

**STANDARDS OF CONDUCT COMMITTEE**  
**CONSULTATION ON INQUIRY INTO THE REGISTRTION AND DECLARATION**  
**OF INTERESTS**

**EVIDENCE OF THE SENEDD COMMISSIONER FOR STANDARDS**

**Registering interests**

Whilst the current provisions are not known to have been ineffective, they are significantly less detailed than those in either the Scottish Parliament or the House of Commons.

*Category 2 – employment, office, trade, profession or vocation*

It should be made clear that the exclusion '*apart from Membership of the Senedd*' extends also to the enhanced element of the payments received by holders of offices such as Ministers, Committee Chairs and members of the Senedd Commission.

*Categories 2, 3, 4, 5, 8, 9 & 10*

The definition of 'partner' in SO 32.2(ii) should be applied.

The definition of 'child' in SO 3.2(iii) should be applied.

Consideration should be given to whether the references to '*dependent child*' should be changed to '*dependant family member*' or '*any other person dependant on the Member.*' It is hard to see why, for example, a gift to a dependent child should be registerable but one to a dependant grand-child or an unrelated person who is a dependent should not.

Consideration should be given to the omission of the last five words in the references to '*dependent child of the Member over the age of sixteen*'.

*Category 10*

It is hard to see the rational for requiring registration of mere membership of a body that happens to be in receipt of funding from the Senedd Commission or the Welsh Government. Consideration should be given to restricting the registration requirement to the holding of a position of general control or management in any such body.

*New categories*

Consideration should be given to the introduction of a new category, similar to the House of Commons Category 10 requiring the registration of details of any family member engaged in lobbying in the public sector,

Consideration should be given to the introduction of a new category, similar to the House of Commons Category 8 Miscellaneous – covering any interest not covered

by the other categories that might reasonably be thought by others to influence the words or actions of the Member.

The current register is far from 'friendly' either for Members who have to comply with it or anyone who wishes to check on the interests of one or more Members. The latest version of the register available via Google is dated 12 April 2022. If the purpose of the registration is to be achieved it is important that up to date information is readily available on line to the public.

The current paper-based system that Members have to use to register or change their interests should be replaced by an online system.

### **Declaring registerable and relevant interests**

I have previously recommended to the Committee that Members should be required to declare a registerable or relevant interest when tabling written questions. That remains my view. There is no logic in requiring declaration in relation to only oral questions. But to increase transparency I believe that consideration should now be given to mirroring the requirements in the Scottish Parliament. Section 3 paragraphs 9 and 10 of that Parliament's Code of Conduct require Members to make a written declaration of interest before taking part in proceedings. Proceedings include –

- a) lodging questions for oral or written answer,
- b) lodging motions, amendments to motions,
- c) introducing a Bill, or lodging a proposal for a Member's Bill,
- d) lodging amendments to Bills, or
- e) adding the member's name in support of any of the proceedings referred to in (a) to (d) above.

### **Additional registration requirements**

In relation to SO 3, I see no significant advantage in the requirement to provide the full name of the employed person. I believe the requirement in SO 3.3(iii) could be dispensed with.

I do not believe that relevant information is, in practice, obtained by virtue of SO 5. If a new Miscellaneous category of registerable interest is created and the provisions on declaration of interests are revised, I think SO 5 could be dispensed with.

## **The Guidance**

The Guidance is likely to require substantial revision as a result of any recommendations made by the Committee following this consultation. It would be helpful of the revised Guidance covered SOs 2, 3, 4 and, if it is continued, 5.

**DOUGLAS BAIN CBE TD**

**SENEDD COMMISSIONER FOR STANDARDS**

4 May 2023