

## **National Assembly for Wales**

### **The Welsh Ministerial Code October 2012**

This paper provides an outline of the Ministerial Codes issued by the Welsh, UK and Scottish Governments and the Northern Ireland Executive; the information that is required to be published by them, and a summary of the procedures that exist to deal with alleged breaches of the code, including information about the appointment and role of Independent Advisers on Ministerial Codes in Scotland and at Westminster.

Research  
Service



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.

**The Research Service provides expert and impartial research and information to support Assembly Members and committees in fulfilling the scrutiny, legislative and representative functions of the National Assembly for Wales.**

Research Service briefings are compiled for the benefit of Assembly Members and their support staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We welcome comments on our briefings; please post or email to the addresses below.

An electronic version of this paper can be found on the National Assembly's website at: [www.assemblywales.org/research](http://www.assemblywales.org/research)

Further hard copies of this paper can be obtained from:

**Research Service  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA**

Email: [Research.Service@wales.gov.uk](mailto:Research.Service@wales.gov.uk)

Twitter: [@NAWRResearch](https://twitter.com/NAWRResearch)

© National Assembly for Wales Commission Copyright 2012

The text of this document may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading or derogatory context. The material must be acknowledged as copyright of the National Assembly for Wales Commission and the title of the document specified.

Enquiry no: 12/2262

# **National Assembly for Wales**

The Welsh Ministerial Code  
October 2012

Owain Roberts

Paper number: 12/043

Research  
Service



## Summary

Ministerial codes provide guidance to Ministers on how they should act and arrange their affairs in order to uphold certain standards in the exercise of their duties and responsibilities. Details of the behaviour expected of Welsh Ministers and the Counsel General is included in the Welsh Ministerial Code which is issued by the First Minister, normally soon after a Welsh General Election. Similar Ministerial codes are also published by the UK and Scottish Governments and the Northern Ireland Executive in relation to the conduct of their Ministers.

The purpose of this paper is to provide:

- an outline of the Ministerial Codes issued by the Welsh, UK and Scottish Governments and the Northern Ireland Executive and the information that is required to be published by them;
- a summary of the procedures that are in place in each country to deal with alleged breaches of the code, including information about the appointment and role of Independent Advisers in Scotland and at Westminster to deal with such allegations; and
- details of any recent calls made in each country for reform to take place.

# Contents

<b>1. Introduction</b> .....	<b>4</b>
<b>2. The Welsh Ministerial Code</b> .....	<b>5</b>
2.1. Part 1: Ministerial Code of ethics .....	5
2.2. Part 2: Procedural Guidance for Members .....	6
2.3. Published information .....	7
2.4. Calls for reform.....	7
<b>3. UK Ministerial Code</b> .....	<b>9</b>
3.1. Published information .....	9
3.2. Independent Adviser on Ministers' Interests.....	10
3.3. Calls for reform.....	12
<b>4. Scottish Ministerial Code</b> .....	<b>14</b>
4.1. Published information .....	14
4.2. Independent Advisers on the Scottish Ministerial Code.....	15
<b>5. Northern Ireland Ministerial Code</b> .....	<b>16</b>

# The Ministerial Code

## 1. Introduction

Ministerial codes provide guidance to Ministers on how they should act and arrange their affairs in order to uphold certain standards in the exercise of their duties and responsibilities. These codes outline the behavioural standards expected of Ministers and set out information relating to the action of Ministers that a government is obliged to publish.

Guidance relating to the behaviour expected of Welsh Ministers and the Counsel General is included in the [Welsh Ministerial Code](#) which is issued by the First Minister, normally soon after a Welsh General Election. A separate [code of conduct](#) exists for the 60 Assembly Members, which is published on the National Assembly for Wales' website.

Similar Ministerial codes are also published by the UK and Scottish Governments and the Northern Ireland Executive in relation to the conduct of their Ministers.

Although these codes are similar, they are not identical and significant differences exist, particularly in relation to the information that is required to be published and the way in which alleged breaches of the code are dealt with.

