

REGISTRATION AND DECLARATION OF MEMBERS' INTERESTS

Report of the Committee on Standards of Conduct

1. This report contains the conclusions of a review of the arrangements for the registration and declaration of Assembly Members' indirect interests by the Committee on Standards of Conduct.

Recommendation

2. The Assembly is invited:

- i. to note the Committee's conclusions in paragraphs 8-9 below; and
- ii. to agree the proposed changes to Standing Order 4 and the Guidance on the Registration and Declaration of Members' Interests.

Background

3. Earlier this year, the Committee on Standards of Conduct completed a comprehensive review of the arrangements for the registration and declaration of Members' Interests. The review identified inconsistencies in the requirements for Members to register and declare "indirect interests", and the Committee therefore undertook a more detailed review of this issue. This paper sets out the findings of that review, the Committee's recommendations, and the resulting implications for Assembly Members.

4. The current provisions for the registration and declaration of direct and indirect interests are set out at Annex A.

Committee's Conclusions

5. There is an overlap between the interests set out in the Annex to Standing Order 4 (to which the criminal sanctions of Section 72 of the Government of Wales Act 1998 apply), and the interests set out in the Assembly's Resolution of 19th May 1999 (which has no associated sanctions).

6. The Annex to Standing Order 4 should be revised to include those provisions which are currently classed as 'indirect interests'. In effect, these will become direct interests and the term 'indirect interests' will no longer apply.

7. The categories of interests included in the Annex to Standing Order 4, should be extended to include the interests of a partner or dependent child, as currently identified in the Assembly's Resolution of 19th May 1999. This will require a more robust definition of 'dependent child' and 'partner' because of the criminal sanctions that would be associated with registration and declaration of these interests, were they to be included within Standing Order 4.

Proposals

Standing Order 4

8. That the Annex to Standing Order 4 be revised to:-

- contain a detailed definition of partner and dependent child;
- clarify that the interests of a partner or dependent child **MUST** also be registered; and
- extend the categories of registrable interest to include those of a partner and/or dependent child.

This would revoke paragraph 2 of the Assembly's Resolution of 19th May 1999. A copy of the draft revised Annex to Standing Order 4, including these extra provisions is at Annex B.

Guidance

9. That the Guidance on the Registration and Declaration of Members' Interests be revised to mirror the changes outlined in paragraph 8 above. A copy of the draft revised guidance is at Annex C.

Effect

10. The changes to Standing Order 4 and its Annex will have a direct impact on the registration and declaration of interests. Members will be required to register the interests of their partner and/or any dependent children and declare them before taking part in relevant Assembly proceedings. This extra requirement to register and declare interests would be far more robust. However, it might mean that AMs may need to make more registrations/declarations, and could have an impact on whether a Member could vote in Assembly proceedings, depending on their declaration.

Conclusion

11. The Committee on Standards of Conduct considers that the current arrangements for the registration and declaration of indirect interests may cause confusion. A more streamlined approach will make the arrangements more transparent and enforceable. The Committee believes that the proposed changes will provide for a far more robust system of registration and declaration of interests, which will benefit Assembly Members and the National Assembly for Wales as a whole.

**Committee on Standards of Conduct
December 2001**

Members are currently required to register/declare their interests in accordance with the following:-

Direct Interests

Section 72 of the Government of Wales Act 1998 and **Standing Order 4** provide for the Assembly to establish and publish a register of Members' interests. Assembly Members must declare any financial or other specified interest before taking part in any proceedings on which such an interest bears.

The **Annex to Standing Order 4** defines which interests are to be registered.

Standing Order 4

Indirect Interests

Paragraph 2 of an **Assembly Resolution of 19 May 1999** provided that indirect interests of Members in matters particularised in the Annex to the Standing Orders "or in matters of that kind" should also be registered "if it might reasonably be thought by others who knew of the interest that it might influence the Member's conduct of Assembly business."

Paragraphs 6 and 7 of the associated **Guidance for Assembly Members on the Registration and Declaration of Members' Financial and Other Interests** (adopted in Plenary on 19 May 1999) provide a definition of indirect interests. Such interests occur "where another person has an interest (financial or otherwise) in the matter in question and there is an established relationship (of whatever nature) between that Member and that other person."

Standing Order 4 ANNEX - (Proposed Revised Standing Order 4 Annex)

The interests which are to be registered in the Register of Interests of Assembly Members and which are to be declared before speaking in any Assembly proceedings

[Note: Members should, in listing their registrable interests, have regard to any relevant resolutions, Codes of Practice or Guidance Notes which the Assembly may have adopted on this matter.]

