

# **Inquiry into the Registration and Declaration of Interests**

## Consultation

March 2023

The Standards of Conduct Committee (the Committee) is undertaking an inquiry into the Registration and Declaration of Interests.

The last substantial review of registration and declaration of interests took place in 2014. That review recommended that a system of declaring relevant interests be introduced to enhance transparency, as well as making some changes to categories such as blind trusts and shareholdings.

The Committee has agreed to review whether the arrangements for the registration and declaration of interests remain fit for purpose across Senedd Business.

The Committee would welcome your views on the questions posed in this consultation and anything else on the topic that you consider relevant. Please submit your response by 24 April 2023 to [Seneddstandards@Senedd.wales](mailto:Seneddstandards@Senedd.wales).



## How to Respond

### Providing Written Evidence

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The Senedd has two official languages, Welsh and English.

In line with the [Senedd's Official Languages Scheme](#), the Committee welcomes contributions in both or either of our official languages, and we ask organisations that are subject to Welsh Language standards or schemes to respond in line with their own obligations. Please inform the Committee when submitting responses if you intend to provide a translation at a later date.

Please see [guidance for those providing evidence for committees](#).

If you wish to submit evidence, please submit a single document (preferably as a Word document) with any tables, spreadsheets and annexes incorporated into the paper of your submission to [Seneddstandards@Senedd.Wales](mailto:Seneddstandards@Senedd.Wales). Submissions should be no longer than five sides of A4, with numbered paragraphs.

Further guidance on preparing written evidence can be found on the [Senedd website](#).

The deadline for submissions is 5.00pm on **Monday 24 April 2023**.

### Disclosure of Information

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Before submitting information to the Committee, please ensure that you have considered the [Senedd's policy on disclosure of information](#). Alternatively, a hard copy of this policy can be requested by contacting the Committee Clerk (0300 200 6565) or [Seneddstandards@senedd.wales](mailto:Seneddstandards@senedd.wales)

## Inquiry into Registration and Declaration of Interests - Consultation

1. The Standards of Conduct Committee is undertaking an inquiry into the registration and declaration of interests. It has agreed to consider:

*Whether the Senedd's current arrangements for the registration and declaration of interests remain fit-for-purpose across Senedd Business.*

2. Standing Order 2 sets out requirements for the Llywydd to

*"...maintain and publish a Register of Interests of Members and copies must be available for inspection by Members and by the public."*

3. Alongside the requirement for a Register of Interests in Standing Order 2.1 (set out above), rules relating to the register and to the declaration of registrable and relevant interests are also set out in Standing Orders, and further detail on the registration requirements is provided in a guidance document.

4. The annex to Standing Order 2 sets out 10 categories of registrable interests (annex B). Standing Order 3 sets out the rules for recording the employment of family members with the support of Commission funds (annex C), and Standing Order 4 sets out the requirements for recording time involved in all registrable activities (annex E). Standing Order 5 sets out the recording of membership of private societies or clubs which have entry requirements (annex D).

5. The requirements for the declaration of registrable interests before taking part in Senedd proceedings are set out in Standing Orders 2.6 and 2.7 (annex A), and the requirements for the declaration of relevant interests are set out under Standing Order 13.8A for plenary proceedings and 17.24A for committee proceedings.

6. Standing order 22.2(iii) states the responsible Committee (Standards of Conduct Committee) must:

*"supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests, the Record of the Employment of Family Members with the Support of Commission Funds, the Record of Members' Time Involved in Registrable Activities and the Record of Membership of Societies and the form and content of the Register and the Records"*

### Why is this important?

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**7.** The process of registering and declaring interests is important for elected Members as it gives:

*"...public notification on a continuous basis of those financial interests/material benefits held by Members which might be thought to influence their parliamentary conduct or actions."<sup>1</sup>*

**8.** Failure to register and declare a registerable interest is a criminal offence. Failure to declare any interest (registerable or relevant) can be investigated by the Commissioner for Standards.

