

National Assembly for Wales

Business Committee

May 2015

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



## **Amending Standing Orders: Standing Orders 2, 13 and 17 in relation to the Registration and Declaration of Members' Interests and Standing Orders 17 and 22 in relation to the Membership of the Standards of Conduct**

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### **Purpose**

1. In accordance with Standing Order 11.7(iv), the Business Committee is responsible for making recommendations on the general practice and procedures of the Assembly, including any proposals for the re-making or revision of Standing Orders.
2. The report recommends amendments to Standing Orders 2, 13 and 17 in relation to the Registration and Declaration of Members' Interests, and to Standing Order 17 and 22 in relation to Membership of the Standards of Conduct Committee. The changes agreed by Business Committee are found in Annexes A and C, and the proposals for new Standing Orders at Annexes B and D.

## Background

### *Registration and Declaration of interests*

3. Section 36 of the Government of Wales Act 2006 (the Act) requires the Assembly's Standing Orders to include provision for a register of Members interests and for that register to be published and made available to the public. The specific requirements for the Registration of Members' Interests are set out in the Assembly's Standing Orders 2, 3, 4 and 5. The Standing Order requirements are supplemented by the 'Guidance on the Registration and Declaration of Members' Financial and Other Interests' (the Guidance), which is approved by resolution of the Assembly in Plenary. Failure by an Assembly Member to correctly register interests under Standing Order 2 is potentially a criminal offence under Section 36(7) of the Act. In accordance with Standing Order 22.2, the Standards Committee must "supervise the arrangements for the compilation, maintenance and accessibility of the Register of Members' Interests and the form and content of the Register and the Records". Under this remit the Committee has responsibility for preparing and maintaining the Guidance, and for proposing any changes to it for approval by the Assembly.
4. In 2001, the Standards of Conduct Committee commissioned an overarching review of the Standards regime of the National Assembly for Wales, which was undertaken by Professor Diana Woodhouse of Oxford Brookes University. This review, and its recommendations, laid the foundation for the current Rules on Registration and Declaration, as well as the Members' Code of Conduct, and the Procedure for Dealing with Complaints Against Assembly Members. There have been no major updates to the registration rules since the agreement of Standing Order 5 in 2006 – Recording of the Membership of Societies.
5. The Standards of Conduct Committee agreed on 9 July 2013 that as part of an on-going review of the Assembly's standards procedures,

the Commissioner for Standards should undertake a piece of work on the Standing Orders, Code of Conduct and associated Guidance dealing with Registrable Interests, and make recommendations to the Committee in this area.

6. The Commissioner consulted Assembly Members, the Presiding Officer, Assembly Commission staff and the Electoral Commission, and produced a report containing a number of proposed changes which was considered by the Standards of Conduct Committee on 1 July 2014.
7. The Standards of Conduct Committee agreed a number of recommendations to change the rules and procedures for registering interests. The proposals are detailed in its report on the Registration and Declaration of Members' Interests, which was laid on 8 October 2014.
8. As the Committee considered that a number of its proposals would be best achieved through changes to Standing Orders, Business Managers considered the Committee's recommendations at its meetings of 21 October and 11 November 2014, and agreed in principle to the Committee's recommendations.

#### *Membership of the Standards Committee*

9. The Chair of the Standards Committee wrote to the Presiding Officer on 9 October 2014 asking that Business Committee look at amending Standing Order 22, to include a provision for electing alternate committee members to take part in the consideration of any matter where a committee member could not take part. The Chair also proposed that the circumstances where a member could not take part in the consideration of a matter be extended beyond only those cases where they were the subject of a complaint, to include instances where they were otherwise connected with a complaint in some way.

10. Business Managers agreed in principle to this proposal at their meeting on 14 October 2014 and agreed to consider the proposed change alongside the proposals related to the registration and declaration of interests.