General

I. Any remunerated activity in the areas of public relations, and political advice and consultancy relating to the functions of the Assembly shall be included in that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any proceedings in the Assembly, or a committee or sub-committee of the Assembly, the sponsoring of functions in the Assembly buildings, and making representations to the Assembly Cabinet or any of its Members.

II. 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.

III. For the purposes of the registration and declaration of interests specified in the categories:-

- a) a Member's partner means a spouse or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses; and
- b) a dependent child is any person who, at the time of registration is under the age of sixteen or is under the age of nineteen and receiving fulltime education by attendance at a recognised educational 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.

The Registrable Interests

The registrable interests are:

1. Directorships held by the Member or, to the Members 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.
2. Employment, office, trade, profession or vocation (apart from membership of the Assembly) for which the Member or, to the Members knowledge, the Member's partner or any dependent child of the Member, is remunerated, or in which the Member or, to the Members knowledge, the Member's partner or any dependent child of the Member, has any pecuniary interest.
3. The names of clients when the interests referred to above include services by the Member or, to the Members knowledge, the Member's partner or any dependent child of the Member, which arise out of, or are related in any manner to, his or her membership of the Assembly.
4. 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.
5. Any remuneration or other material benefit which a Member or, to the Members knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which has tendered for, is tendering for, or has, a contract with the Assembly.
6. Financial sponsorship (i) as a candidate for election to the Assembly, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (ii) as a Member of the Assembly by any person or organisation, stating whether any such sponsorship includes any payment to the Member or any material benefit or advantage.
7. Subject to any resolution of the Assembly, overseas visits made by the Member or, to the Members knowledge, the Member's partner or any dependent child of the Member, relating to or arising out of membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or by public funds.
8. Any land and property, of the Member or, to the Members knowledge, the Member's partner or any dependent child of the Member, which has a substantial value as specified in any resolution of the Assembly or from which a substantial income is derived other than any home used for the personal residential purposes of the Member or the Member's partner or any dependent child of the Member.

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

10. 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.

11. Membership by the Member of the Freemasons.

NATIONAL ASSEMBLY FOR WALES
GUIDANCE FOR ASSEMBLY MEMBERS
ON THE
REGISTRATION AND DECLARATION
OF
MEMBERS' FINANCIAL AND OTHER
INTERESTS

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SECTION 1: INTRODUCTION & STATUTORY FRAMEWORK

1.1 This guidance was approved by the Assembly on XXXX 2002. It replaces in its entirety the original “Guidance for Assembly Members on the Registration and Declaration of Members’ Financial and Other Interests” which was approved by the Assembly on 13 February 2001.

1.2 The purpose of this guidance is to assist Members in discharging the duties placed upon them under section 72 of the Government of Wales Act 1998 (“the Act”), the Assembly’s standing order 4 and the Assembly’s resolution of 19th May 1999 in relation to indirect interests. It is not however a substitute for the Act, standing order 4 or the Assembly’s resolution, which Members must comply with when first registering and subsequently reviewing their interests and declaring them. References in this guidance to proceedings of the Assembly include references to proceedings of its committees and sub-committees.

1.3 Section 72(6)(a) of the Government of Wales Act makes it an offence, liable to a fine not exceeding level 5 on the standard scale, if a Member takes part in any Assembly proceedings without having complied with, or in contravention of, the Act and the standing orders on registration and declaration of interests, voting and paid advocacy.

1.4 Responsibility for complying with the duties placed upon them rests with Members alone, although they may seek the advice of the Presiding Officer, the Clerk or members of his staff

1.5 The main elements of the Assembly’s standing order 4 are:

- SO 4.1 - registration of interests in a register which is open for public inspection, and deposit of employment agreements;
- SO 4.5 - declaration of relevant interests before a Member takes part in any Assembly proceedings;
- SO 4.6 - a bar on paid advocacy in any proceedings of the Assembly;
- SO 4.7 - 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 generality of persons affected by the decision;
- SO 4.8 - possible exclusion of Members and withdrawal of the rights, for those who fail to comply with standing orders (as well as imposition of criminal sanctions);
- SO 4.10 - requirements in relation to the form and depositing of employment agreements involving the provision of services in a Member’s capacity as an Assembly Member.