**9.** The last substantial review of the registration and declaration of interests took place in 2014. This review recommended that a system of declaring relevant interests be introduced to enhance transparency, as well as making some changes to categories such as blind trusts and shareholdings. The Committee considered it therefore timely to undertake work in this area.

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<sup>1</sup> Group of States against Corruption (GRECO), Fourth Evaluation Round – United Kingdom (6 March 2013), p.12

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## Consultation

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**10.** The Committee is particularly interested on your views in the areas below, but would welcome any wider observations on the registration and declaration of interest for Members of the Senedd:

### Registering Interests

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The annex to Standing Order 2 sets 10 categories of interests which are to be registered in the Register of Interests of Members. These interests are to be registered in relation to a Member, a Member's partner/spouse and dependent child.

The Categories are listed at annex B to this consultation.

- Are there any categories or parts of categories that are no longer relevant?
- Are there any additional categories that should be captured?
- Do the areas within each of the categories capture the correct information?
- Is the register visible/transparent enough?
- Are the reporting requirements in terms of timeframe and value sufficient?

### Declaring registerable and relevant interests

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As well as registering interests on their individual register, Members are required to declare registerable interests under Standing Order 2.6 and 2.7 before taking part in Senedd proceedings in specific circumstances (Standing Order 2.6 and 2.7 are set out in Annex A).

- Are the rules for declaring registerable interests appropriate?

In addition to registerable interests, Members must declare relevant interests as well. These are interests which are not necessarily required to be included on a Member's register but nevertheless may be seen to be relevant to a Member's contribution to Senedd proceedings. These are set out under Standing Order 13.8A for plenary proceedings and 17.24A for committee proceedings.

- Are the rules on declaring relevant interests appropriate?
- Do such declarations increase the transparency and accountability of Senedd proceedings?
- Could the rules and/or process be improved?

Standing Orders set out how registrable and relevant interests are to be declared prior to participating in Senedd proceedings, however there are other occasions where such interests may need to be noted and made clearer for transparency.

- Should interests be declared elsewhere, such as when tabling written questions and other tabled business?

### **Additional registration requirements**

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Beyond the requirements set out in Standing Order 2, there are further reporting requirements set out in Standing Orders. These include requiring the registration of Members' family members who work for another Member (Standing Order 3 – Annex C) and the Membership of Societies (Standing Order 5 – Annex E).

The requirements under Standing Order 3 require the full name of family Members to be included in the register, as well as their job title. This is a greater disclosure requirement than under Standing Order 2, where members just note the relationship with a person e.g. spouse and then the relevant interest.

- Should family members be named under Standing Order 3?
- Does Standing Order 5 remain relevant and appropriate?

### **The Guidance**

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Alongside the information contained within Standing Orders, there is a comprehensive [guidance document](#) which provides more information on how and what to register. This guidance is aimed at helping Members to undertake their requirements for registering and declaring interests.

- Are there any improvements needed to the guidance?

## **Annex A - Declaration of Registrable Interests before Taking Part in Any Senedd Proceedings**

In the circumstances specified in Standing Order 2, before taking part in any Senedd proceedings, a Member must make an oral declaration of any financial interest which he or she has, or may be expecting to have, or which, to the Member's knowledge, the Member's partner or any dependent child of the Member has, or may be expecting to have in any matter arising in those proceedings.

An oral declaration under Standing Order 2.6 must be made in relation to any interest which is specified in paragraph 5 of the Annex to Standing Order 2 if a particular decision in those proceedings might result in a direct financial advantage to the Member, or, to the Member's knowledge, the Member's partner or any dependent child of the Member, greater than that which might accrue to the electorate generally.

