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INVESTIGATING PARLIAMENTARY STANDARDS A COMPARISON

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To provide a description of the investigatory mechanisms in place in the House of Commons, the Scottish Parliament, the National Assembly for Wales and the Dáil Éireann in relation to the registration of Members' financial interests and alleged breaches of relevant codes of conduct.

Research Papers are compiled for the benefit of Members of The Assembly and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public.

SUMMARY OF KEY POINTS

The main findings of this paper are:

- (1) There is great similarity in the role and functions of the Scottish Parliamentary Standards Commissioner and the National Assembly for Wales Commissioner for Standards. Both investigate matters relating to the register of Members' financial interests and alleged breaches of the code of conduct within the relevant jurisdiction. Each Commissioner is provided with powers to call for witnesses and evidential documentation as part of the investigation process. Neither Commissioner can recommend sanctions against a Member and must report only findings of fact to the relevant Committee.
- (2) Provisions under the existing 2009 Act for the recently established Independent Parliamentary Standards Authority (IPSA) outline that it will, in respect of the House of Commons, pay salaries and allowances to Members and be responsible for drafting both a code of conduct for Members' financial interests and an allowances scheme. However, this is subject to change following a recommendation by the Committee on Standards in Public Life which states that responsibilities for the code of conduct and register of financial interests should be returned to the House of Commons. The Government accept this recommendation and propose to repeal section 8 of the 2009 Act.
- (3) The Government also propose to repeal the provision for a Commissioner for Parliamentary Investigations. Instead the IPSA will be provided with power to appoint a compliance officer to undertake investigations into alleged breaches of the rules on expenses. The Parliamentary Commissioner for Standards retains responsibility for handling matters of conduct, propriety and ethics in relation to the code of conduct and will investigate complaints on these matters and report the findings to the Committee on Standards and Privileges.
- (4) The role of the Standards in Public Office Commission in the Republic of Ireland is broader than the comparative bodies in the House of Commons, the Scottish Parliament and the National Assembly for Wales. The Commission exercises certain functions that are applicable to office holders, public servants and Members whereas the other bodies concentrate solely on the actions of Members. The Commission, subject to certain conditions, may conduct investigations into alleged breaches of the Ethics Acts however it also plays a supervisory role under the Electoral Acts and the Party Leaders' Allowance Act 2001. This includes reporting on election expenses, the disclosure and acceptance of donations to parties, Members and election candidates, and reporting to the Minister for Finance on statements of expenditure submitted to it by party leaders.

- (5) The Committee on Members' Interests of Dáil Éireann draws up guidelines for Members on the registration of interests and a code of conduct for non-office holders. It also investigates alleged breaches of the Ethics Act, in particular those relating to statements of interest. Complaints in relation to specified acts are handled by the Standards in Public Office Commission.
- (6) The National Assembly for Wales Commissioner for Standards is not subject to the direction or control of the Assembly. This is the only Commissioner for which the corresponding legislation explicitly states this is the case. For example, the Scottish Parliamentary Standards Commissioner works independently but must comply with directions given by the Scottish Parliament.
- (7) The Committee on Standards and Conduct of the National Assembly for Wales appears to be the only Committee which has in place a formal appeals process in which a Member can appeal a Committee decision. The House of Lords comments that the lack of an appeals system in the House of Commons for decisions taken by the Committee on Standards and Privileges has been argued to be a possible contravention of European human rights.

CONTENTS

Introduction	1
House of Commons	1
Scotland	7
Wales	11
Dáil Éireann.....	14
Annex 1	20
Annex 2	22

INTRODUCTION

This paper outlines the procedures and mechanisms in place which oversee the parliamentary standards of the House of Commons, the Scottish Parliament, the National Assembly for Wales and the Dáil Éireann. The paper notes relevant legislation, responsibilities and powers of the bodies in place, investigative procedures to be followed, and procedures for appointment including terms of office for the Commissioner for Standards in each jurisdiction.

HOUSE OF COMMONS

Established in 1995 the Office of the Parliamentary Commissioner for Standards was responsible for the regulation of Members' financial interests, maintenance of the code of conduct and the investigation of complaints made against Members for alleged breaches of the code within the House of Commons (House). The Parliamentary Commissioner for Standards is an Officer of the House, who is appointed and wholly funded by the House. However, a number of the responsibilities and functions of the office are now being passed to the newly established Independent Parliamentary Standards Authority (IPSA).

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY

The Parliamentary Standards Act 2009 (Chapter 13)¹ which received Royal Assent on 21 July 2009 put in place arrangements for the IPSA to replace the non-statutory Office of the Parliamentary Commissioner for Standards.² The IPSA is a completely independent permanent body which is anticipated to be fully operational by April 2010.

Although the IPSA is provided for under the 2009 Act, the Committee on Standards in Public Life (CSPL) report into MPs' expenses and allowances (published November 2009) contained proposals for the reform of the current parliamentary allowances system and also listed a number of recommendations in relation to the scope and function of the IPSA. The Government is proposing to bring forward further legislation in relation to the CSPL recommendations and this is reflected throughout the rest of this section.