As a result, the purpose of this paper is to outline the content of the Welsh Ministerial Code and to compare it with other Ministerial Codes published by the different governments of the UK. The paper also summarises the procedures that are in place in each country to deal with alleged breaches of the code (including the appointment of Independent Advisers to deal with alleged breaches of the code at the UK and Scottish levels), along with the details of any recent calls made in each country for reform to take place.

## 2. The Welsh Ministerial Code

The first Welsh Ministerial Code was published in June 2007 following elections to the third Assembly (2007 – 2011) and the formal separation of the Assembly’s corporate body into legislative and executive branches as required by the *Government of Wales Act 2006*.<sup>1</sup> Prior to this, when the Assembly was constituted as a single body corporate, a code for National Assembly for Wales Ministers (as they were then known) was published in 2002. The current [Welsh Ministerial Code](#) was issued by the First Minister in July 2011, following elections to the fourth Assembly in May of the same year. As with the UK and Scottish Ministerial Codes, the Welsh code is the responsibility of the First Minister who must “ensure that each Minister complies with the Ministerial Code”.<sup>2</sup>

As the code is not a statutory document required by law, the Welsh Government is not under a duty to table the code before the Assembly and it does not require the approval of Assembly Members before taking effect. Unlike the Scottish and UK Governments, the First Minister has not appointed Independent Advisers on Ministers’ interests to investigate alleged breaches of the Welsh Ministerial Code to date.

The code is split into two parts.

### *2.1. Part 1: Ministerial Code of ethics*

The following areas are covered in relation to the Welsh Ministers’ code of ethics:

**Ministerial conduct:** The code expects Ministers to behave according to the highest standards of constitutional and personal conduct and in particular to observe the Seven Principles of Public Life.<sup>3</sup>

**Ministers and their responsibilities:** This section states that the First Minister is responsible for the overall structure and organisation of the Welsh Government and requires that the First Ministers’ office should be kept informed of all other Ministers’ engagements. This section also includes guidance in relation to the appointment and functions of special advisers, unpaid advisers and any other appointment made by the First Minister.

**Ministers and Civil Servants:** This section sets out how Welsh Ministers and Civil Servants should interact and engage with one another. It covers the role of Civil Servants in party political engagements; Ministerial contact with outside interest groups (including lobbyists); the acceptance of petitions by Ministers; and the role of the Permanent Secretary as Principal Accounting Officer for the Welsh Ministers.

---

<sup>1</sup> *Government of Wales Act 2006* (Chapter 32)

<sup>2</sup> Welsh Government, [Welsh Ministerial Code](#), July 2011, paragraph 1.3

<sup>3</sup> These are selflessness; integrity; objectivity; accountability; openness; honesty and leadership

**Ministers Constituency and Party Interests:** This section covers how Ministers should deal with constituency and political party interests. In particular, it states that Welsh Ministers should not use the Welsh Government's property or facilities when dealing with constituency work. This section also deals with **the Welsh Ministers'** relationship with the Public Service Ombudsman for Wales; the involvement of Ministers in leading deputations and in making representations (including in planning cases); the involvement of Ministers in non-planning decisions and in supporting a decision on awards of Lottery money.

**Ministers' Private Interests:** This section outlines the steps that must be taken by Welsh Ministers to ensure that no conflicts of interests arise in the conduct of their duties. Such steps include requiring each Minister to provide a list in writing to the Permanent Secretary of all interests which might be thought to give rise to a conflict. The code sets out such interests as including financial interests; directorships and shareholdings; partnerships or other business interests; property which is rented or leased out and any property which Ministers might be renting or leasing on preferential terms; any sponsorship received from a Trade Union; public appointments; links with charities; and details of any dispute with, or investigation by, HM Revenue and Customs. This section also outlines the rules that apply to Welsh Ministers in relation to decorations from foreign countries; associations with non-public bodies; memberships of trade unions; acceptance of gifts and hospitality; the provision of hospitality by Ministers; nomination for prizes and awards; references for public appointments; and the acceptance of appointments after leaving Ministerial Office.

## *2.2. Part 2: Procedural Guidance for Members*

The second part of the code contains information relating to the day-to-day functions of Welsh Ministers:

**Ministers and the Cabinet:** This section sets out how Cabinet business is conducted and the role of Welsh Ministers and the Counsel General in that process.

