

# P-06-1468 Set stricter rules to limit gifts, donations and payments received by Members of the Senedd

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Petitions Committee | 20 January 2025

Reference: SR24/9547-12

**Petition Number:** P-06-1468

**Petition title:** Set stricter rules to limit gifts, donations and payments received by Members of the Senedd

**Text of petition:** There has been wide public concern over large donations given to a prominent Member of Senedd. Lessons must be learnt from this. Wales must preserve and enhance its reputation for transparency and integrity. All Members of Senedd have a duty to ensure that no conflict arises, or appears to arise, between their public duties and their private interests.

Money must not buy, or appear to buy, political influence. There should be due diligence on the source of all benefits received by Members.



# 1. Background

## 1.1. Register and declarations of interests

Section 36 of the Government of Wales Act 2006 on Integrity states that the Senedd's Standing Orders, the rules which set out how the Senedd operates, must provide for a register of Members interests and the register must be made available for public inspection.

Senedd Standing Order 2 relates to the financial and other interests of Members.

Standing Order 2 requires the Presiding Officer to maintain and publish a Register of Interests. Members must complete the register within eight weeks of first taking an oath of office and update the register within four weeks of any changes taking place.

The details of which interests must be registered are set out in an Annex. They include remunerated directorships or employment and gifts, hospitality or material benefits above a value specified in any Senedd resolution. It also requires Members to register 'financial sponsorships'. Financial sponsorships required to be registered include any sponsorships by companies, trade unions, professional bodies, or trade associations to Senedd Members election expenses in excess of 25 per cent of their total election expenses declared. This does not include funding for internal party elections or donations made in general to a local political party which are covered by other requirements.

The Senedd resolved on the 10 May 2006 that any gifts, hospitality, or benefits above £350 must be registered. The Senedd's Standing Orders do not provide a cap on the amounts that Members can receive. The Senedd 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 Senedd and amount to at least £500 in value.

Before taking part in any Senedd proceedings a Member must make an oral declaration of any financial interest that they, a Member's partner or dependent child might have with may impact upon a matter being discussed during those proceedings. This includes where any decisions taken during proceedings could result in a direct financial advantage to the Member or to the Member's knowledge the Member's partner or dependent child. Voting is also prohibited by a Senedd Member who has declared a financial interest in the proceedings.

Section 36 of the Government of Wales Act makes it an offence for Members to take part in proceedings without having complied with, or in contravention of, the rules on registering or declaring interests set out in Standing Orders.

## 1.2. Code of Conduct

All Senedd Members are required to abide by a Code of Conduct. The Code sets out specific rules that Senedd Members must abide by. In addition to overarching rules on not acting in a way that could bring the Senedd or its Members generally into disrepute the Code includes specific rules on financial inducement and conferring an advantage:

- **Rule 10:** Members must not accept any financial inducement, gift, hospitality or other benefit as an incentive or reward for carrying out their functions as a Member of the Senedd, for influencing proceedings in the Senedd, or which might otherwise appear to a reasonable and impartial person to influence, or potentially influence, their actions as a Member, save to the extent that acceptance is in accordance with provision made in Standing Orders.
- **Rule 11:** Members must not use or attempt to use their position as a Member to confer an advantage or preferential treatment for either themselves or any other person, or to avoid disadvantage or create disadvantage for someone else.

The Senedd's Standard's Commissioner is responsible for the investigation of any alleged breaches of the code. The Senedd's Standards of Conduct Committee considers all reports and findings made by the Commissioner and makes recommendations for any actions that should be taken in response to the Commissioner's findings. These can include recommending that the Senedd resolve to exclude a Member for a specified period, withdraw rights and privileges or censure a Member.

### 1.2.a. Guidance on registration and declaration of interests

The Senedd also publishes Guidance for Members on the registration, declaration and recording of financial and other interests. Chapter 5 of the Guidance provides further information on what should be registered.

### 1.2.b. Guidance on Lobbying and access to Member of the Senedd

Guidance on Lobbying and access to Members of the Senedd is also published. It states that Members should not accept any paid work which would involve them lobbying on behalf of any person, organisation or client nor accept any paid work

to provide services as a parliamentary strategist, adviser, or client. The guidance also states that Members should decline all but the most insignificant hospitality, benefit or gift if the Member is aware that it is offered by a professional lobbyist.

### 1.3. Requirements outside of Standing Orders

Senedd Members are also under duties in relation to Senedd election expenses to register donations with the Electoral Commission. Under the current system of Senedd elections, constituency candidates are required to report donations towards their electoral campaign spending to the Electoral Commission under the National Assembly for Wales (Representation of the People) Order 2007. Under the Political Parties Elections and Referendums Act 2000 Act, political parties are required to register donations with the Electoral Commission. Donations to regional list candidates must reported to the Electoral Commission as political party rather than individual candidate donations under the PPERA 2000.

The system for electing members to the Senedd will change from 2026 under the Senedd Cymru (Members and Elections) Act 2024. The National Assembly for Wales (Representation of the People) Order 2007 will be reviewed and amended in light of these electoral changes ahead of the 2026 election.

#### 1.3.c. Senedd competence

The funding of political parties, their members and officers is reserved. There is an exception to this reservation for payments to a political party for the purposes of assisting Members of the Senedd to perform their Senedd duties. Therefore, the regulation of the funding of political parties for Members' party activities is mostly reserved.

## 2. Welsh Government action

Rules related to the registration for gifts, hospitality and payments to Senedd Members are set and governed by the Senedd. However, Welsh Ministers, in their role as members of the Welsh Government are also expected to abide by a code of ethics on ministerial conduct. In relation to gifts and hospitality, paragraph 1.3 vii states:

Ministers must not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or them then under an improper obligation.

Paragraph 5.7 of the code on financial interest also states that:

Ministers must scrupulously avoid any danger of an actual or apparent conflict of interest between their Ministerial position and their private financial interests.

The code states that it is for the First Minister to decide how complaints under the code will be investigated but that they will usually refer significant complaints regarding Ministerial conduct to an independent adviser for consideration and advice.

### 3. Welsh Parliament action

The Senedd's Standards of Conduct Committee is currently undertaking an inquiry into the registration and declaration of interests. It undertook a public consultation to gather written evidence between March and April 2023. As part of its consultation the Committee asked for views on the interests that should be registered, whether the register and the rules about registering are sufficiently clear, whether the register is sufficiently transparent and in what circumstances should Senedd Members be required to declare an interest. Providing an update on the Committee's work in Plenary on 1 May 2024, the then, Chair of the Committee, Vikky Howells MS said the Committee will bring forward proposals to amend registration requirements in the Seventh Senedd in light of issues identified in the consultation.

In May 2024, the then First Minister, Vaughan Gething MS, wrote to the Chair of the Standards Committee setting out his view that it would be useful if the Committee could undertake work to review Standing Orders and Code of Conduct rules on donations made to Members of the Senedd and in particular, the level of reporting and disclosure and whether there should be a cap on donations from any one entity or individual.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.