APPOINTMENT OF THE IPSA

ROLES, RESPONSIBILITIES AND POWERS

The 2009 Act establishes the following functions as responsibilities of the IPSA in relation to Members:

- Drafting an allowances scheme.
- Authorising and making payments under the allowances scheme.

¹ The Parliamentary Standards Act 2009 (Chapter 13) is available at http://www.opsi.gov.uk/acts/acts2009/ukpga_20090013_en_1

² House of Lords, *Parliamentary Standards Bill: implications for Parliament and the courts Report (2009)*, p3, retrieved 10 December 2009
<http://www.publication.parliament.uk/pa/ld200809/ldselect/ldconst/134/134.pdf>

- Paying Member salaries.
- Drawing up a code of conduct that includes the register of financial interests (superseding the previous register) and a ban on paid advocacy.

The CSPL recommend that the responsibility for the register of financial interests and code of conduct should be returned to the House of Commons. The Government accept this recommendation and propose to repeal section 8 of the 2009 Act (MPs' code of conduct relating to financial interests) and consequential references to it.

The CSPL also recommend that an additional statutory responsibility should be conferred to the IPSA which would allow it to set Members' pay levels and oversee Members' pensions. The Government propose to provide powers enacted through legislation which will enable the IPSA to set and administer Members' pay following consultation with the Senior Salaries Review Body.

The powers for both pay and pensions would therefore take effect in 2011-12. MPs' pay in 2011-12 would then be set by the IPSA on the basis of the SSRB recommendation for that year. Pay in 2012-13 and subsequently would be set by the IPSA following consultation with the SSRB and others as appropriate.³

The power conferred under the 2009 Act to the IPSA to pay Member salaries is "subject to anything done in exercise of the disciplinary powers of the House."⁴ The Government propose to bring forward legislation which will provide the same powers in relation to allowances (including the resettlement grant).

The Government proposes to amend the 2009 Act so that it will place a requirement on the IPSA to provide reasons for any revisions to the allowances scheme, determinations adopted in relation to Members' pay and a requirement that they must consult the general public. The IPSA will also be required to publish claims made and allowances paid to Members.

The IPSA are required under the 2009 Act to provide information and guidance to Members on relevant matters of taxation. The Government proposes to introduce further legislation which will require the IPSA to provide support to Members which will help them carry out their duties in "an efficient, cost-effective and transparent way."⁵

The 2009 Act includes provision for a separate Commissioner for Parliamentary Investigations with power to conduct investigations into the overpayment or misuse of allowances, or alleged breaches of the code of conduct relating to the registration of Members' financial interests. The Government propose to repeal the Commissioner provision and accept the CSPL recommendation that investigations into alleged breaches in relation to expenses should be the responsibility of the IPSA and that they should be provided with power to appoint a compliance officer for this purpose. Similar to the provision for the Commissioner in the 2009 Act the CSPL recommend that the compliance officer should be able to undertake an investigation "on his or her own initiative, at the request of the independent regulator, or in response to a

³ House of Commons, *Hansard Ministerial Statement 10 December 2009*, <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091210/wmstext/91210m0002.htm#09121060000022>

⁴ As above

⁵ As above

complaint from a member of the public or an MP.”⁶ The Government propose to amend the 2009 Act to provide for the appointment of a compliance officer by the IPSA. The officer will be an independent office holder and will have similar powers of investigation as provided under current legislation for the Commissioner but will have different powers with regard to sanctions against Members.

The CSPL recommend that the enforcement powers of the IPSA be strengthened. The Government will introduce amendments to the 2009 Act which will provide the compliance officer with the power to impose sanctions against a Member. Primarily this will be a civil penalty and will require the Member to return any incorrectly paid allowances. Repayments and other costs will be recovered as a civil debt. The Government will introduce an appeals process for decisions taken by the compliance officer and these will be made to the first-tier tribunal.

*Since allowance claims are not covered by privilege, there should not be any difficulty in this regard.*⁷

There are a further three CSPL recommendations for which immediate legislation will not be necessary. They concern: the publication of electoral candidates’ financial interests; Honorary Members who are members of devolved legislatures (the CSPL recommends ceasing the practice of a Westminster MP being able to sit in a devolved legislature at the same time); and the terms of office of the IPSA Chair.

SUBJECT TO THE DIRECTION OR CONTROL OF PARLIAMENT

Section 8 of the 2009 Act currently provides that the code of conduct prepared by the IPSA will require consultation with a number of elements within the House and will be subject to approval by the House before coming into effect. However, the Government propose to repeal Section 8 in response to a recommendation by the CSPL.