**Ministers and the Assembly:** This section outlines the way in which Ministers should make statements and announcements in the Assembly (including the introduction of Assembly Bills, financial resolutions and any related documentation). This section also prohibits Ministers from being members of Assembly cross-party groups and sets out how Ministers should deal with invitations to appear before a Select Committee of the UK Parliament.

**Ministers and the Communication of Policy:** This section outlines how Ministers should make policy and other announcements. In particular, the section sets out the behaviours expected of Welsh Ministers in relation to press conferences; the publication of consultation papers; speeches; radio, television and online

broadcasts; press articles; books and party political publications. This section also sets out how Ministers should make complaints against journalists and also requires Ministers to be aware of the UK Statistics Authority's [Code of Practice for Official Statistics](#) and the need to conform to provisions set out in the *Pre-Release Access to Official Statistics (Wales) Order 2009*<sup>4</sup> when making announcements relating to statistical information.

**Ministers' Visits:** This section sets out the rules relating to Ministers' visits within the UK and abroad. It also includes details about the limits and appropriate use of travel and subsistence expenses; the use of official cars; and the way in which Ministers should deal with offers of hospitality and gifts when on visits.

**Ministerial Pensions:** This section provides details of the pension arrangements which Ministers may participate in.

### 2.3. *Published information*

The code requires the following information to be published annually by the Welsh Government:

- The numbers, names, and pay bands of [special advisers](#) to Welsh Ministers and their overall salary cost.
- Details of Ministers' private interests.
- Details of [gifts received by Ministers on behalf of the Welsh Government valued at more than £260](#).
- Details of all [Ministerial travel overseas costing more than £500 per trip together with the total cost of all Ministers' visits overseas](#).<sup>5</sup>

### 2.4. *Calls for reform*

On 19 June 2012, the following exchange took place between the leader of the Welsh Liberal Democrats, Kirsty Williams AM, and the First Minister in relation to the Ministerial Code:

**The Leader of the Welsh Liberal Democrats (Kirsty Williams):** First Minister, if an allegation of wrongdoing is made against any of your Cabinet colleagues, who judges whether the Cabinet member has breached the ministerial code?

**The First Minister:** That is a matter for me.

**Kirsty Williams:** In Scotland, a panel of former presiding officers advises on the application of the ministerial code. In Westminster, the independent adviser on ministers' interests advises the Prime Minister. Allegations of misconduct by an Assembly Member are investigated by the commissioner for standards, and local councillors are referred to their

---

<sup>4</sup> [The Pre-release Access to Official Statistics \(Wales\) Order 2009](#) (SI 2009/2818) (W. 244)

<sup>5</sup> Welsh Government, [Ministerial Code](#), 23 August 2011

standards board. Members of Parliament, of course, if they are accused of wrongdoing are held accountable by the Parliamentary Commissioner for Standards. What makes the Welsh Government so special that it can avoid this important form of democratic scrutiny?

**The First Minister:** Ministers are accountable to me and I, in turn, am accountable to the people of Wales.

**Kirsty Williams:** ... I will ask you again: what makes the Welsh Government so special that it does not need to take the steps that every other administration has taken to ensure that there is independence in judging the ministerial code? You have often said in the Chamber that you want this Government to be as open, transparent and accountable as possible. Will you commit today, in the Chamber, to the establishment of an independent adviser on the ministerial code, just as every other level of government has done?

**The First Minister:** I always take advice if a complaint is made about a Minister but, ultimately, Ministers are responsible to me and I, in turn, am responsible to the electors of Wales. I know that the leader of the Welsh Liberal Democrats does not have faith in the people of Wales because we saw that last week in the unfortunate way her party voted in the debate on the Green Paper, when its view was that the Liberal Democrats know what is best for the people of Wales and not the people of Wales themselves.<sup>6</sup>

Comments relating to the Welsh Ministerial Code and transparency in Welsh public affairs were also made on 23 August 2012 by the chair of Public Affairs Cymru, Dewi Knight, in an article on the *Click on Wales* website:

The Ministerial Code for UK Government ministers expects “details of Ministers’ external meetings’ to be published ‘at least quarterly” ... The Scottish ministerial code requires a “monthly list of engagements carried out by all Ministers is published three months in arrears” ... It may be surprising to know but the Welsh Government ministerial code doesn’t require this information to be published ...