## **Annex B - The Registrable Interests**

The registrable interests are:

- (i) 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;
- (ii) employment, office, trade, profession or vocation (apart from membership of the Senedd) for which the Member or, to the Member's knowledge, the Member's partner, is remunerated, or in which the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, has any pecuniary interest, including the receipt of any public funds;
- (iii) the names of clients when the interests referred to in paragraphs (i) and (ii) above include services by the Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member over the age of sixteen, which arise out of, or are related in any manner to, his or her membership of the Senedd;
- (iv) gifts, hospitality, material benefits or advantage above a value specified in any resolution of the Senedd 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 which arise out of, or are related in any manner to, membership of the Senedd;
- (v) any remuneration or other material benefit which a Member or, to the Member's knowledge, the Member's partner or any dependent child of the Member, receives from any public or private company or other body which, to the Member's knowledge, has tendered for, is tendering for, or has, a contract with the Senedd Commission or the Welsh Government;
- (vi) financial sponsorship (a) as a candidate for election to the Senedd, where to the knowledge of the Member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses, or (b) as a Member of the Senedd by any person or organisation. In registering such an interest, a Member must state whether any such sponsorship includes any payment to the Member or any material benefit or advantage;
- (vii) subject to any resolution of the Senedd, overseas visits made 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, membership of the Senedd where the cost of



any such visit has not been wholly borne by the Member or from funds provided by the Senedd or by Parliament or by any organisation of which the Senedd is a member;

(viii) any land and property 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 Senedd or from which a substantial income is derived other than any home used for the personal residential purposes of the Member, the Member's partner or any dependent child of the Member;

(ix) 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 of the Member, a beneficial interest, or in which, to the Member's knowledge, the Member's partner or a dependent child of the Member has a beneficial interest, in shareholdings of a market 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 Senedd;

(x) 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 out of funds provided by the Senedd Commission or the Welsh Government, where the Member knows, or ought to have known, of the Senedd Commission or Welsh Government funding.

## **Annex C - Recording of the Employment of Family Members with the Support of Commission Funds.**

[Note: a requirement for notification under Standing Order 3 is in addition to any requirement to register the employment of a Member's partner or dependent child under Standing Order 2. Where Standing Order 2 requires a Member to register the employment of a spouse or dependent child under that Standing Order, the Member must do that in addition to any notification required under Standing Order 3.]

1.1 A Member who at any time, with the support of Commission funds, employs, either directly or indirectly, a person whom that Member knows to be a family member of that Member or of another Member must, no later than the date specified in Standing Order 3.4, make a notification under Standing Order 3.

1.2 In Standing Order 3:

(i) "family member" means:

- (a) a partner of a Member;
- (b) a child or grand-child of a Member;
- (c) a parent or grand-parent of a Member;
- (d) a brother or sister of a Member;
- (e) a nephew or niece of a Member; or
- (f) an uncle or aunt of a Member;

(ii) "partner" means a spouse, civil partner or one of a couple whether of the same sex or of the opposite sex who although not married to each other are living together and treat each other as spouses;

(iii) the expressions "child", "grand-child", "parent", "grand-parent", "brother", "sister", "uncle" and "aunt" apply equally to half-, step-, foster- and adoptive relationships and also apply to persons having the relationship in question to the partner of the Member;

(iv) "Commission funds" means amounts paid by the Commission by way of allowances under sections 20, 21 or 53 of the Act.

1.3 The notification required by Standing Order 3 must include the following information:

- (i) the Member's name;
- (ii) if the employee is a family member of another Member or Members, the name of that other Member or of those other Members;
- (iii) the full name of the employee;
- (iv) the relationship of the employee to the Member (or, where appropriate, to the Member or Members referred to in (ii));
- (v) the capacity in which the employee is employed, including any job title;
- (vi) the date on which the employment commenced;
- (vii) if the employment has ceased, the date on which it ceased; and
- (v) the hours which the employee is contracted to work each week.