The Speaker may consult with the IPSA and the Committee on Standards and Privileges in relation to appointing further functions to the IPSA however these will not come into effect until approved by a resolution of the House. Although the Government propose to repeal the provision for a Commissioner the current provision contained in the 2009 Act also provides that the Speaker must consult with the Commissioner and the Committee on Standards and Privileges with regards to appointing further functions to the Commissioner.

IS THE POSITION ON A STATUTORY BASIS? STATUTORY POWERS?

The IPSA operates on an independent and statutory basis. Under the 2009 Act the IPSA has a statutory responsibility for preparing the register of Members’ financial interests and determining the procedures to be used in the investigation and complaint process. The Government propose to repeal the IPSA responsibility for preparing and maintaining the register of financial interests.

⁶ As above

⁷ House of Commons, *Hansard Ministerial Statement 10 December 2009*, <http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm091210/wmstext/91210m0002.htm#09121060000022>

The responsibilities of the IPSA are not regarded as proceedings in Parliament and therefore do not have parliamentary privilege.⁸

HOW IS THE IPSA/COMMISSIONER APPOINTED? ELIGIBILITY CRITERIA, TERMS AND CONDITIONS OF APPOINTMENT

The IPSA consists of five members (Chair and four ordinary members). The Chair and four ordinary members were appointed following an independent and open competition chaired by the Commissioner for Public Appointments for Northern Ireland.⁹ The 2009 Act requires that one member have accountancy experience (qualified to be an auditor for the National Audit Office), one should have experience of being an MP (but is no longer an MP), and another should have held high judicial office (though no longer be holding this post).¹⁰ The Chair and ordinary members are appointed for a fixed term not exceeding five years. Re-appointment as a member can only occur once and for no longer than a term of three years.

In November 2009 suitable applicants were put forward to the Speaker who proceeded to forward the names to the Speaker's Committee for approval. The Speaker's Committee is a new statutory Committee which consists of:

- *The Speaker of the House of Commons.*
- *The Leader of the House of Commons.*
- *The Chair of the Standards and Privileges Committee.*
- *Five backbench MPs, appointed by the House of Commons.*¹¹

The CSPL have since recommended that three lay members should sit in the Speaker's Committee. The Government propose to bring forward legislation to this effect.

The Chair has been agreed as Sir Ian Kennedy and the four ordinary members are Jackie Ballard, the Rt Hon Lord Justice Scott Baker, Ken Olisa, and Professor Isobel Sharp (Annex 2 for further information on each member).

The 2009 Act provides for a Commissioner for Parliamentary Investigations to be selected by the Speaker through an open and fair competition and with the agreement of the Speaker's Committee. However, the Government propose to repeal the provision for the Commissioner and instead powers will be provided for the IPSA to appoint a compliance officer who will undertake investigations into alleged breaches of the rules on expenses. It is anticipated that the appointment of the proposed compliance officer will be through an open and fair competition.

RULES/GUIDELINES FOR DISMISSAL

The Chair and ordinary members of the IPSA can resign from their positions by giving written notice to the Speaker. Section 5 (schedule 1) of the 2009 Act states

⁸ House of Commons Library, *Parliamentary Standards Bill Research Paper 09/61 (25 June 2009)*, p5, retrieved 23 December 2009

⁹ Independent Parliamentary Standards Authority appointment information is available at <http://www.parliamentarystandards.org.uk/faqs.html>

¹⁰ Parliamentary Standards Act, *Explanatory Notes (2009)*, p9, retrieved 10 December 2009 http://www.opsi.gov.uk/acts/acts2009/en/ukpgaen_20090013_en.pdf

¹¹ House of Commons Library, *Parliamentary Standards Bill Research Paper 09/61 (25 June 2009)*, p34, retrieved 23 December 2009

that Her Majesty can remove either the Chair or an ordinary member from office through an address of both Houses of Parliament.

HANDLING ALLEGED BREACHES

The Government are proposing to repeal the responsibilities of the IPSA in relation to the code of conduct and the register of financial interests as well as provision for a Commissioner. Legislation to this effect is still to be introduced. The following section reflects the current provision contained in the 2009 Act.

The 2009 Act provides that a Commissioner will have the power to investigate overpayments or the misuse of allowances, or alleged breaches of the code of conduct relating to the registration of Members' financial interests. This can be triggered in response to a complaint by an individual, at the request of a Member, or on the Commissioner's own initiative.¹² To assist the Commissioner with the investigation process both the IPSA and Members must provide any reasonably required information. The specific procedures to be followed by the Commissioner are to be decided upon by the IPSA. The 2009 Act, however, provides general information on the investigation process and actions which may be taken. It states that if, following an investigation, the Commissioner finds fault with an allowance that has been paid or if the code of conduct relating to financial interests has been breached they must report this to the Committee on Standards and Privileges. Exceptions to this are if the Member under investigation accepts the Commissioner's findings and takes steps to repay an agreed amount to the IPSA or takes steps to correct the register of financial interests as advised by the Commissioner.¹³