#### *Consideration of Draft Amendments*

11. At their meeting of 9 December 2014, Business Managers considered detailed draft amendments to Standing Orders and agreed to consult with their groups on the proposals. In the meantime, the Standards Commissioner offered to meet with all party groups to discuss the proposed changes. The Business Committee returned to the subject at its meeting of 10 March 2015, when Business Managers considered the draft changes in light of the discussions held with the Standards Commissioner and agreed in principle to the draft changes.
12. The Presiding Officer subsequently wrote to the Chair of the Standards of Conduct Committee to ascertain whether the proposed changes were in line with the Committee and the Commissioner's intentions. The Committee confirmed that this was the case, and endorsed the Business Committee's proposed changes.

#### **Proposals for Changes to Standing Orders**

##### *Oral Declarations of Registrable Interests*

13. The proposed amendment to Standing Order 2.7 implements the Standards of Conduct Committee's recommendation 12.
14. The Commissioner considered that the current definition may be too limited and inadvertently deprive the public of knowledge of interests which should be disclosed. He suggested changing the test of relevance to "greater than that which may accrue to the electorate generally", as this then would capture instances where a Member is part of a minority group who would benefit from a certain piece of

legislation e.g. a landlord discussing and voting on renting regulations.

15. The Business Committee also proposes amending the sub-heading before Standing Order 2.6 to differentiate between these types of declarations relating to registrable interests, and the new category of oral declarations on relevant interests being introduced to Standing Orders 13 and 17 as a result of the Committee's recommendations.

#### *Agreements for the Provision of Services*

16. The proposed deletion of Standing Orders 2.12 and 2.13 in the drafts implements the Standards of Conduct Committee's Recommendation 9. The Commissioner for Standards noted that to date, there have been no registrations made under this Standing Order, and that furthermore this was an unnecessary Standing Order, as any such agreement would be registrable under other headings in Paragraph 5 of the Annex to Standing Order 2.

#### *Registering the Remunerated Employment of a Dependent Child*

17. The deletion in Paragraph 5(ii) of the Annex to Standing Order 2 puts into effect the Standards of Conduct Committee's Recommendation 1 to remove the requirement to register the remunerated employment of a dependent child. The requirement to register the other pecuniary interests of a dependent child remain unchanged.
18. The Commissioner had noted that the National Assembly is the only legislature in the UK which requires the registration of the employment of children of Members. In its report, the Standards of Conduct Committee agreed that the need to register the remunerated employment of a dependent child should be removed as a registrable interest to achieve a balance between what is in the public interest to know and protecting against an unnecessary intrusion into private lives.

### *Receipt of Public Funds*

19. The new text added at the end of paragraph 5(ii) of the Annex implements the Standards of Conduct Committee's recommendation 2 on registering the receipt of public funds.
20. The Commissioner received representations that there should be a registration category for 'the receipt of public funds', and the Standards of Conduct Committee considered the registration of receipt of public funds an important area for clarification.
21. The Standards of Conduct Committee agreed that the receipt of public funds should be registered, but did not want it to be a stand-alone category to avoid duplication – a view also expressed by the Commissioner. The Committee believed that the registration of the source of public funds was sufficient, rather than any further information such as the amount received. The guidance will make clear that only the source of the funds need be registered, and not the amount.

### *Bodies funded by the Assembly or tendering for contracts*

22. The change to Paragraph 5(x) of the Annex to Standing Order 2 implements the Standards of Conduct Committee's recommendation 8, so that registration is only required where the Member knows, or ought to have known, about the Assembly Commission or Welsh Government's funding of a body.
23. Similarly, the amendment to Paragraph 5(v) of the Annex to Standing Order 2 puts into effect the Standard of Conduct Committee's recommendation 4, so that registration is only required where a Member has knowledge of a tender for or has a contract with the Assembly Commission or Welsh Government.

24. The Commissioner heard concerns that Members are currently required to register such interests even where they may not be aware of the link with the Assembly Commission or Welsh Government..
25. The Commissioner proposed that the Standards of Conduct Committee consider whether the Standing Order should be altered to require registration only where knowledge of the tender or contract exists. The Committee agreed that the requirement as it stands was unfair and illogical as Members could not always know if companies they, their partner, or dependent child receive remuneration from, are tendering for or hold contracts with the Assembly. They also agreed that the requirement to register memberships or chairmanships should only apply where the Members knows, or ought to have known, of any funding by the Assembly Commission or Welsh Government.

