  $(x, y)$ . Then  $\mathbf{r}'(t) = x'(t)\mathbf{i} + y'(t)\mathbf{j}$  and

$$\int_C \mathbf{f} \cdot d\mathbf{s} = \int_a^b \mathbf{f}(\mathbf{r}(t)) \cdot \mathbf{r}'(t) dt = \int_a^b M(x(t), y(t))x'(t) + N(x(t), y(t))y'(t) dt.$$

By the Fundamental Theorem of Calculus, the value of this integral is  $\phi(x, y) - \phi(x_0, y_0)$ , where  $(x_0, y_0)$  is the point  $P$ . Then

$$\phi(x, y) - \phi(x_0, y_0) = \int_a^b M(x(t), y(t))x'(t) + N(x(t), y(t))y'(t) dt.$$

Let  $\mathbf{r}(t) = x\mathbf{i} + y\mathbf{j}$  be a curve in  $R$  from  $(x_0, y_0)$  to  $(x, y)$ . Then  $\mathbf{r}'(t) = x'(t)\mathbf{i} + y'(t)\mathbf{j}$  and

$$\int_C \mathbf{f} \cdot d\mathbf{s} = \int_a^b \mathbf{f}(\mathbf{r}(t)) \cdot \mathbf{r}'(t) dt = \int_a^b M(x(t), y(t))x'(t) + N(x(t), y(t))y'(t) dt.$$

By the Fundamental Theorem of Calculus, the value of this integral is  $\phi(x, y) - \phi(x_0, y_0)$ . Then

$$\phi(x, y) - \phi(x_0, y_0) = \phi(x, y) - \phi(x_0, y_0).$$

Thus  $\phi(x, y) = \phi(x_0, y_0) + \int_C \mathbf{f} \cdot d\mathbf{s}$ . Let  $\mathbf{r}(t) = x\mathbf{i} + y\mathbf{j}$  be a curve in  $R$  from  $(x_0, y_0)$  to  $(x, y)$ . Then  $\mathbf{r}'(t) = x'(t)\mathbf{i} + y'(t)\mathbf{j}$  and

$$\phi(x, y) - \phi(x_0, y_0) = \int_a^b \mathbf{f}(\mathbf{r}(t)) \cdot \mathbf{r}'(t) dt = \int_a^b M(x(t), y(t))x'(t) + N(x(t), y(t))y'(t) dt.$$

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# **Section 4: Standing Orders, legislation and other related documents**

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# Standing Orders relating to Standards of Conduct

## Standing Order 2 – Financial and Other Interests of Members

### Registration of Financial and Other Interests

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**2.1** The Presiding Officer must maintain and publish a Register of Interests of Members and copies must be available for inspection by Members and by the public.

**2.2** The interests set out in the Annex to Standing Order 2 must be registered in the Register of Interests by completion of a form prescribed by the Presiding Officer.

**2.3** Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, setting out all the particulars of the interests required to be registered by Standing Order 2; and must sign the form and deliver it to the Clerk.

**2.4** Within four weeks of any change occurring, a Member must notify the Presiding Officer of the change in his or her registered interests by completing the form prescribed by the Presiding Officer and must sign the form and deliver it to the Clerk.

**2.5** A Member may deliver the form referred to in Standing Order 2.3 or 2.4 by taking it to the Clerk or arranging for another person to do so or by post, but the form is not to be regarded as having been delivered until it is received by the Clerk.



## **Declaration of Registrable Interests before Taking Part in Any Assembly Proceedings**

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**2.6** In the circumstances specified in Standing Order 2, before taking part in any Assembly proceedings, a Member must make an oral declaration of any financial interest which he or she has, or may be expecting to have, or which, to the Member's knowledge, the Member's partner or any dependent child of the Member has, or may be expecting to have in any matter arising in those proceedings.

**2.7** An oral declaration under Standing Order 2.6 must be made in relation to any interest which is specified in paragraph 5 of the Annex to Standing Order 2 if a particular decision in those proceedings might result in a direct financial advantage to the Member, or, to the Member's knowledge, the Member's partner or any dependent child of the Member, greater than that which might accrue to the electorate generally.