As part of the investigation process the Member who is the subject of the investigation must be allowed to represent before the Commissioner to discuss the details of the investigation and/or the Commissioner's findings before the case is referred to the Committee on Standards and Privileges. The Member must be allowed to call and examine witnesses where deemed appropriate by the Commissioner.¹⁴

COMMITTEE ON STANDARDS AND PRIVILEGES

ROLE OF THE COMMITTEE WHEN HANDLING BREACHES

The current provisions of the 2009 Act state that should the Commissioner find that a Member has been overpaid an allowance or has failed to comply with the code and has not taken steps to rectify matters with the IPSA a report of fact detailing the Commissioner's findings will be presented to the Committee on Standards and Privileges. The Commissioner will not include in the report any recommendations on sanctions against a Member. Such a decision is the responsibility of the Committee. The Committee retains discretion to accept, modify or reject the Commissioner's findings. The guide to the rules relating to the conduct of Members (approved 9 February 2009) states that if the Committee decides that a Member has committed a breach it can make recommendations to the House on further actions required

¹² Parliamentary Standards Act 2009 (Chapter 13) s 9 (2)

¹³ Parliamentary Standards Act 2009 (Chapter 13) s 9 (4) to (8)

¹⁴ Parliamentary Standards Act 2009 (Chapter 13) s 9 (11) and (12)

against a Member.¹⁵ The 2009 Act does not contain any provision to suggest that this function of the Committee has changed.

It is anticipated that the proposed compliance officer will have powers to impose sanctions against a Member (in the form of a civil penalty and recoverable civil debt) and will be able to refer cases to the Committee if it is deemed that a parliamentary sanction is also required.

IS THERE AN APPEALS PROCEDURE IN PLACE REGARDING DECISIONS REACHED BY COMMITTEE?

There is no current mechanism in place in which to appeal a decision taken by the Committee on Standards and Privileges. The House of Lords report into the Parliamentary Standards Bill comments that the issue of the right to appeal Committee decisions is a long-standing and live issue.¹⁶ The Committee can recommend sanctions against a Member which can as a result have serious implications on a Member's reputation and, if the sanction involves suspension, hinder the Member's ability to represent their constituents.

The report quotes the Joint Committee on Human Rights which suggested that under European human rights law a Member's right to a fair hearing could be violated if there is no appeal mechanism for a decision taken by a parliamentary Committee. The report concludes that there is advantage to be gained in establishing a domestic appeal body for Committee decisions but recognises:

*That such an appeal would have profound implications for parliamentary privilege if the appellate body were to be a judicial tribunal outwith Parliament.*¹⁷

MODIFYING AND MAINTAINING THE CODE OF CONDUCT
CURRENT ROLES AND DUTIES OF THE COMMITTEE

The Committee can review and modify the code of conduct at any time as it appears necessary to do so. The role of the Committee on Standards and Privileges is set out in Standing Order 149 and includes:

- To consider matters relating to privileges.
- To oversee the work of the Parliamentary Commissioner for Standards.
- To examine the compilation, maintenance and accessibility of the register for Members' financial interests and other relevant registers.
- The review of the registers.
- To consider complaints brought to the Committee's attention by the Parliamentary Commissioner for Standards in relation to the registering or

¹⁵ The House of Commons, *The Code of Conduct together with The Guide to the Rules relating to the conduct of Members*, p41, retrieved 15 December 2009

<http://www.publications.parliament.uk/pa/cm200809/cmcode/735/735.pdf>

¹⁶ House of Lords, *Parliamentary Standards Bill: implications for Parliament and the courts Report (2009)*, p10, retrieved 10 December 2009

<http://www.publication.parliament.uk/pa/ld200809/ldselect/ldconst/134/134.pdf>

¹⁷ House of Lords, *Parliamentary Standards Bill: implications for Parliament and the courts Report (2009)*, p12, retrieved 10 December 2009

<http://www.publication.parliament.uk/pa/ld200809/ldselect/ldconst/134/134.pdf>

declaring of interests and alleged breaches of any code of conduct approved by the House.

- To recommend modifications to the code of conduct as necessary.¹⁸

SCOTLAND

The Scottish Parliamentary Standards Commissioner investigates complaints made against MSPs in relation to alleged breaches of the code of conduct for MSPs. The misuse of the Expenses Scheme and of Parliamentary facilities and services is investigated by the Scottish Parliamentary Corporate Body which can refer such complaints to the Standards, Procedures and Public Appointments Committee along with a recommendation for “the removal of all or part of the member’s entitlement to reimbursement of expenses under the Scheme for such period and to such extent as the SPCB may specify.”¹⁹

SCOTTISH PARLIAMENTARY STANDARDS COMMISSIONER

The Scottish Parliamentary Standards Commissioner Act 2002 establishes a Scottish Parliamentary Standards Commissioner (Commissioner) who will investigate complaints into the conduct of Members of the Scottish Parliament as defined in the Code of Conduct for MSPs.²⁰ This does not include complaints about the misuse of the Members’ Expenses Scheme or of Parliamentary facilities and services. Complaints arising from these matters are handled by the Scottish Parliamentary Corporate Body.²¹