#### *Welsh Government and Assembly Commission*

26. Paragraph 79 of the Standards of Conduct Committee's report noted that 'in a number of categories the Rules refer to the Assembly where it would be more appropriate to now refer to the Welsh Government and/or the Assembly Commission' and suggested that changes should be made formally to the Standing Orders and Guidance.
27. The proposed amendments to paragraphs 5(v) and 5(x) of the Annex to Standing Order 2 to replace the current references to the Assembly with a reference to the Assembly Commission or the Welsh Government.

#### *Oral Declaration of Relevant Interests*

28. The draft new Standing Orders 13.8A, 13.8B, 17.24A and 17.24B implement the Standards of Conduct Committee's recommendation 12 on declaring relevant interests in Plenary and committees.

29. In addition to broadening the scope of declarations under Standing Orders 2.6 and 2.7, the Standards Commissioner and Standards of Conduct Committee suggested the introduction of a new, non-criminal, Standing Order requirement for Members to make an oral declaration in Assembly proceedings of any relevant interest the Member or a family member has or is expecting to have in any matter arising in those proceedings. 'Any relevant interest' in this instance is if an interest might reasonably be thought by others to influence the Member's contribution to a debate or discussion.
30. Business Managers accepted this recommendation, and agreed that any oral declaration should be made at an appropriate time in proceedings, rather than necessarily at the start of a Member's contribution.
31. The test of relevance for these oral declarations will be different to declarations under Standing Order 2.6 and 2.7, as will be the consequences of making, or not making, a declaration. The introduction of this new Standing Order is likely to increase the instances where oral declarations are required by Members during Assembly proceedings. Although cases of non-compliance under this new requirement will not carry criminal sanctions, and a declaration will not result in any restrictions on voting, the Standards Commissioner must investigate any complaint made regarding a Member's non-compliance with the new requirements.
32. The updated guidance on registration and declaration of interests will provide more advice to Members on when an oral declaration may be needed, but ultimately it will be the responsibility of Members to decide whether to make a declaration.
33. The new category of oral declarations of interest proposed in the Committee's recommendation 12 will be entirely separate from those



required under Standing Order 2.6 and 2.7, and the proposed changes make this clear.

### *Committee Membership*

34. In line with the Standards of Conduct Committee's recommendations, the draft amendment to Standing Order 22.5 extends the circumstances in which a Member must not take part in the committee's consideration of a complaint, to include cases in which they are directly connected to it in any way, rather than only those in which they are the subject of the complaint. This would include situations where the Member is the complainant as well as other circumstances in which it would be inappropriate for the Member to take part in the consideration of the complaint because of a direct connection with it.
35. The draft new Standing Order 22.4 requires each member of the responsible committee to have an alternate member elected, only for the purposes of substituting when a committee member must not take part in the committee's consideration of a matter in accordance with Standing Order 22.5. The amended Standing Order 22.5 reflects this, as does the draft consequential change to Standing Order 17.3.

### **Action**

36. The Business Committee agreed the changes to Standing Orders on 19 May 2015 and the Assembly is invited to approve the proposal as at Annexes B and D.
37. The Business Committee proposes that the changes to Standing Orders 17 and 22 relating to the membership of the Standards of Conduct Committee come into effect immediately.
38. The Business Committee proposes that the changes to Standing Orders 2, 13 and 17 come into effect on 1 September 2015, in time

for the start of the autumn term. This would allow the Commissioner for Standards and the Registrar time to work with Members to ensure the smooth implementation of the new requirements.

39. The Standards of Conduct Committee has laid a revised Guidance and Assembly Members' Code of Conduct, which it is asking the Assembly to adopt by resolution in Plenary.