## **Lobbying for Reward or Consideration**

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**2.8** A Member must not advocate or initiate any cause or matter on behalf of any body or individual in any Assembly proceedings, or urge any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her partner or any dependent child of the Member, has received or expects to receive.

## **Prohibition of Voting**

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**2.9** Where a Member is required under Standing Order 2.6 to declare an interest in a matter before taking part in

any Assembly proceedings, that Member must not vote on any proposal relating to that matter in those proceedings. Standing Order 2.9 does not apply in relation to the exercise of a casting vote under Standing Order 6.20.

## Standing Order 2 – Financial and Other Interests of Members: Annex

The interests which are to be registered in the Register of Interests of Members and which for the purposes of Standing Order 2.6 are to be declared before taking part in any Assembly proceedings.

### General

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1. Members should, in listing their registrable interests, have regard to any relevant resolutions, codes of practice or guidance notes which the Assembly may have adopted on this matter.
2. Any remunerated activity in the areas of public relations and political advice and consultancy relating to the functions of the Assembly must be included in that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any Assembly proceedings, sponsoring of functions in the Assembly buildings, and making representations to the government, or any member of that government or of its staff.
3. The majority of the interests specified in the categories below include a reference to interests independently possessed by or given to the partner or any dependent child of the Member, and these must also be registered if such interests are known to the Member.
4. For the purposes of the registration and declaration of interests under Standing Order 2 specified in this Annex:

- i.** a Member's partner means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses; and
- ii.** a dependent child is any person who, at the time of registration is under the age of sixteen or is under the age of nineteen and receiving full-time education by attendance at a recognised educational establishment and is:
  - a.** a child of the Member;
  - b.** a step-child of the Member by marriage or by civil partnership;
  - c.** a child legally adopted by the Member;
  - d.** a child whom the Member intends legally to adopt; or
  - e.** a child who, for at least the previous six calendar months, has been financially supported by the Member.

## The Registrable Interests

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The registrable interests are:

- i.** remunerated directorships held by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, in public and private companies including directorships which are individually unremunerated but where remuneration is paid through another company in the same group;
- ii.** employment, office, trade, profession or vocation (apart from membership of the Assembly) for which the Member or, to the Member's knowledge, the Member's partner, is remunerated, or in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, has any pecuniary interest, including the receipt of any public funds;
- iii.** the names of clients when the interests referred to in paragraphs (i) and (ii) above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, which arise out of, or are related in any manner to, his or her membership of the Assembly;
- iv.** gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Assembly received by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, from any company, organisation or person which arise out of, or are

related in any manner to, membership of the Assembly;

- v.** any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which, to the Member's knowledge, has tendered for, is tendering for, or has, a contract with the Assembly Commission or the Welsh Government;
- vi.** financial sponsorship (a) as a candidate for election to the Assembly, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of the Assembly by any person or organisation. In registering such an interest, a Member must state whether any such sponsorship includes any payment to the Member or any material benefit or advantage;
- vii.** subject to any resolution of the Assembly, overseas visits made by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, which arise out of, or are related in any manner to, membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or from funds provided by the Assembly or by Parliament or by any organisation of which the Assembly is a member;
- viii.** any land and property of the Member or, to the Member's knowledge, the Member's partner or any

dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial income is derived other than any home used for the personal residential purposes of the Member, the Member's partner or any dependent child of the Member;

- ix. the names of companies or other bodies in which the Member has, either alone or with or on behalf of the Member's partner or any dependent child of the Member, a beneficial interest, or in which, to the Member's knowledge, the Member's partner or a dependent child of the Member has a beneficial interest, in shareholdings of a market value greater than one per cent of the issued share capital, or less than one per cent but more than an amount specified in any resolution of the Assembly;
- x. paid or unpaid membership or chairmanship by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, of any body funded in whole or in part out of funds provided by the Assembly Commission or the Welsh Government, where the Member knows, or ought to have known, of the Assembly Commission or Welsh Government funding.