APPOINTMENT OF THE STANDARDS COMMISSIONER

ROLE, RESPONSIBILITIES AND POWERS

The Commissioner receives complaints in relation to the conduct of Members and under the 2002 Act is duty bound to “investigate whether the member has committed the conduct complained about and has, as a result of that conduct, breached a relevant provision; and report upon the outcome of that investigation to the Parliament.”²² The Commissioner will not normally conduct investigations into complaints classified as excluded complaints (those referred to as excluded complaints within the 2002 Act, excluded from the remit of the Commissioner by any provision of the standing orders or the code of conduct) unless directed to do so by the Standards, Procedures and Public Appointments Committee.

An investigation by the Commissioner will seek to determine if the Member has actually done what has been alleged and if the code of conduct has been broken. The Commissioner will report on the findings of the investigation but will not decide

¹⁸ House of Commons, Standing Order 149 Committee on Standards and Privileges is available at <http://www.publications.parliament.uk/pa/cm200607/cmstords/405/40523.htm>

¹⁹ The Code of Conduct for MSPs is available at <http://www.scottish.parliament.uk/msp/conduct/coc-v2-2.htm#top>

²⁰ The Scottish Parliamentary Standards Commissioner Act 2002 is available at http://www.opsi.gov.uk/legislation/scotland/acts2002/asp_20020016_en_1

²¹ The Scottish Parliamentary Standards Commissioner information is available at <http://www.spssc.co.uk/who.htm>

²² Scottish Parliamentary Standards Commissioner Act 2002 s 3 (1)

upon or recommend sanctions against a Member. This is the responsibility of the Committee.

SUBJECT TO THE DIRECTION OR CONTROL OF PARLIAMENT

The Commissioner carries out the functions of the role independently but will “comply with any directions given by the Parliament”²³ (in practice this translates as the Standards, Procedures and Public Appointments Committee). For example, Section 4 (2) of the 2002 Act states that the Parliament may make provision as to the procedure the Commissioner should follow when investigating complaints or require the Commissioner to provide a report to the Parliament with regards to the exercise of the Commissioners functions. Any direction given by the Parliament under Section 4 “shall not direct the Commissioner as to whether or how any particular investigation is to be carried out.”²⁴

Section 10 of the 2002 Act states that although the Commissioner will present a report detailing the investigation findings to the Committee it is not bound by any facts or conclusions reached by the Commissioner. The Committee can direct the Commissioner to conduct further investigations as deemed appropriate. It can also direct the Commissioner to undertake an investigation into a complaint that is classified as an excluded complaint.

IS THE POSITION ON A STATUTORY BASIS? STATUTORY POWERS?

The Commissioner operates on a statutory basis with statutory powers provided by the 2002 Act.

HOW IS THE COMMISSIONER APPOINTED? ELIGIBILITY CRITERIA, TERMS AND CONDITIONS OF APPOINTMENT

An open recruitment administered by the Scottish Parliament Corporate Body is used to appoint the Commissioner. In each instance the decision of the Corporate Body requires the agreement of the Scottish Parliament. Members of Parliament or staff of the Parliament cannot be appointed as Commissioner nor can individuals who have held either of these positions during the two years prior to appointment. The Commissioner will be appointed for a term of no longer than five years and can be re-appointed once only.²⁵ The Corporate Body determine the terms and conditions of the appointment and will pay the salary and allowances of the Commissioner including any expenses incurred while exercising the functions of the office. The 2002 Act also provides that the Corporate Body provide pensions, allowances or gratuities to any person who has held the office of Commissioner.

The current Scottish Parliamentary Standards Commissioner, Stuart Allen, was appointed in April 2009 for a two year term.

RULES/GUIDELINES FOR DISMISSAL

Section 1 (6) of the 2002 Act states that at any time the Commissioner may resign by giving notice to the Corporate Body. The Corporate Body is afforded power under the 2002 Act to remove the Commissioner from office however this cannot happen unless “the Parliament so resolves; and if the resolution is passed on a division, the

²³ Scottish Parliamentary Standards Commissioner Act 2002 s 4 (1)

²⁴ Scottish Parliamentary Standards Commissioner Act 2002 s 4 (3)

²⁵ Scottish Parliamentary Standards Commissioner Act 2002 s 1 (2) to (5)

number of votes cast in favour of it is not less than two thirds of the total number of votes cast in the division.”²⁶