These provisions are explored in detail in Sections 2 and 4-7 of this guidance.

1.6 The Annex to standing order 4 specifies that the Assembly may specify by resolution definitions, limits or values in relation to the categories of interests set out in the Annex. These were specified in an Assembly resolution of 19th May 1999.

SECTION 2 - THE REGISTER OF INTERESTS SO 4.1 & 4.2

Under section 72(1) of the Act there is a requirement for there to be a register of interests of Assembly Members and for Assembly Members to register such interests (as defined in the standing orders) in that register. Interests are detailed in standing order 4 and the Annex to the standing order. The policy behind the requirement for a register is to give notification on a continuous basis to Assembly Members and to the public of those financial and other interests which might be thought to influence their conduct or actions in the Assembly. The annex to the standing orders specifies the categories of interests that **must** be registered. The provisions are neither optional nor voluntary. Participation in proceedings, having failed to register the interests specified in the annex, is an offence under Section 72(6)(a) of the Government of Wales Act. Guidance and any advice given by the Presiding Officer and/or his Office, are not a definitive interpretation of the requirements arising out of the Act and standing orders. Legal interpretation rests finally with the Courts. Because of the requirement in standing order 4.4 to notify any new or changed interests within 4 weeks of the change/interest occurring, Members are advised to review their interests regularly and at least annually by 1 July each year.

Some Members may decide to adopt a practice of registering interests which they are not obliged to register, e.g. hospitality whose value falls below the prescribed threshold of 0.5% of Members' salaries or interests possessed by the Member's immediate family other than the Member's partner or dependent child. There is nothing to prevent this, although it could lead to unfavourable comparisons being drawn between those who properly meet the requirements of the Act and standing orders and those who choose to exceed them.

2.1 Registration in practice - SO 4.3 & 4.4

Standing order 4.3 requires Members to complete a registration form and submit it to the Presiding Officer within **eight** weeks of taking the oath or making the affirmation. It is then the responsibility of Members to notify changes in their registrable interests within **four** weeks of each change occurring.

The contents of the register are available for public inspection. An updated copy is placed on the Assembly's website every quarter and a copy can be inspected in the Assembly building (via the Table Office) or via the Intranet (Members Area/Members details/Interests). Copies of individual entries in the Register may be supplied on request in accordance with section 119 of the Act.

2.2 Declaration of Members' interests - SO 4.5

The standing order relating to declaration of interest is broader in scope than the standing orders relating to the registration of interests. As well as current interests

(ie 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 4 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. The main policy behind the requirement for a declaration of interest is to ensure that Assembly Members and the public are aware of any financial or other interest which might reasonably be thought to be relevant to the proceedings in which the Member wishes to speak.

Participation in proceedings without declaring any **current** relevant interests that a Member may have as specified in the annex to the standing orders is an offence under section 72(6)(a) of the Government of Wales Act. Failure to declare a **future** interest is not a criminal offence under the Act but may be the subject of a complaint to the Standards Committee under standing order 16.1(l).

Expected future interests may be more significant than current interests and candour is 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 SO4, a declaration must be made. 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 passed beyond vague hopes and aspirations and 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 (standing order 4.7).

For the purpose of making declarations, proceedings, in addition to debates in plenary sessions of the Assembly, include debates in committees and sub-committees and meeting of committees and sub-committees at which evidence is heard. An interest should be declared if it is within a category specified in the annex to the standing order 4 and if it is in any matter to which the proceedings relate. It is the responsibility of the Member to judge whether an interest sufficiently relates to a particular proceeding to require a declaration.

SO 4.5 requires the declaration to be made orally and because of the provisions of section 72(2) of the Act it would appear that a declaration should be made on each occasion that a matter is discussed. The basic principle is that Members’ should declare relevant interests each time that they participate in proceedings of the Assembly i.e.

- *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* - at the beginning of each Committee meeting

Provided that the details (including any relevant amounts) are in the Register of Interests then 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 yet in the Register or are ones which the Member or to the

Member's knowledge, the Member's partner or any dependent child of the Member may expect to have in the future, then the full details (including any relevant amounts) will be required to be given in the declaration.

The declaration 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". The declaration must 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".

Although no particular form of words is required, provided the declaration is clear, Members may find it useful to model their declaration on the following:

"Chair (or Mr. Presiding Officer, as the case may be). I wish to declare an interest in the matter under discussion. I am a farmer whose land would be affected by the scheme (or as the case may be) Details are recorded in the register of members' interests."