## Annex A

### Standing Order 2 – Financial and Other Interests of Members

STANDING ORDER 2 – Financial and Other Interests of Members	
<p><b>Declaration of <u>Registrable</u> Interests before Taking Part in Any Assembly Proceedings</b></p>	<p><b>Amend sub-heading</b></p> <p>The change is proposed so as to distinguish these declarations from those that will now be required under Standing Orders 13 and 17.</p>
<p>2.6 In the circumstances specified in Standing Order 2, before taking part in any Assembly 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.</p>	<p><b>Retain Standing Order</b></p> <p>This Standing Order is included for information.</p>
<p>2.7 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 <del>persons affected by the decision</del></p>	<p><b>Amend Standing Order</b></p> <p>This change implements the Committee’s recommendation 12.</p> <p>The Commissioner considered that the current definition may be too limited and inadvertently deprive the public of knowledge of interests which should be disclosed. He suggested changing the test of</p>

<p><u>the electorate generally.</u></p>	<p>relevance to <i>“greater than that which may accrue to the electorate generally”</i>, as this then would capture instances where a Member is part of a minority group who would benefit from a certain piece of legislation e.g. a landlord discussing and voting on renting regulations. The Committee supported the Commissioner’s proposal in its report.</p>
<p><b>Agreements for the Provision of Services</b></p>	<p><b>Delete sub-heading</b></p>
<p>2.12 — Any Member who has, or who proposes to enter into, an agreement involving the provision of services in the Member’s capacity as a Member must ensure that the agreement:</p> <ul style="list-style-type: none"> <li>(i) <del>is not in breach of Standing Order 2.8;</del></li> <li>(ii) <del>is in writing;</del></li> <li>(iii) <del>indicates the nature of the services to be provided; and</del></li> <li>(iv) <del>specifies the payment or benefit to be received.</del></li> </ul>	<p><b>Delete Standing Order</b></p> <p>This deletion implements the Committee’s Recommendation 9. The Commissioner noted that to date, there have been no registrations made under this Standing Order, and that furthermore this was an unnecessary Standing Order, as any such agreement would be registrable under other headings in Paragraph 5 of the Annex to Standing Order 2.</p>

<p><del>2.13 As soon as may be after entering into such an agreement, and in any event within four weeks of that date, the Member must provide the Presiding Officer with a copy of the agreement, and the copy must be open to inspection by other Members and by the public.</del></p>	<p><b>Delete Standing Order</b></p> <p>Consequential on deletion of 2.12 above</p>

<p><b>STANDING ORDER 2 – Financial and Other Interests of Members: Annex</b></p> <p>The interests which are to be registered in the Register of Interests of Members and which for the purposes of Standing Order 2.6 are to be declared before taking part in any Assembly proceedings.</p>	
<p><b>General</b></p>	<p><b>Sub-heading included for information</b></p>
<p>1. 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.</p>	<p><b>Standing Order included for information</b></p>
<p>2. 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 that part of the register relating to remunerated employment, office or profession. Such activity includes any action connected with any Assembly proceedings,</p>	<p><b>Standing Order included for information</b></p>

<p>sponsoring of functions in the Assembly buildings, and making representations to the government, or any member of that government or of its staff.</p>	
<p>3. 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.</p>	<p><b>Standing Order included for information</b></p>
<p>4. For the purposes of the registration and declaration of interests under Standing Order 2 specified in this Annex:</p> <ul style="list-style-type: none"> <li>(i) a Member's 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; and</li> <li>(ii) 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 full-time education by attendance at a recognised educational establishment and is: <ul style="list-style-type: none"> <li>(a) a child of the Member;</li> </ul> </li> </ul>	<p><b>Standing Order included for information</b></p>

<ul style="list-style-type: none"> <li>(b) a step-child of the Member by marriage or by civil partnership;</li> <li>(c) a child legally adopted by the Member;</li> <li>(d) a child whom the Member intends legally to adopt; or</li> <li>(e) a child who, for at least the previous six calendar months, has been financially supported by the Member.</li> </ul>	
<p><b>The Registrable Interests</b></p>	<p><b>Retain Sub-heading</b></p>
<p>5. The registrable interests are:</p> <ul style="list-style-type: none"> <li>(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;</li> </ul>	<p><b>Amend Standing Order</b></p>