HANDLING ALLEGED BREACHES

The 2002 Act contains general provisions for the investigation process which is split into two possible stages. Initially, the Commissioner will investigate and determine if a complaint is admissible (Stage 1), if it is admissible then the Commissioner will investigate further and report the findings to the Standards, Procedures and Public Appointments Committee (Stage 2).²⁷ For a complaint to be deemed admissible at Stage 1 the Commissioner will administer three tests to determine: if it is relevant; if the complaint meets the specified requirements; and if it warrants further investigation. Section 6 (4) of the 2002 Act states that a complaint is relevant if it concerns the conduct of a Member of Parliament, if it is not an excluded complaint unless it is an excluded complaint that the Commissioner has been directed to investigate by the Committee, and if it appears at first sight that all or part of the conduct complained about has been committed by the Member. The complaint must meet specified requirements:

- (a) is made in writing to the Commissioner.*
- (b) is made by an individual person, is signed by that person and states that person's name and address.*
- (c) names the member of Parliament concerned.*
- (d) sets out the facts relevant to the conduct complained about and is accompanied by any supporting evidence which the complainant wishes to submit.*
- (e) is made within one year from the date when the complainant could reasonably have become aware of the conduct complained about.*²⁸

Upon receipt of a complaint the Commissioner will notify the relevant Member that a complaint has been made about their conduct and will provide them with an outline of it along with the name of the complainant unless the Commissioner decides that to name the complainant would be inappropriate.

The final test of Stage 1 is to decide if it appears that there is sufficient evidence to suggest the conduct which forms the basis of the complaint may actually have taken place. Once the Commissioner has decided that the complaint is admissible a report will be made to the Committee to advise that the complaint is to be investigated further. The Commissioner will also advise the complainant and the Member named in the complaint of the decision to investigate the complaint fully.

The Commissioner will undertake Stage 2 to determine if in fact the Member has committed the alleged conduct described by the complainant and if this is deemed a breach of the code of conduct. A report will be prepared for the Committee outlining the investigation and the conclusions reached by the Commissioner. The findings of the report will state the facts of the case and whether the Member has breached the code or not. The report will not recommend any form of sanction or action to be taken.

If the Commissioner deems that the Member has breached the code of conduct, prior to presentation to Committee, the investigation report will be given to the Member

²⁶ Scottish Parliamentary Standards Commissioner Act 2002 s 7

²⁷ Scottish Parliamentary Standards Commissioner Act 2002 s 5 (1)

²⁸ Scottish Parliamentary Standards Commissioner Act 2002 s 6 (5)

and they will be afforded an opportunity to comment. The Member's comments will be recorded and added to the final report presented to the Committee.²⁹

Section 13 of the 2002 Act provides power for the Commissioner to call for witnesses and documents. It also lists the exceptions to which these powers can be extended, for example, an individual has the same rights to refuse to answer any question or produce any document requested by the Commissioner as they would have under proceedings in a Scottish court of law. In certain circumstances failing to present before the Commissioner can lead to being found guilty of an offence.

STANDARDS, PROCEDURES AND PUBLIC APPOINTMENTS COMMITTEE

ROLE OF THE COMMITTEE WHEN HANDLING BREACHES

The Committee will consider the report prepared by the Commissioner and can accept or reject the conclusions reached. The Clerk of the Committee will ask the Member who is the subject of the complaint whether they agree with the Commissioner's report or wish to appear before the Committee to discuss the findings or conclusions of the report. The Committee can also request that the Commissioner conduct further investigations into the complaint. Once the Committee has made its recommendations it will present the report before Parliament. Standing Orders of the Scottish Parliament Rule 6.4 provide the Committee with the power to propose a motion to recommend a Member's rights and privileges be withdrawn.³⁰

IS THERE AN APPEALS PROCEDURE IN PLACE REGARDING DECISIONS REACHED BY COMMITTEE?

The Member who is the subject of the complaint can make a representation to the Committee with regards to the decision but there is no formal independent appeal process in place.

MODIFYING AND MAINTAINING THE CODE OF CONDUCT

CURRENT ROLES AND DUTIES OF THE COMMITTEE

The Standards, Procedures and Public Appointments Committee review and report on:

- (a) the practice and procedures of the Parliament in relation to its business;*
- (b) whether a member's conduct is in accordance with these Rules and any code of conduct for members, matters relating to members' interests, and any other matters relating to the conduct of members in carrying out their Parliamentary duties;*
- (c) the adoption, amendment and application of any code of conduct for members; and*
- (d) matters relating to public appointments in Scotland.³¹*

²⁹ Scottish Parliamentary Standards Commissioner Act 2002 s 9 (3)

³⁰ Standing Orders of the Scottish Parliament, Rule 6.4 is available at <http://www.scottish.parliament.uk/business/so/sto-3.htm>

³¹ The remit and responsibilities of the Standards, Procedures and Public Appointments Committee is available at <http://www.scottish.parliament.uk/s3/committees/stanproc/responsibilities.htm>

Within the Committee's current work programme it is holding an inquiry into the review of Section 2 of the code of conduct concerning categories of registerable interests which Members must register. The Committee will attempt to provide guidance on each of the categories.