## Standing Order 3 – Recording of the Employment of Family Members with the Support of Commission Funds.

[Note: a requirement for notification under Standing Order 3 is in addition to any requirement to register the employment of a Member’s partner or dependent child under Standing Order 2. Where Standing Order 2 requires a Member to register the employment of a spouse or dependent child under that Standing Order, the Member must do that in addition to any notification required under Standing Order 3.]

**3.1** A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 3.4, make a notification under Standing Order 3.

**3.2** In Standing Order 3:

- i.** “family member” means:
  - (a) a partner of a Member;
  - (b) a child or grand-child of a Member;
  - (c) a parent or grand-parent of a Member;
  - (d) a brother or sister of a Member;
  - (e) a nephew or niece of a Member; or
  - (f) an uncle or aunt of a Member;
- ii.** “partner” means a spouse, civil partner or one of a couple whether of the same sex or of the opposite



sex who although not married to each other are living together and treat each other as spouses;

- iii. the expressions “child”, “grand-child”, “parent”, “grand-parent”, “brother”, “sister”, “uncle” and “aunt” apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;
- iv. “Commission funds” means amounts paid by the Commission by way of allowances under sections 20, 21 or 53 of the Act.

**3.3** The notification required by Standing Order 3 must include the following information:

- i. the Member’s name;
- ii. if the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- iii. the full name of the employee;
- iv. the relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- v. the capacity in which the employee is employed, including any job title;
- vi. the date on which the employment commenced;
- vii. if the employment has ceased, the date on which it ceased; and

**viii.** the hours which the employee is contracted to work each week.

**3.4** Notification must be made:

- i.** within eight weeks of the date on which the Member takes the oath or affirmation of allegiance; or
- ii.** within four weeks of:
  - (a) the first occasion on which the family member receives a payment with the support of Commission funds;
  - (b) the date on which the employee becomes a family member of that Member or of another Member; or
  - (c) the date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member,

Whichever is the later.

**3.5** If:

- i. notification has been given under Standing Order 3;  
and
- ii. there has been any change to the information which  
was included in that notification,

the Member must, within four weeks of the date on which that change took place, make notification of that change.

- 3.6** Notification under SO 3.1 or under SO 3.5 must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.
- 3.7** The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 3 and must publish the record and make a copy available for inspection by Members and by the public.
- 3.8** Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Order 3.1 or 3.5.

## Standing Order 4 – Recording Time Involved in Registrable Activities

### General

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- 4.1** Where a Member is required to register an interest, in accordance with Standing Order 2.2, that Member must at the same time, where that interest is also a registrable activity, make a notification under Standing Order 4.
- 4.2** For the purposes of Standing Order 4, a “registrable activity” is a registrable interest which falls within either:
- i.** sub-paragraph (i) of paragraph 5 of the Annex to Standing Order 2 (remunerated directorships); or
  - ii.** sub-paragraph (ii) of that paragraph (employments, offices, trades, professions or vocations),
- and relates to the Member himself or herself (rather than to a partner or dependent child of the Member).

### Notification

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- 4.3** Notification is to be by reference to the following bands:
- i.** Band 1: Less than 5 hours per week;
  - ii.** Band 2: Between 5 and 20 hours per week;
  - iii.** Band 3: More than 20 hours per week.
- 4.4** Notification must state into which of those bands the average number of hours which the Member devotes (or expects to devote) to each registrable activity each week will fall.

- 4.5** If (whether as a result of a change of circumstances or for any other reason) the notification which a Member has given in relation to a registrable activity is no longer correct, the Member must, within four weeks, make a further notification under Standing Order 4.
- 4.6** Notification must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.

## **Publication**

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- 4.7** The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 4 and must publish the record and make a copy available for inspection by Members and by the public.

## **Form of Notification and Record**

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- 4.8** The form prescribed by the Presiding Officer under Standing Order 4.6 may be combined with the form prescribed by the Presiding Officer under Standing Order 2.2.
- 4.9** The record of notifications maintained by the Presiding Officer under Standing Order 4.7 may be combined with the Register of Interests maintained by the Presiding Officer under Standing Order 2.1.

