

National Assembly for Wales

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

September 2015

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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

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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*¹ ('the 2006 Act') and the Assembly's Standing Orders.² 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 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.

¹ [Government of Wales Act 2006](#) (Chapter 32) Section 36

² National Assembly for Wales, [Standing Orders of the National Assembly for Wales](#), April 2014

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*³ ('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*

³ [Political Parties, Elections and Referendums Act 2000](#) (Chapter 41)

the People) Order 2007 (the 2007 Order).⁴ Further information about these requirements are set out in Chapter 6.

⁴ [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?

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'

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 SO 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 SO 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

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

Tel: 0300 200 6542

18. Members should be aware that Section 9 of the *Commissioner for Standards Measure 2009*⁵ 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).

⁵ [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

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?

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 7.1 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?

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?

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

3rd 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?

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 are 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?

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

3rd Floor, Ty Hywel
National Assembly for Wales
Cardiff Bay
CF99 1NA

Email: 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:

1) 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.

2) 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 document.

5.1. Category 1: Directorships

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 7 of this guidance.

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

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.⁶

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.

⁶ Further information about the Assembly's rules in relation to lobbying is available in the [Guidance on Lobbying and Access to Assembly Members](#).

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 7 of this guidance.

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

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

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.⁷

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 2006⁸ that the specified financial values above which gifts, hospitality and any other benefits must be registered is 0.5 per cent of the basic 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.

⁷ Currently £272.

⁸ National Assembly for Wales, [RoP: Plenary](#), 10 May 2006

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

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

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 2007.⁹ Regional candidates expenditure is not required to be registered, as their expenditure is treated by the PPERA 2000 as being incurred by the party.

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 1999¹⁰ 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.

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**.

⁹ [National Assembly for Wales \(Representation of the People\) Order 2007](#) SI2007/236

¹⁰ National Assembly for Wales, [RoP: Plenary](#), 19 May 1999

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 paragraph 6 and should be registered (provided of course it exceeds 25% of election expenses) even where the trade union is affiliated to the political party in question.

5.7. Category 7: Overseas Visits

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 an 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 1999¹¹ 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

¹¹ National Assembly for Wales, [RoP: Plenary](#), 19 May 1999

the whole cost is paid for by the Member or the Member's partner or any dependent child.

5.8. Category 8: Land and Property

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 1999¹² that "substantial value" means an amount equivalent to the basic gross annual salary for an Assembly Member¹³ and "substantial income" means an amount equivalent to 10 per cent of the basic gross annual salary for an Assembly Member.¹⁴ 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 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.

¹² National Assembly for Wales, [RoP: Plenary](#), 19 May 1999

¹³ Currently £53,852.

¹⁴ Currently £5,385.

5.9. Category 9: Shareholdings

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

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

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

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

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.

The Electoral Commission

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Cardiff
CF14 3UZ

Email: infowales@electoralcommission.org.uk

Tel: 02920 346800

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

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?

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.**

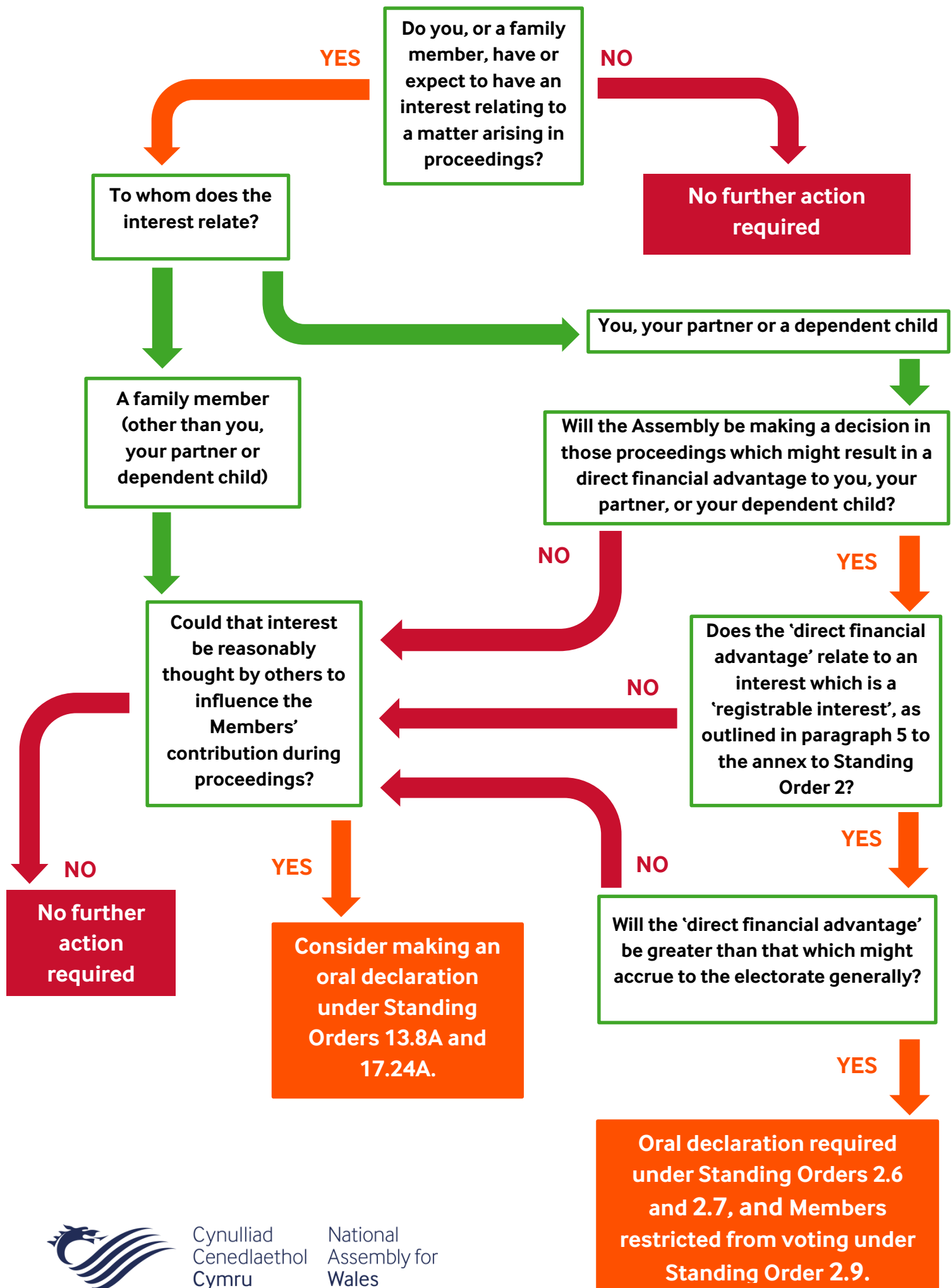
2. Declaration of Relevant Interest (Non-criminal)

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 registrable 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.



7.3. Restrictions on voting

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:

1. 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.
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

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 6.3 below).

7.5. Declaring relevant interests

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 6.2) **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?

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 proceedings¹⁵ 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.

- Relevant Interest:

At the appropriate time in Assembly proceedings.

108. Provided that the details (including any relevant amounts) are included in the Register of 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').

¹⁵ "Assembly proceedings" means any proceedings of the Assembly, any committee of the Assembly or a sub-committee of such a committee.

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

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 document). 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

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

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.