Much of the commercial public affairs industry already publishes detailed information about fee-paying clients and staff. Public Affairs Cymru, the national membership body for public affairs professionals in Wales is campaigning for ‘made in Wales’ arrangements to promote transparency in public affairs. This includes changes to the Ministerial Code, a stronger relationship between our members’ Code of Conduct and AMs Code of Conduct and clearer rules and guidance on cross-party groups.<sup>7</sup>

---

<sup>6</sup> National Assembly for Wales, *RoP: Plenary*, 19 June 2012

<sup>7</sup> Click on Wales, *Call for change to Welsh private ministerial meetings*, 23 August 2012

### 3. UK Ministerial Code

The first Ministerial Code for members of the UK Government was issued in 1997 by the then Prime Minister, the Rt. Hon Tony Blair MP. Prior to this, the conduct of Ministers was set out under a guidance note for Ministers, “Questions of procedure for Ministers”, which was first published in 1992.<sup>8</sup> Although there has been a fairly long running debate as to whether the UK Ministerial Code should be underpinned by statute, the current code has no legal basis and remains non-statutory.

The current UK [Ministerial Code](#) was issued by the Prime Minister, the Rt. Hon David Cameron MP, shortly following the 2010 UK General Election. It sets out a series of rules and standards that Ministers in the UK Government are expected to comply with. The code and its application is the responsibility of the Prime Minister who, as head of the UK Government, is the “ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards”.<sup>9</sup>

The code covers the following areas:

- General principles of Ministerial behaviour;
- The way in which Ministers should behave in relation to:
  - the conduct of governmental business;
  - appointments (including the appointment of special advisers);
  - interaction with governmental departments;
  - interaction with Civil Servants;
  - constituency and party political interests;
  - their private interests;
  - the presentation of policy decisions and announcements;
  - dealing with both houses of the UK Parliament; and
- Rules relating to Ministers’ travel arrangements.

#### 3.1. *Published information*

The code requires the publication of the following information by each government department:

- An annual statement on special advisers (which is laid before the UK Parliament) setting out their numbers, names and pay bands, the appointing Minister and the overall pay bill;

---

<sup>8</sup> House of Commons Library, [Standard Note: The Ministerial Code](#), SN/PC/03750, 13 September 2010

<sup>9</sup> Cabinet Office, [Ministerial Code](#), May 2010, paragraph 1.5

- Details of gifts received and given by Ministers valued at more than £140, to be published at least quarterly;
- Details of hospitality received by Ministers in a Ministerial capacity, to be published at least quarterly.
- Details of all travel overseas by Ministers, to be published at least quarterly.
- Details of Ministers' external meetings, to be published at least quarterly.

Information relating to the above is published on the [Number 10 website](#).

The code also requires the publication of Ministers' private interests bi-annually which is made available on the [Cabinet Office's website](#).

### *3.2. Independent Adviser on Ministers' Interests*

Since 2007, the Prime Minister has appointed an Independent Adviser on Ministers' interests to investigate alleged breaches of the Ministerial Code. Prior to this, from 2006, the investigations of such allegations had been the responsibility of an Officer of the House in the form of the Comptroller and Auditor General. Investigations into alleged breaches of the code however can only be sanctioned by the Prime Minister of the day.

The Independent Adviser is obliged to publish an Annual Report and List of Ministers' Interests which is laid before the UK Parliament. The most [recent annual report relates to 2010-11](#) and was published in December 2011. The current Independent Adviser on Ministers' Interests is Sir Alex Allen who replaced Sir Phillip Mawer in January 2012.<sup>10</sup>

The issue of whether the Independent Adviser should be empowered to instigate his or her own investigations came to light recently following the decision of the Prime Minister not to refer two allegations relating to alleged breaches of the Ministerial Code.