<p>(ii) 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 <del>or any dependent child of the Member over the age of sixteen</del>, 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, <u>including the receipt of any public funds;</u></p> <p>(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 Assembly;</p> <p>(iv) 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</p>	<p>The deletion in 5(ii) put into effect the Standards of Conduct Committee's Recommendation 1 to remove the requirement to register the remunerated employment of a dependent child. The requirement to register the other pecuniary interests of a dependent child remain unchanged.</p> <p>The new text added at the end of 5(ii) implements the Standards of Conduct Committee's recommendation 2. The guidance will make clear that only the source of the funds need be registered, and not the amount.</p>
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<p>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 Assembly;</p> <p>(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, <u>to the Member's knowledge</u>, has tendered for, is tendering for, or has, a contract with the Assembly <u>Commission or the Welsh Government</u>;</p> <p>(vi) financial sponsorship (a) 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 (b) as a Member of the Assembly 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;</p>	<p>The amendment to 5(v) puts into effect the Standard of Conduct Committee's recommendation 4, so that registration is only required where a Member has knowledge of the tender or contract.</p> <p>Paragraph 79 of the Standards of Conduct Committee's report noted that 'in a number of categories the Rules refer to the Assembly where it would be more appropriate to now refer to the Welsh Government and/or the Assembly Commission' and suggested that changes should be made formally to the Standing Orders and Guidance. The new text at the end of 5(v) puts this into effect.</p>
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| <p>(vii) subject to 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, which arise out of, or are related in any manner to, membership of the Assembly where the cost of any such visit has not been wholly borne by the Member or from funds provided by the Assembly or by Parliament or by any organisation of which the Assembly is a member;</p> <p>(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 Assembly 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;</p> <p>(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</p> |  |
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<p>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 Assembly;</p> <p>(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 Assembly <u>Commission or the Welsh Government, where the Member knows, or ought to have known, of the Assembly Commission or Welsh Government funding.</u></p>	<p>The change to 5(x) implements the Standards of Conduct Committee's recommendation 8, so that registration is only required where the Member knows, or ought to have known, about the Assembly funding.</p> <p>Paragraph 79 of the Standards of Conduct Committee's report noted that 'in a number of categories the Rules refer to the Assembly where it would be more appropriate to now refer to the Welsh Government and/or the Assembly Commission' and suggested that changes should be made formally to the Standing Orders and Guidance. The new text at the end of 5(v) puts this into effect.</p>
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<b>STANDING ORDER 13 - Order in Plenary Meetings</b>	
<b>Declaration of Relevant Interests</b>	<b>Insert new sub-heading</b>

<p><u>.13.8A Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.</u></p>	<p><b>Insert new Standing Order</b></p> <p>The new Standing Order gives effect to the Committee's recommendation 13 in relation to oral declarations of interest in Plenary.</p>
<p><u>13.8B Standing Order 13.8A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.</u></p>	<p><b>Insert new Standing Order</b></p> <p>The new Standing Order makes clear that the new provision in Standing Order 13 is separate and additional to the provisions in Standing Order 2.6.</p>

<p><b>STANDING ORDER 17 – Operation of Committees</b></p>	
<p><b>Declaration of Relevant Interests</b></p>	<p><b>Insert new sub-heading</b></p>
<p><u>17.24A Before taking part in any committee proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.</u></p>	<p><b>Insert new Standing Order</b></p> <p>The new Standing Order gives effect to the Committee's recommendation 13 in relation to oral declarations of interest in committees.</p>

17.24B Standing Order 17.27A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.

**Insert new Standing Order**

The new Standing Order makes clear that the new provision in Standing Order 17 is separate and additional to the provisions in Standing Order 2.6.

## **Annex B**

### **STANDING ORDER 2 – Financial and Other Interests of Members**

#### **Declaration of Registrable Interests before Taking Part in Any Assembly Proceedings**

- 2.6 In the circumstances specified in Standing Order 2, before taking part in any Assembly 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.
- 2.7 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.

#### **Lobbying for Reward or Consideration**

- 2.8 A Member must not advocate or initiate any cause or matter on behalf of any body or individual in any Assembly proceedings, or urge any other Member to advocate or initiate any cause or matter in any such proceedings, in return for any payment or benefit in kind, direct or indirect, which the Member, or to the Member's knowledge his or her partner or any dependent child of the Member, has received or expects to receive.

#### **Prohibition of Voting**

- 2.9 Where a Member is required under Standing Order 2.6 to declare an interest in a matter before taking part in any Assembly proceedings,

that Member must not vote on any proposal relating to that matter in those proceedings. Standing Order 2.9 does not apply in relation to the exercise of a casting vote under Standing Order 6.20.