## Standing Order 5 – Recording of Membership of Societies

- 5.1** A notification must be made by any Member of any membership, or position of general control or management, of a private society or a private club which has entry requirements for membership.
- 5.2** For the purposes of Standing Order 5.1, "entry requirements for membership" does not include:
- i.** the requirement to pay a subscription; or
  - ii.** the agreement to and signing of terms and conditions of membership of the society or club (other than any term and condition relating to selection for membership).
- 5.3** The Presiding Officer must maintain and publish a record of the notifications by Members of the matters set out in Standing Order 5.1 and copies must be available for inspection by Members and by the public.
- 5.4** Notifications must be made by completion of a form prescribed by the Presiding Officer.
- 5.5** Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, and must sign the form and deliver it to the Clerk.
- 5.6** Within four weeks of membership or change to membership occurring, a Member must notify the

Presiding Officer by completion of the prescribed form; and must sign the form and deliver it to the Clerk.

- 5.7** The form referred to in Standing Order 5.5 or 5.6 is not to be regarded as having been delivered until it is received by the Clerk.
- 5.8** Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Order 5.5 or 5.6.

## Standing Order 22 – Standards of Conduct

### Committee

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**22.1** In proposing the remits of committees under Standing Order 16.2 or 16.3, the Business Committee must ensure that there is a committee (referred to within Standing Order 22 as “the responsible committee”) with responsibility for the functions specified in Standing Order 22.

### Functions

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**22.2** The responsible committee must:

- i.** investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards that a Member has not complied with:
  - (a) Standing Order 2;
  - (b) any Assembly resolution relating to the financial or other interests of Members;
  - (c) Standing Order 5;
  - (d) any Assembly resolution relating to Members’ standards of conduct;
  - (e) any code or protocol made under Standing Order 1.10 and in accordance with section 36(6) of the Act;
  - (f) Standing Order 3; or
  - (g) Standing Order 4;
- ii.** consider any matters of principle relating to the conduct of Members generally;
- iii.** supervise the arrangements for the compilation, maintenance and accessibility of the Register of



Members' Interests, the Record of the Employment of Family Members with the Support of Commission Funds, the Record of Members' Time Involved in Registrable Activities and the Record of Membership of Societies and the form and content of the Register and the Records; and

- iv. establish and lay before the Assembly procedures for the investigation of complaints under Standing Order 22.2(i).

## **Membership**

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**22.3** The Presiding Officer must not be a member of the responsible committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.

**22.4** Subject to Standing Order 22.5, Standing Order 17.48 must not apply to the responsible committee.

22.4A The Assembly must elect an alternate member from the same political group for each member of the responsible committee, for the purposes of Standing Order 22.5.

**22.5** Where a member of the responsible committee is subject to, or otherwise directly connected with, a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible committee. In such circumstances and in relation solely to the consideration of the complaint concerned, that member may be replaced by his or her alternate member

elected in accordance with Standing Order 22.4A. The alternate member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it.

## Meetings

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- 22.6** The responsible committee must meet as soon as possible after a complaint has been referred to it by the Commissioner for Standards; and at other times as convened by the chair.
- 22.7** The responsible committee may meet in public or in private, but when deliberating upon a complaint, the responsible committee must meet in private unless it resolves otherwise.
- 22.8** Any Member who is the subject of an investigation by the responsible committee must be permitted to make oral or written representations to it and may be accompanied at oral hearings by another person (who may participate in the proceedings with the permission of the chair, but may not vote).

## Reports

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- 22.9** If the responsible committee has investigated a complaint referred to it by the Commissioner for Standards, it must report to the Assembly as soon as possible after completion of the investigation.
- 22.10** A report under Standing Order 22.9 may include a recommendation to:

- i. censure a Member;
- ii. withdraw any rights and privileges from a Member as set out in the procedures for the investigation of complaints established under Standing Order 22.2(iv);
- iii. exclude a Member from any Assembly proceedings for a specified period;

or any combination of the above, for failing to comply with any of the matters encompassed within Standing Order 22.2(i).