In October 2011 the then Secretary of State for Defence, the Rt. Hon Liam Fox MP, came under fire about the role of his former flatmate, friend and lobbyist, Adam Werritty.<sup>11</sup> Although the Prime Minister asked the cabinet secretary, Sir Gus O'Donnell, to examine the findings of the internal Ministry of Defence's investigation into the matter,<sup>12</sup> he did not refer the issue to the Independent Adviser.<sup>13</sup> The Prime Minister's decision was criticised by the Chair of the Committee on Standards in Public Life, Sir Christopher Kelly, who told a meeting of the Public Administration Select Committee on 6 March 2012 that:

---

<sup>10</sup> Ibid, page 12

<sup>11</sup> Further background on the allegations against Liam Fox is available on the BBC, [Defence Secretary Liam Fox quits](#), 14 October 2011

<sup>12</sup> This [report](#) was published later in October 2011 on the Cabinet Office website.

<sup>13</sup> The Guardian, [Liam Fox: PM asks cabinet secretary to look at allegations](#), 8 October 2011

On this occasion, I think [the Independent Adviser] should have been employed. Indeed, I think it was almost certainly a breach of the ministerial code that he was not employed.

The view of the committee [on standards in public life] is that there is advantage in this post existing and if it is going to exist, it has to be used in the way that was envisaged. Just like the parliamentary commissioner [on standards], the adviser should be able to initiate inquiries of their own where there is a prima facie case to investigate, whereas at the moment he is only able to do so at the request of the prime minister.<sup>14</sup>

On 30 April 2012, the Labour Party was granted an urgent question in the House of Commons on why the Prime Minister had not referred allegations against the Secretary of State for Culture, Media and Sport, Jeremy Hunt MP, in relation to his role in considering the News Corporation bid for control of BSkyB, to the Independent Adviser. At the time, the Prime Minister stated that he was prepared to order a Whitehall investigation into Mr Hunt's overseeing of the bid for BSkyB, but only following Mr Hunt's appearance before the Leveson inquiry into press standards on 31 May 2012.<sup>15</sup>

On 13 June 2012, the Prime Minister wrote to Sir Alex Allen stating that "I have decided not to refer Jeremy Hunt to you as I am satisfied that the relevant information about this issue has been established and I am content that he did not break the ministerial code".<sup>16</sup> In response, Sir Alex wrote to the Prime Minister saying that:

The fact that there is an on-going judicial inquiry probing and taking evidence under oath means that I do not believe I could usefully add to the facts in this case though I remain available should circumstances change or new evidence emerge.<sup>17</sup>

In an opposition day debate on the same day, Harriet Harman MP tabled a motion urging that Jeremy Hunt should be referred to the Independent Adviser "to investigate whether he breached paragraph 1.2c (giving accurate and truthful information to Parliament) and paragraph 3.3 (responsibility for his special adviser) of the Ministerial Code".<sup>18</sup> The motion was lost by 252 to 290 votes.

During the debate, the Chair of the Public Administration Select Committee, Bernard Jenkin MP, stated that:

... the independent adviser should be empowered to instigate his own investigations ... that is exactly how regulators work, and it is how our own Parliamentary Commissioner for Standards operates. He would command little public confidence if he could not instigate his own investigations. The Committee on Standards in Public Life has recommended the same thing for the Prime Minister's adviser on ministerial interests, on more than one occasion.

---

<sup>14</sup> The Guardian, [Cameron 'almost certainly' breached ministerial code over Werritty affair](#), 6 March 2012

<sup>15</sup> The Telegraph, [David Cameron to face Jeremy Hunt questions in Commons this afternoon](#), 30 April 2012

<sup>16</sup> Number 10, [Prime Minister's letter to Sir Alex Allen](#), 13 June 2012

<sup>17</sup> Number 10, [Sir Alex Allen's letter to the Prime Minister](#), 13 June 2012

<sup>18</sup> [HC Deb 13 June 2012 c339](#)

The mystery is why these recommendations have not been implemented, and why the previous Labour Government did not accept them.<sup>19</sup>

### 3.3. *Calls for reform*

Issues relating to the UK Ministerial Code have recently been the subject of recommendations made by two Commons Select Committees.