However, the responsibility for deciding whether to make a declaration lies with the individual Member.

SECTION3 - PAID ADVOCACY - SO 4.6

Involvement of the Member

3.1 The Government of Wales Act and standing order 4.6 prohibits paid advocacy. No Member may take payment for advocating or initiating any cause or matter in the Assembly on behalf of any body or individual. This means that a Member must not, in consideration of payment or benefit in kind, advocate or initiate any cause or matter by speaking in proceedings, voting, tabling an oral or written question, tabling a motion, tabling or moving an amendment to a motion or to subordinate legislation, tabling or signing up to a written statement of opinion, or urging a colleague to do so. Members should note that the prohibition also applies where the payment or benefit is one that to the Member's knowledge is or is expected to be received by the Member's spouse.

3.2 The standing order does not prevent a Member from holding a remunerated outside interest as a director, consultant, or adviser, or in any other capacity, whether or not such interests are related to membership of the Assembly. Nor does it prevent a Member from being sponsored by a trade union or any other organisation, or holding any other registrable interest, or from receiving hospitality in the course of his or her Assembly duties whether in the United Kingdom or abroad. Nor does it prevent any Member from being a paid adviser on Assembly matters, or receiving any form of remuneration from any outside body.

3.3 However, in each case the Member is prevented by the SO from carrying out any action referred to in SO 4.6 in any proceedings of the Assembly or its committees.

Involvement with other Members

3.4 Members must not, for payment or benefit as described above, urge any other Member to advocate or initiate any cause or matter in Assembly proceedings.

3.5 In common with the standing orders relating to registration and declaration of interests, the main responsibility for observation of the rule against paid advocacy lies with the individual Member.

SECTION 4: RESTRICTIONS ON VOTING - SO 4.7

4.1 Under standing order 4.7 where a Member has an interest which is required to be registered or declared under SO4 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 persons affected by the decision generally. Otherwise, Members may vote in the proceedings of the Assembly. As with the requirement to register and declare interests, failure to comply with standing order 4.7 on this matter is an offence under Section 72(6)(a) of the Government of Wales Act.

4.2 There is no clear answer for every situation. It may be very difficult for a Member to be clear, when voting, who are the persons who are or might be affected by the decision generally and whether that Member might directly benefit financially more than such persons generally.

4.3 There are two questions to be considered:

The first is whether the particular matter to be voted on in the Assembly or in a Committee involves a decision which might affect an interest required to be registered or declared under the Annex to the Standing Order. These interests are generally (but not exclusively) financial interests. It would not be every matter voted on by the Committee, or the Assembly, which involved such a result. For example, a recommendation to an Assembly Secretary or to the Assembly by a Member who is a farmer to pursue a particular course of action (e.g. to adopt a particular scheme for supporting agriculture) could be seen as at least tending to result in direct financial advantage. General expressions of view on agricultural matters would not.

The second question is whether a decision "might result in a direct financial advantage to the Member greater than that which might accrue to persons affected by the decision generally". This is the most difficult aspect of the provision. The difficulty is in deciding who are the "persons affected by the decision generally" to whom a financial advantage might accrue. For example, in relation to a farming matter, if that meant "the population of Wales" then no farmer could vote on a matter affecting the incomes of farmers. It is therefore unlikely that this is the

intention of the standing order. It is more likely to mean any particular persons affected by a particular decision. E.g. farmers in an area where a scheme of agri-environmental grants are proposed. When the persons have been identified then the question is whether the Member might directly benefit financially more than those persons generally. For example because certain grant conditions are particularly fulfilled in relation to a Member's registrable interest, a Member who is a farmer might be particularly well-placed to benefit more from a proposed local grant scheme than other farmers in the area. That might prohibit that member from voting in relation to that scheme.

4.4 The Standards Committee has endorsed the following advice: You should not vote if the decision might result in a direct financial advantage to you "greater than that which might accrue to persons affected by the decision generally". This means that:

- a) You are therefore able to vote if you are satisfied that your interest would only be an indirect one; as would be the case if a member of your family would be the only direct beneficiary.
- b) Even if you were a direct beneficiary, you would be able to vote unless a greater benefit might result to you than to the generality of people affected.

This latter point is hard to interpret precisely and as explained above the only safe advice for Members must be "if in doubt, don't vote".

