

Protocol between Commissioner for Standards, the Senedd, and Director of Public Prosecutions

Last updated: May 2021



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

- 1.** Where it becomes apparent to the Clerk of the Senedd ('the Clerk') that a Member of the Senedd 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 Member of the Senedd concerned of the fact that the matter is being reported. 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.
- 3.** 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;
 - ii) that there have been no proceedings in Committee or Plenary session of the Senedd, 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.
- 4.** In such circumstances the Commissioner for Standards will treat the report as a complaint and follow the appropriate procedures.
- 5.** 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.