**22.10A** If a Member is excluded following a recommendation under Standing Order 22.10, the Member is not entitled to receive any salary from the Assembly and is not permitted to attend any Assembly proceedings during the period of his or her exclusion.

**22.11** If a motion to consider a report under Standing Order 22.9 is tabled by a member of the responsible committee, time must be made available as soon as possible for the motion to be debated. No amendment may be tabled to such a motion.

# Legislation

## **Government of Wales Act 2006, Section 36 (Integrity)**

This section of GOWA 2006 requires standing orders to make various kinds of provision to safeguard standards of integrity in relation to Assembly proceedings, including requiring Members to register and declare certain interests. A failure to comply with these provisions constitutes a criminal offence.

## **National Assembly for Wales Commissioner for Standards Measure 2009**

Provides for the establishment of a Commissioner for Standards to investigate complaints about the conduct of Assembly Members.

## **National Assembly for Wales (Remuneration) Measure 2010**

Provides for the establishment of the Assembly's independent Remuneration Board with the responsibility to make determinations in relation to the remuneration of Assembly Members, the First Minister, Welsh Ministers, the Counsel General and Deputy Welsh Ministers.

**Determination for the Fifth Assembly, Remuneration Board of the National Assembly for Wales, May 2015**

This determination is made under Section 3 of the Measure. It also relates to Paragraph 13 of the Code of Conduct (Members' Salaries and Allowances)

**National Assembly for Wales (Official Languages) Act 2012**

Places statutory duties on the National Assembly for Wales and Assembly Commission in relation to the provision of bilingual services.

**National Assembly for Wales Official Languages Scheme**

Sets out how the Assembly will deliver the statutory duties set out in the 2012 Act relating to bilingual services.

# Other related codes and forms

## Codes

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### **National Assembly for Wales Staff Code of Conduct**

Describes the standards of behaviour required of all members of staff of the National Assembly for Wales (employees of the Assembly Commission). It also relates to paragraph 12 of the Code of Conduct (Relationships between Assembly Members and Assembly Staff)

### **Assembly Members Support Staff Code of Conduct** (internal link only)

Describes the standards of behaviour required of all support staff of Assembly Members.

### **Civil Service Code**

Describes the standards of behaviour required of all members of the UK Civil Services, including Welsh Government Civil Servants. It also relates to paragraph 12 of the Code of Conduct (Relationships between Assembly Members and Assembly Staff)

## **Policy on access to information**

### **Code of Practice on Public Access to Information**

This code sets out how the National Assembly for Wales will meet its commitment to provide access to information under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004. It also relates to paragraph 11 of the Code of Conduct (Public Access to Information).

### **Publication Scheme**

This publication scheme is made under section 19 of the Freedom of Information Act 2000 and commits the National Assembly for Wales to make information available to the public as part of its normal business activities.

### **Information Guide**

Provides information an overview of the types of information the Assembly publishes.

## Forms

### Registration and Recording of Interests form

The form to be completed by Members wishing to register and record interests in the Register of Members' Interests.

### Record of the Employment of Family Members form

The form to be completed by Members wishing to record the employment of family members with Assembly Commission funds.

### Registration form for Cross-Party Groups (internal link only)

The form to be completed by Members wishing to register new Cross-Party Groups.

### Room Booking form (internal link only)

The form to be completed by Members wishing to book rooms on the Assembly Estate.



## Other related policies, rules and guidance

### ICT Security and Usage Rules

(internal link only)

The document sets out the detailed rules regarding acceptable use of the ICT network, equipment and all official communication devices within the Assembly.

### Rules and Guidance on Booking rooms for use with External Attendees

(internal link only)

Sets out principles and guidance relating to the use of rooms and procedures for booking rooms on the Assembly estate. It also relates to paragraph 10 of the Code of Conduct (Use of Assembly Resources).

### National Assembly Events Policy

Sets out the Assembly's policy on holding an event or exhibition on the National Assembly for Wales estate.

### Guidance on the Policy Research and Communications Fund

(internal link only)

Issued by the Remuneration Board, the document sets out the circumstances under which Members may access the Policy, Research and Communications Fund, and how to apply for this support.