SECTION 5: EMPLOYMENT AGREEMENTS - SO 4.10

5.1 Any Member who has, or who proposes to enter into, an agreement involving the provision of services in the Member's capacity as an Assembly Member shall ensure that the agreement:

- is not in breach of standing order 4.6 (prohibition of paid advocacy)
- is in writing
- indicates the nature of the services to be provided
- specifies the payment or benefit the Member is to receive.

5.2 The Member is required to deposit a copy of the agreement with the Presiding Officer within 4 weeks. Employment agreements will be open to inspection by Assembly Members and by the public. Agreements will not be published or placed on the Assembly website but will be open to inspection by Assembly Members and by the public on request.

5.3 The requirement for agreements to be in writing and deposited with the Presiding Officer applies to any arrangement whereby a Member may offer advice about Assembly matters. For example, a continuing paid commitment to produce a newspaper column or to take part in a radio or television programme about matters concerning the Assembly would have to be the subject of a written agreement. The SO does not require such a commitment to be in the form of a written agreement if its subject is wholly unrelated to Assembly affairs. Occasional

engagements where there is no ongoing commitment to provide a service, such as ad hoc current affairs or news interviews or intermittent panel appearances, may not need to be the subject of a written agreement but any remuneration received from such engagements would need to be registered under category 2.

5.4 It may not always be immediately obvious whether a particular agreement to provide services arises from, or relates to, membership of the Assembly. There will be cases that are difficult to classify. Some Members, for example, may provide advice on Assembly matters incidentally as part of a much wider employment agreement covering matters wholly unrelated to the Assembly. In these circumstances, it is in the first instance for an individual Member to decide whether the requirement of SO 4.10 should be met by isolating the Assembly services within a separate, depositable agreement. In reaching that decision the Member may wish to consult the Presiding Officer, the Clerk, or a member of his Office, but the matter remains one for the Member initially to decide.

SECTION 6: FAILURE TO COMPLY & COMPLAINTS PROCEDURE

The responsibility for ensuring the application of the requirements of standing order 4 and the Assembly's resolutions on interests rests initially with Assembly Members. It is therefore appropriate for this guidance to outline the arrangements for enforcement and penalty in cases of non-compliance.

6.1 Non-compliance

Section 72(6) of the Government of Wales Act makes it an offence for a Member to take part in any proceedings without having complied with the standing orders on:

- registration of interests
- declaration of interests (current not future - see paragraph 2.3)
- voting in proceedings
- paid advocacy.

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.

A protocol for dealing with complaints about a contravention of section 72(6) of the Act has been signed [negotiated/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 Office of the Presiding Officer.

6.2 Withdrawal of rights and exclusion - SO 4.8 & 4.9

Section 72(5)(a) of the Act allows the Assembly's standing orders to provide for the Assembly to exclude from its proceedings for a specified period Members who have failed to comply with, or have contravened, the standing orders on registration, declaration, voting and advocacy. These are covered in standing orders 4.8 & 4.9.

6.3 The Committee on Standards of Conduct: standing order 16

Standing order 16 sets out the role of the Committee on Standards of Conduct in relation to the matters dealt with in this guidance. Its primary role is to investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Presiding Officer that a Member has not complied with the standing orders. Following the submission of a report to the Assembly in relation to a failure to comply with standing orders, the Assembly may resolve to exclude a Member for a specified period.

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.

The above sanctions are in addition to the possibility of prosecution under section 72(6) of the Government of Wales Act.

6.4 - Assembly Complaint Procedure

Complaints, whether from Assembly Members or from members of the public, should be addressed in writing to the Presiding Officer.

The acknowledgement of receipt of a complaint by the Presiding Officer is not to be interpreted as an indication that there is a *prima facie* case for investigation. A copy of the Assembly's complaint procedure is available from the Standards Committee Secretariat in the Office of the Presiding Officer. In March 2000 the Assembly appointed an Adviser to provide advice and assistance to the Presiding Officer on any matter relating to the conduct of Members and to investigate, upon invitation from the Assembly's Committee on Standards of Conduct, factual matters arising out of any matter before it. A protocol for the role of and access to the Adviser has been agreed between the Presiding Officer, the Committee and the Adviser. Further details are available from the Standards Committee Secretariat, Office of the Presiding Officer.

The Categories of Statutorily Registrable & Declarable Interests

The Annex to standing order 4 requires Assembly Members to register their interests in the following categories and declare them before speaking in proceedings to which they are relevant. Before considering the detail, Members should take note of the two general requirements set out in the annex to the standing orders:

- 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.