WALES

The monitoring and investigation of the conduct of Assembly Members and issues relating to the register of financial interests rests primarily with the National Assembly for Wales Commissioner for Standards (Commissioner) and the Committee on Standards of Conduct. The National Assembly for Wales Commissioner for Standards Measure 2009 outlines the role and functions of the Commissioner and the process for the investigation of complaints. The Measure states that the principal aim of the Commissioner is:

*To promote, encourage and safeguard high standards of conduct in the public office of Assembly Member*³².

APPOINTMENT OF THE COMMISSIONER FOR STANDARDS

ROLE, RESPONSIBILITIES AND POWERS

The role of the Commissioner is to receive and investigate complaints with regards to alleged Member breaches of relevant provisions and to report the findings to the Assembly. Relevant provisions include the registration of financial interests, membership of societies, and any code of conduct relating to Assembly Members.³³ The Commissioner will provide advice to Assembly Members and members of the public in relation to lodging a complaint and the investigation process that follows. Further to this the Commissioner can be asked to advise the Assembly on "matters of general principle relating to the conduct of AMs, on procedures relating to the investigation of complaints and on matters relating to promoting high standards in public life generally."³⁴

The 2009 Measure makes it clear that the Commissioner will exercise the role solely with regards to Assembly Members and the provisions and code of conduct which apply to them.

SUBJECT TO THE DIRECTION OR CONTROL OF ASSEMBLY

Section 5 of the 2009 Measure provides that the Commissioner, subject to section 19, "is not, in the exercise of any functions, to be subject to the direction or control of the Assembly."³⁵ Section 19 provides that the Commissioner must attend before the Committee on Standards of Conduct at their request and provide them with an annual report and any reasonably required information.

³² The National Assembly for Wales Commissioner for Standards Measure 2009 s 2
http://www.opsi.gov.uk/legislation/wales/mwa2009/pdf/mwa_20090004_en.pdf

³³ The National Assembly for Wales Commissioner for Standards Measure 2009 s 6 (3)

³⁴ National Assembly for Wales, *Draft Proposed Measure on Commissioner for Standards – Explanatory Memorandum*, p 25, retrieved 15 December 2009
http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/bus-committees-third-std-home/bus-committees-third-soc-project/soc_3_-sc2.htm

³⁵ The National Assembly for Wales Commissioner for Standards Measure 2009 s 5

IS THE POSITION ON A STATUTORY BASIS? STATUTORY POWERS?

The role and functions of the Commissioner have been made statutory and independent of the National Assembly by the 2009 Measure. The Measure was proposed by the Committee on Standards of Conduct with the overall objective of contributing to the “maintenance of high standards of public life.”³⁶

HOW IS THE COMMISSIONER APPOINTED? ELIGIBILITY CRITERIA, TERMS AND CONDITIONS OF APPOINTMENT

The 2009 Measure provides that the appointment of the Commissioner be made by the Assembly following an open and fair competition. Ineligible applicants for the position include:

- Assembly Members (current or an Assembly Member during the two years prior to appointment).
- Staff of the National Assembly for Wales or a staff member during the two years prior to appointment.
- Staff of the Welsh Assembly Government or a staff member during the two years prior to appointment.³⁷

The Commissioner can be appointed for a six year term and any individual who has already held the office of Commissioner cannot be re-appointed to the position.

RULES/GUIDELINES FOR DISMISSAL

The Commissioner may resign at any time by giving notice to the Assembly or can be removed from the position by the Assembly. Should the Assembly seek to remove the Commissioner from office the 2009 Measure provides that this can only occur:

- (a) if the assembly so resolves, and
- (b) if the resolution is passed on a vote, the number of votes cast in favour of the resolution is not less than two thirds of the total number of votes cast.³⁸

Further to this, the Commissioner’s appointment will cease if the individual:

- Becomes an Assembly Member candidate.
- Is appointed or designated the functions of the Counsel General (under section 49 of the Act).
- Is appointed as a staff member of the National Assembly for Wales or the Welsh Assembly Government.³⁹

HANDLING ALLEGED BREACHES

The Clerk of the Assembly will refer a matter in writing to the Commissioner if there are reasonable grounds for suspecting that a Member’s conduct is in breach of a relevant provision and is also relevant to the Clerk’s functions under section 138 of

³⁶ National Assembly for Wales, *Draft Proposed Measure on Commissioner for Standards – Explanatory Memorandum*, p 3, retrieved 15 December 2009

http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/bus-committees-third-std-home/bus-committees-third-soc-project/soc_3_-sc2.htm

³⁷ The National Assembly for Wales Commissioner for Standards Measure 2009 s 1 (3)

³⁸ The National Assembly for Wales Commissioner for Standards Measure 2009 s 1 (7)