## **STANDING ORDER 2 – Financial and Other Interests of Members: Annex**

### **The Registrable Interests**

5. 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 Assembly) 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 Assembly;

- (iv) 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 which arise out of, or are related in any manner to, membership of the Assembly;
- (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 Assembly Commission or the Welsh Government;
- (vi) financial sponsorship (a) 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 (b) as a Member of the Assembly 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 Assembly, 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 Assembly where the cost of any such visit has not been wholly borne by the Member or from



funds provided by the Assembly or by Parliament or by any organisation of which the Assembly 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 Assembly 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 Assembly;
- (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 Assembly Commission or the Welsh Government, where the Member knows, or ought to have known, of the Assembly Commission or Welsh Government funding.

## **STANDING ORDER 13 – Order in Plenary Meetings**

### **Declaration of Relevant Interests**

13.8A Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

13.8B Standing Order 13.8A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.

## **STANDING ORDER 17 – Operation of Committees**

### **Declaration of Relevant Interests**

17.24A Before taking part in any committee proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.

17.24B Standing Order 17.27A does not affect the requirements for oral declaration of registrable interests under Standing Order 2.6.

## Annex C

### Standing Order 22 – Standards of Conduct

Standing Order 22 – Standards of Conduct	
<b>Membership</b>	<b>Retain sub-heading</b>
22.3 The Presiding Officer must not be a member of the responsible committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.	<p><b>Retain Standing Order</b></p> <p>This Standing Order is included for information.</p>
22.4 Subject to Standing Order 22.5, Standing Order 17.48 must not apply to the responsible committee.	<p><b>Retain Standing Order</b></p> <p>This Standing Order is included for information.</p>
<u>22.4A The Assembly must elect an alternate member from the same political group for each member of the responsible committee, for the purposes of Standing Order 22.5.</u>	<p><b>Insert new Standing Order</b></p> <p>The new Standing Order means that the Assembly must elect an alternate from the same political group for each member of the committee. This would normally be done at the same time as the Members themselves were elected, but the first time it happened after</p>

	<p>the change to Standing Orders, the Assembly could consider one motion to elect all the alternates.</p>
<p>22.5 Where a member of the responsible committee is subject to, <u>or otherwise directly connected with</u>, a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible committee. In such circumstances and in relation solely to the consideration of the complaint concerned, <del>another Member from the same political group, who has been nominated in advance by that group, may replace that member</del> <u>may be replaced by his or her alternate member elected in accordance with Standing Order 22.4A</u>. The <del>nominated alternate</del> Member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it. <del>No Member may replace more than one member of the responsible committee at a meeting.</del></p>	<p><b>Amend Standing Order</b></p> <p>In line with the committee’s recommendations, the amended SO extends the circumstances where a Member may not take part in the committee’s consideration of a complaint to include where they are directly connected to it in any way, rather than only where they are the subject of the complaint. This would include situations where the Member is the complainant as well as other circumstances where it would be inappropriate for the Member to take part in the consideration of the complaint because of a direct connection with it.</p> <p>The amended SO also reflects the fact that in future, a member who cannot participate can be replaced by their elected alternate, rather than by a nominated substitute.</p> <p>The last sentence is deleted as it is now redundant, as the stipulation it contains follows inevitably from the amended provisions.</p>

## Consequential Amendments

Standing Order 17 – Operation of Committees	
Membership of Committees	Retain sub-heading
17.3 The Assembly must consider a motion tabled by the Business Committee to agree the membership and chair of each committee established by a resolution of the Assembly, <u>and alternate members for the responsible committee under Standing Order 22.</u>	<p><b>Amend Standing Order</b></p> <p>This change is consequential on those to Standing Order 22, and allows for alternates to be elected for the members of the responsible committee under Standing Order 22 (currently the Standards of Conduct Committee).</p>