The House of Commons' [Political and Constitutional Reform Committee](#) held an inquiry into the UK Government's proposals to establish a statutory register for lobbyists at the beginning of 2012. The subsequent report was published on 13 July 2012. In addition to making recommendations relating to the UK Government's proposals, the report also recommended that the UK Government take immediate steps to improve the information that is required to be published under the Ministerial Code. In particular, it called on the UK Government to:

- publish information about ministerial meetings no more than a month after the month in which the meeting occurred (rather than the current practice of publishing information on a quarterly basis);
- standardise the format of meeting data, with a view to publishing all ministerial and official meetings on one website, rather than on 24 different Government websites;
- improve the level of detail in meeting disclosures, so that the actual topic of a meeting is disclosed, rather than obscure terms like 'general discussion'; and
- publish, where applicable, the company or charity number of any organisation that meets with Ministers or officials.<sup>20</sup>

Recommendations relating to the way in which alleged breaches of the Ministerial Code are investigated were included in the [Public Administration Select Committee](#) report on Business Appointment Rules, which was published on 25 July 2012. The report called on the UK Government to legislate to establish statutory ethics regulation for businesses with a code of conduct and enforceable statutory penalties, which would be overseen by an independent ethics Commissioner.<sup>21</sup>

The Committee also recommended for the new Commissioner to take over the role of the Prime Minister's Independent Adviser on Ministers' Interests and called for the power to initiate investigations into the Ministerial Code to be made on his

---

<sup>19</sup> [HC Deb 13 June 2012 c365](#)

<sup>20</sup> House of Commons Political and Constitutional Reform Committee, [2nd Report: Introducing a Statutory Register of Lobbyists](#), 13 July 2012

<sup>21</sup> House of Commons, Public Administration Select Committee, [Press Release: MPs propose a new system of regulation](#), 25 July 2012

or her own initiative (rather than on the Prime Minister's initiative as is currently the case).<sup>22</sup>

Following the Commons debate on the Committee's report, Sir Christopher Kelly, the Chair of the Committee on Standards in Public Life,<sup>23</sup> stated that:

My Committee continue to believe that the Adviser should have the power to initiate his own inquiries, not least because this would help depoliticise the decision to refer an allegation to the Adviser.

The Ministerial Code and decisions relating to Ministers following any investigation must clearly be a matter for the Prime Minister, but we believe that strengthening the independence of the Adviser in this way would enable allegations about Ministers' conduct to be seen to be handled fairly and provide greater assurance to the public about standards in public life.<sup>24</sup>

The Committee on Standards in Public Life is currently carrying out a review looking at best practice in promoting high ethical standards and plans to report its findings later in 2012.

---

<sup>22</sup> House of Commons, Public Administration Select Committee, [Press Release: MPs propose a new system of regulation](#), 25 July 2012

<sup>23</sup> The [Committee on Standards in Public Life](#) is an independent advisory body to the UK Government which monitors and makes recommendations on all issues relating to standards in public life.

<sup>24</sup> Committee on Standards in Public Life, [Press Notice: Sir Christopher Kelly – Adviser should have power to instigate his own inquiries](#), 17 July 2012

## 4. Scottish Ministerial Code

By convention, the Scottish Ministerial Code is revised at the commencement of each new Parliamentary term. The [latest version](#) was issued by the Scottish First Minister on 13 December 2011. As with the Welsh and UK Ministerial Codes, it is the First Minister who is “the ultimate judge of the standards of behaviour expected of a Minister and of the appropriate consequences of a breach of those standards” and that “Ministers can only remain in office for so long as they retain his confidence”.<sup>25</sup>

The code, like the UK and Welsh codes, is non-statutory and covers the following areas:

- General principles of Ministerial behaviour;
- The behaviour of Ministers in relation to:
  - the conduct of governmental business;
  - dealing with the Scottish Parliament;
  - their responsibilities (include the role and responsibilities of special advisers);
  - ministerial private interests;
  - presentation of policies;
  - appointments;
  - interaction with Civil Servants;
  - constituency and party political interests;
  - engagement with planning matters; and
- Rules relating to travel arrangements.