A partner is defined as "a spouse 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 if they are spouses".

A dependent child is defined as "any person who, at the time of registration is under the age of sixteen or is under the age of nineteen and receiving fulltime education at a recognised educational 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."

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.

In this category, and in others 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. 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 that is not self-evident from its name. In addition to any remunerated directorships, Members are also required to register/declare 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.

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 or any dependent child of the Member, is remunerated or in which the Member has any pecuniary interest.

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. For employment, Members should state the employer or company and 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".

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 should take care to ensure that such remunerated activity does not fall within the definition of paid advocacy.

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.

Category 3 : The Names of Clients

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

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. 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, 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.

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 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.

Under this category, if a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, 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.

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 Assembly resolved on 19th May 1999 that the specified financial values above which gifts, hospitality and any other benefits must be registered/declared are:

- (i) for tangible gifts (such as money, jewellery, glassware, etc), £125;
- (ii) for other benefits (such as hospitality, tickets to sporting and cultural events, relief from indebtedness, concessionary loans, provision of services, etc), 0.5 per cent of the basic gross annual Assembly salary for an Assembly Member.

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/declared whenever the value of the gift or benefit is greater than the amounts specified in (i) or (ii) 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.

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.

References in this category to Members includes references to their spouses if, to the knowledge of Members, their spouses have received gifts or hospitality which in any way relates to or arises out of the Member's membership of the Assembly.

Category 5 *Contracts with the Assembly*

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

Members should register/declare the source of all remuneration or material benefits received from any company or other body which has tendered or is tendering for contracts with the Assembly. 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.

Category 6 *Financial sponsorships:*

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

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 the standing orders, the Member is required to register/declare the source of any contribution to his or her election expenses in excess of 25 per cent of the total of such expenses. In the case of a Member who was elected from a group of party list candidates, the threshold of 25 per cent relates to the election expenses incurred by or on behalf of that group of party list candidates as included in the return as to election expenses required under article 55 of the National Assembly for Wales (Representation of the People) Order 1999. (The return is submitted by the registered nominating officer of each party which has submitted a list for at least one electoral region at an Assembly election and although the return concerns the party's expenses over the elections as a whole it does require a separate breakdown in respect of each election agent for each group of party list candidates.)

In accordance with standing order 4.4, regional Members should update the Register in relation to category 6 within 4 weeks of the return being submitted. Subsection (ii) 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.

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.

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"; The Assembly resolved on 19th May 1999 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.

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. 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.

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.

Category 7: Overseas visits

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 Assembly public funds.

The Member should provide the date, destination and purpose of the visit, 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 all-party Assembly group but not paid for by the Assembly or by a party 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.

The Assembly resolved on 19th May 1999 that the following categories of visit need not be registered but should be declared when relevant in Assembly proceedings.

- (i) 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;
- (ii) Visits abroad with, or on behalf of, a Committee of the Assembly;
- (iii) Visits arranged for and paid for wholly by a Member's own political party;
- (iv) Visits paid for wholly by an institution of the European Union or by a political group of the European Parliament.

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 (i) to (iv) above or unless the whole cost is paid for by the Member or the Member's partner or any dependent child.

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.

Entries should be reasonably specific as to the nature of the property and general location, for example:

“Woodland in Meirionydd”

“Dairy farm in Vale of Glamorgan”

“3 residential rented properties in Llandudno”.

The Assembly resolved on 19th May 1999 that “substantial value” means an amount equivalent to the basic gross annual salary for an Assembly Member and “substantial income” means an amount equivalent to 10 per cent of the basic gross annual salary for an Assembly Member.

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.

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 of a nominal value greater than one per cent of the issued share capital, or less than one per cent but more than an amount specified in any resolution of the Assembly.

The Assembly resolved on 19th May 1999 that "registration is required in respect of shareholdings of a nominal value less than 1% of the issued share capital where the value of those shareholdings exceeds £25,000".

When determining whether or not shareholdings are registrable/declarable 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 spouse 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.

Category 10 public bodies

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.

The Assembly has 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. Where the Assembly Member or, to the Member's knowledge, 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, that should be registered/declared. The advice of the Presiding Officer, the Clerk or members of his Office, should be sought as to whether a body is funded wholly or in part by the Assembly.

Category 11 Freemasons

Membership by a Member of the Freemasons

Membership of the Freemasons must be registered.

**Office of the Presiding Officer
January 2002**