## **Annex D**

### **Standing Order 22 – Standards of Conduct**

#### **Membership**

- 22.3 The Presiding Officer must not be a member of the responsible committee, but is entitled to submit papers to it for the purpose of drawing to its attention such considerations as he or she considers appropriate.
- 22.4 Subject to Standing Order 22.5, Standing Order 17.48 must not apply to the responsible committee.
- 22.4A The Assembly must elect an alternate member from the same political group for each member of the responsible committee, for the purposes of Standing Order 22.5.
- 22.5 Where a member of the responsible committee is subject to, or otherwise directly connected with, a complaint under Standing Order 22.2(i), he or she may take no part in any consideration of the complaint by the responsible committee. In such circumstances and in relation solely to the consideration of the complaint concerned, that member may be replaced by his or her alternate member elected in accordance with Standing Order 22.4A. The alternate member may participate in the meetings of the responsible committee to consider the complaint as if he or she were a member of it.

### **Standing Order 17 – Operation of Committees**

#### **Membership of Committees**

- 17.3 The Assembly must consider a motion tabled by the Business Committee to agree the membership and chair of each committee established by a resolution of the Assembly, and alternate members for the responsible committee under Standing Order 22.

- 17.4 In tabling a motion under Standing Order 17.3, the Business Committee must have regard to the need to ensure that the balance of chairs across committees reflects the political groups to which Members belong.
- 17.5 No amendment may be tabled to a motion under Standing Order 17.3.
- 17.6 No motion to agree the membership of a committee under Standing Order 17.3 can be passed unless:
- (i) the membership reflects (so far as is reasonably practicable) the balance of the political groups to which Members belong; and
  - (ii) (if the motion for it is passed on a vote), at least two-thirds of the Members voting support it.
- 17.7 If a motion to agree the membership of a committee under Standing Order 17.3 is not passed:
- (i) the Assembly must consider a motion tabled by the Business Committee to determine:
    - (a) the size of the committee; and
    - (b) the political group from which the chair of the committee will be appointed; and
  - (ii) places on that committee must be allocated in accordance with the operation of sections 29(3) to (7) of the Act as modified in accordance with Standing Order 17.8.
- 17.8 If in respect of any place to be allocated on a committee in accordance with section 29(3) to (7) of the Act:

- (i) the number of Members belonging to two or more political groups is the same and exceeds the number belonging to any other political group; or
- (ii) the number produced by the operation of section 29(6) of the Act is the same for two or more political groups and is greater than that so produced for any other political group,

the Presiding Officer must determine to which political group that place is to be allocated.

17.9 If places on any committee are to be allocated to a political group in accordance with Standing Order 17.3 or 17.7, it is for that political group to determine the names of:

- (i) the Members allocated from the group; and
- (ii) the chair, where that political group holds the chair.

17.10 Any motion under Standing Order 17.3 or 17.7 must (so far as is reasonably practicable, having regard to the total number of places on committees) ensure that:

- (i) every Member who does not belong to a political group is offered a place on at least one committee; and
- (ii) the total number of places on committees allocated to Members belonging to each political group is at least as great as the number of Members belonging to the political group.

17.11 A vacancy occurs on a committee when a Member:

- (i) resigns from the committee by notifying the Business Committee;



- (ii) is removed from the committee by a resolution of the Assembly;
- (iii) ceases to be a Member; or
- (iv) ceases to be a member of the committee in accordance with Standing Order 17.12.

17.12 A Member ceases to be a member of a committee if he or she joins or leaves a political group.

17.13 When a vacancy occurs on a committee, the Business Committee:

- (i) must consider the effect of that vacancy on the membership of that committee and of any other committee;
- (ii) must, having regard to that consideration, table a motion under Standing Order 17.3 proposing changes to the membership of the committee on which the vacancy occurred; and
- (iii) may, having regard to that consideration, also table one or more motions under Standing Order 17.3 proposing changes to the membership of any other committee.

17.14 If a political group informs the Business Committee that it wishes to change its representation on a committee, the Business Committee must table a motion to give effect to that proposal.

17.15 If the effect of a motion referred to in Standing Order 17.13(ii) or 17.14 is only to fill the vacancy with a Member from the same political group, then Standing Order 17.6(ii) does not apply.

17.16 Any question arising under Standing Orders 17.6 and 17.10 must be determined by the Presiding Officer.