### 4.1. *Published information*

The Scottish Ministerial Code requires the publication of the following documents:

- Details of the [special advisers](#) appointed to the Scottish Government and a description of their role;
- Details of [Scottish ministerial preferences](#) which includes private office contact details and sets out how Scottish Ministers prefer their briefing, speeches and correspondence to be prepared and handled; and
- Details of monthly [events and engagements](#) carried out by all Scottish Ministers three months in arrears.

---

<sup>25</sup> Scottish Government, [Scottish Ministerial Code](#), December 2011, paragraph 1.5

- Details of [meetings Scottish Ministers have attended with media proprietors, editors and executives](#), to be published three months in arrears.
- Details of all [car journeys, overseas visits and domestic travel](#) carried out by Scottish Ministers.

#### *4.2. Independent Advisers on the Scottish Ministerial Code*

The Scottish First Minister, since 2008, has appointed Independent Advisers on the Application of the Scottish Ministerial Code to provide similar advice to that provided by the Independent Advisers on Ministers' Interests appointed by the Prime Minister at the UK level.

The Scottish Independent Advisers have to date published a total of five reports relating to the following allegations:

- The alleged misleading of the Scottish Parliament by the First Minister in relation to [the future of the Scottish Interfaith Council](#) (March 2009).
- The alleged misleading of the Scottish Parliament by the First Minister in relation to [prisoners who had absconded from the Scotland's Open Prison Estate](#) (August 2009).
- The alleged misleading of the Scottish Parliament by the First Minister concerning the Scottish Government's [class size commitments](#) in schools (January 2010);
- The role of Scottish Ministers in the [nomination of Brian Souter for a knighthood](#) (November 2011); and
- The welcoming of [personal guests to Bute House](#) by the First Minister (June 2012).

The current advisers are the former Lords Advocate, the Rt. Hon Lord Fraser of Carmyllie QC and the Rt. Hon Dame Elish Angiolini QC DBE, who replaced the former Presiding Officers, the Rt. Hon George Reid and Rt. Hon Lord Steel of Aikwood in August 2011.

## 5. Northern Ireland Ministerial Code

The *Northern Ireland Act 1998*<sup>26</sup> (as amended by the *Northern Ireland (St Andrews Agreement) Act 2006*)<sup>27</sup> provides for the issuing of a Ministerial Code which sets out the rules and procedures for the exercise of the duties and responsibilities of Ministers and junior Ministers of the Northern Ireland Assembly.

The latest [Northern Ireland Executive Ministerial Code](#) is available on the Northern Ireland Executive's website. The Ministerial Code includes the following Ministerial Code of Conduct which Northern Ireland Ministers must adhere to:

The Ministerial Code of Conduct referred to at (g) above is as follows.

Ministers must at all times:-

- (i) observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;
- (ii) be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;
- (iii) ensure that all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that departments and their staff conduct their dealings with the public in an open and responsible way;
- (iv) follow the seven principles of public life set out by the Committee on Standards in Public Life;
- (v) comply with this Code and with rules relating to the use of public funds;
- (vi) operate in a way conducive to promoting good community relations and equality of treatment;
- (vii) not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;
- (viii) ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered; and
- (ix) declare any personal or business interests which may conflict with their responsibilities.<sup>28</sup>

The code also requires the Northern Ireland Assembly to retain a register of interests, where any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed.<sup>29</sup> The code does not however require the publication of such a register.

The code also covers the structures and functions of the Executive Committee (the Cabinet of the Northern Ireland Executive), and the way Northern Ireland Ministers interact with the North-South Ministerial Council and the British-Irish Council.

---

<sup>26</sup> [Northern Ireland Act 1998](#) (Chapter 47)

<sup>27</sup> [Northern Ireland \(St Andrews Agreement\) Act 2006](#) (Chapter 53)

<sup>28</sup> Northern Ireland Executive, [Ministerial Code](#), paragraph 1.6

<sup>29</sup> Ibid