

COMMITTEE ON STANDARDS OF CONDUCT

Date: Wednesday, 4 April 2001

Time: 9:30 am

Venue: Committee Room 4, National Assembly Building

Title: Protocol With Police - Report For Members of the Committee on Standards of Conduct

Purpose

1. To report on progress towards an all Wales Protocol between the National Assembly for Wales, the Police Forces in Wales and the Crown Prosecution Service for the referral of allegations of offences under Section 72 of the Government of Wales Act 1998 - a copy of which is at Annex A.

Background

2. Under Section 72 (6) of the Government of Wales Act 1998 (the Act) it is an offence for Members not to comply with the requirements on them to Register and Declare specified interests.
3. In July 2000 the Assembly agreed a protocol with the South Wales Police Force and the Crown Prosecution Service to co-ordinate any investigations referred to them of allegations of offences under section 72 of Act. The protocol was established with South Wales Police in the first instance because the Register of Members Interests is held in the Cardiff Bay building, and as such the legal view is that any offences would take place there.
4. However, an allegation of offence, though legally deemed to have taken place in the Assembly Building, may require the majority of an investigation to be undertaken within another Police Force's region, with the co-operation of that force. The protocol with the South Wales Police recognises this and that there may be exceptional cases that would be more appropriately dealt with by another force.
5. The Committee's programme for 2001 identified that the current protocol with the South Wales Police should be expanded to incorporate other forces in Wales and the Crown Prosecution Service to ensure a uniformed approach to all investigations under Section 72 of the Act.

Action

6. The Secretariat discussed the way forward with the Assembly's legal advisor. It is recommended that discussions take place with all forces in Wales and the Crown Prosecution Service, to establish a protocol for the handling of referrals, by the Committee, of any offence under Section 72.

Next Steps

7. The Secretariat will consult with the solicitor for South Wales Police, involved with the drafting of the current protocol, and representatives of the other Forces in Wales, on a revised protocol for all Wales.

Annex A

72. - (1) The standing orders must include provision for a register of interests of Assembly members and for-

- (a) registrable interests (as defined in the standing orders) to be registered in it, and
- (b) the publication of the register.

(2) The standing orders must include provision for requiring any Assembly member who has-

- (a) a financial interest (as defined in the standing orders) in any matter, or
- (b) any other interest, or an interest of any other kind, specified in the standing orders in any matter,

to declare that interest before taking part in any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) relating to that matter.

(3) The standing orders may include provision-

- (a) for preventing or restricting the participation in any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) of an Assembly member if he has a registrable interest, or an interest mentioned in subsection (2), in any matter to which the proceedings relate, and
- (b) for preventing or restricting the exercise of a function by a member of the executive committee, or the exercise of a function by an Assembly member by virtue of section 59(6), if he has a registrable interest, or an interest mentioned in subsection (2), in any matter to which the function relates.

(4) The standing orders must include provision prohibiting an Assembly member-

(a) from advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or

(b) from urging, in consideration of any such payment or benefit in kind, another Assembly member to advocate or initiate any cause or matter on behalf of any person by any such means.

(5) The standing orders may include provision-

(a) for excluding from proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) an Assembly member who fails to comply with or contravenes any provision included in the standing orders in pursuance of subsections (1) to (4), and

(b) for withdrawing his rights and privileges as an Assembly member for the period of his exclusion.

(6) An Assembly member who-

(a) takes part in any proceedings of the Assembly (including proceedings of a committee of the Assembly or of a sub-committee of such a committee) without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsection (1), (2) or (3)(a),

(b) exercises any function in contravention of any provision included in the standing orders in pursuance of subsection (3)(b), or

(c) contravenes any provision included in the standing orders in pursuance of subsection (4),

is guilty of an offence.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(8) A prosecution for an offence under subsection (6) shall not be instituted except by or with the consent of the Director of Public Prosecutions.