1.4 Notification must be made:

- (i) within eight weeks of the date on which the Member takes the oath or affirmation of allegiance; or
- (ii) within four weeks of:
  - (a) the first occasion on which the family member receives a payment with the support of Commission funds;
  - (b) the date on which the employee becomes a family member of that Member or of another Member; or
  - (c) the date when the Member first becomes aware of the fact that the employee is a family member of that Member or of another Member,

whichever is the later.

1.5 If:

- (i) notification has been given under Standing Order 3; and
  - (ii) there has been any change to the information which was included in that notification,
- the Member must, within four weeks of the date on which that change took place, make notification of that change.

1.6 Notification under Standing Order 3.1 or under Standing Order 3.5 must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.

1.7 The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 3 and must publish the record and make a copy available for inspection by Members and by the public.

1.8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Order 3.1 or 3.5.

## **Annex D - Recording Time Involved in Registrable Activities**

### General

1.1 Where a Member is required to register an interest, in accordance with Standing Order 2.2, that Member must at the same time, where that interest is also a registrable activity, make a notification under Standing Order 4.

1.2 For the purposes of Standing Order 4, a "registrable activity" is a registrable interest which falls within either:

- (i) sub-paragraph (i) of paragraph 5 of the Annex to Standing Order 2 (remunerated directorships); or
- (ii) sub-paragraph (ii) of that paragraph (employments, offices, trades, professions or vocations), and relates to the Member himself or herself (rather than to a partner or dependent child of the Member).

### Notification

1.3 Notification is to be by reference to the following bands:

- (i) Band 1: Less than 5 hours per week;
- (ii) Band 2: Between 5 and 20 hours per week;
- (iii) Band 3: More than 20 hours per week.

1.4 Notification must state into which of those bands the average number of hours which the Member devotes (or expects to devote) to each registrable activity each week will fall.

1.5 If (whether as a result of a change of circumstances or for any other reason) the notification which a Member has given in relation to a registrable activity is no longer correct, the Member must, within four weeks, make a further notification under Standing Order 4.

1.6 Notification must be given by completing and signing the form prescribed by the Presiding Officer for the purpose and delivering it to the Clerk.

### Publication

1.7 The Presiding Officer must maintain a record of the notifications made by Members under Standing Order 4 and must publish the record and make a copy available for inspection by Members and by the public.

### Form of Notification and Record

1.8 The form prescribed by the Presiding Officer under Standing Order 4.6 may be combined with the form prescribed by the Presiding Officer under Standing Order 2.2.

1.9 The record of notifications maintained by the Presiding Officer under Standing Order 4.7 may be combined with the Register of Interests maintained by the Presiding Officer under Standing Order 2.1.

## **Annex E – Recording Membership of Societies**

1.1 A notification must be made by any Member of any membership, or position of general control or management, of a private society or a private club which has entry requirements for membership.

1.2 For the purposes of Standing Order 5.1, "entry requirements for membership" does not include:

(i) the requirement to pay a subscription; or

(ii) the agreement to and signing of terms and conditions of membership of the society or club (other than any term and condition relating to selection for membership).

1.3 The Presiding Officer must maintain and publish a record of the notifications by Members of the matters set out in Standing Order 5.1 and copies must be available for inspection by Members and by the public.

1.4 Notifications must be made by completion of a form prescribed by the Presiding Officer.

1.5 Within eight weeks of a Member taking the oath of allegiance or making the corresponding affirmation, he or she must complete the form prescribed by the Presiding Officer, and must sign the form and deliver it to the Clerk.

1.6 Within four weeks of membership or change to membership occurring, a Member must notify the Presiding Officer by completion of the prescribed form; and must sign the form and deliver it to the Clerk.

1.7 The form referred to in Standing Order 5.5 or 5.6 is not to be regarded as having been delivered until it is received by the Clerk.

1.8 Members are under a continuing duty to ensure, by inspecting the record of notifications from time to time, that it correctly contains the particulars notified by them under Standing Order 5.5 or 5.6.