³⁹ The National Assembly for Wales Commissioner for Standards Measure 2009 s 1 (8)

the Government of Wales Act 2006.⁴⁰ The Commissioner will investigate the complaint and report the findings to the Assembly through the Committee on Standards of Conduct. The report must be an outcome of fact and should not make recommendations for sanctions against a Member. It is the responsibility of the Committee to determine appropriate sanctions. The Committee will also be responsible for supervising “the compilation, maintenance and accessibility of the Register of Members’ Interests and the Record of Membership of Societies and the form and content of the Register and the Record.”⁴¹

To assist with the investigation procedure the Commissioner has the power to call for witnesses and documents deemed relevant to the investigation and if necessary “administer an oath or affirmation to any person giving evidence to the Commissioner, and require that person to take an oath or make an affirmation.”⁴² Witnesses who are called to present as part of an investigation are entitled to the same privileges as that of a witness giving evidence in a court of law in Wales or England. Section 15 of the 2009 Measure outlines the offences and penalties for individuals who fail or refuse to present themselves or a document at the request of the Commissioner.

COMMITTEE ON STANDARDS OF CONDUCT

ROLE OF THE COMMITTEE WHEN HANDLING BREACHES

The Committee on Standards and Conduct will investigate and recommend action on any complaint referred by the Commissioner. The procedure for dealing with complaints against Assembly Members outlines the process the Committee must follow. Initially, the Committee will meet in private to consider the details of the complaint and whether witnesses need to be called to the oral hearing and if the complaint should be considered in private or public. The Committee will then proceed to an oral hearing to clarify the facts of the complaint and/or to question relevant witnesses. Following the hearing the Committee will meet again in private to consider whether the Member has breached the code of conduct and what action or sanction should be recommended. The Committee will prepare a report and along with the Commissioner’s accompanying report will table a motion calling on the Assembly to endorse the Committee’s recommendations. The Member who is the subject of the complaint will also receive a copy of the Committee’s report.

IS THERE AN APPEALS PROCEDURE IN PLACE REGARDING DECISIONS REACHED BY COMMITTEE?

Should the Member who is the subject of the complaint be found by the Committee to be in breach of the code of conduct they have 10 working days after receiving the Committee’s report to appeal to the Presiding Officer. The Presiding Officer will arrange for an appeal panel to be gathered consisting of four Assembly Members from different political groups and an independent legally qualified person (this person must not be an Assembly Member or a staff member of the Assembly).⁴³ A

⁴⁰ The National Assembly for Wales Commissioner for Standards Measure 2009 s 9

⁴¹ Committee on Standards of Conduct information is available at

<http://www.assemblywales.org/bus-home/bus-committees/bus-committees-other-committees/bus-committees-third-std-home.htm>

⁴² The National Assembly for Wales Commissioner for Standards Measure 2009 s 13

⁴³ The National Assembly for Wales, *Procedure for Dealing with Complaints against Assembly Members (2008)*, p8, retrieved 31 December 2009

number of individuals are prohibited from sitting on the appeal panel, they include: Standards of Conduct Committee Members; Presiding Officer and Deputy; First Minister; leaders of political groups; the complainant or witnesses. The panel will consider the reports prepared by the Commissioner, the Committee and any other written documents submitted by the appellant but will not hold any oral hearings. The conclusion of the appeal panel can be either to uphold or dismiss the appeal.

MODIFYING AND MAINTAINING THE CODE OF CONDUCT

CURRENT ROLES AND DUTIES OF THE COMMITTEE

The Committee on Standards and Conduct is conferred power under Standing Order 16 and has five main functions to perform:

- To investigate, report and recommend action with regards to complaints referred to it by the Commissioner for Standards.
- To review matters of principle regarding the conduct of Members.
- Supervise the compilation, maintenance and accessibility of the register of Members' interests and Membership of Societies.
- Report annually to the Assembly in relation to complaints made, any actions taken and conclusions on the standards of conduct of Assembly business.
- To establish procedures for investigating complaints under Standing Order 16.1 (i).⁴⁴

The Standing Order makes no specific mention of the Committee's role in modifying the code of conduct. Committee meeting papers and transcripts submitted on the National Assembly for Wales website show that the Standards Committee Secretariat propose amendments or revisions to the code of conduct and invite the Committee to consider and agree these proposals.

DÁIL ÉIREANN

The Standards in Public Office Commission (Standards Commission) was established under the Standards in Public Office Act 2001 and assumed the functions of the Public Offices Commission. The Standards Commission has a much broader scope of work in comparison to the bodies established in the House of Commons, the Scottish Parliament and the National Assembly for Wales. The Standards Commission plays a broad supervisory role in relation to the following Acts:

- Ethics in Public Office Act 1995, as amended by the Standards in Public Office Act 2001 (Ethics Acts).
- Electoral Act 1997, as amended (Electoral Acts).

<http://www.assemblywales.org/memhome/mem-commissioner-standards/mem-complaint-procedure.htm>

⁴⁴ National Assembly for Wales, Standing Order 16 Committee on Standards of Conduct is available at <http://www.assemblywales.org/bus-docs-third-standingorders.pdf>

- Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001 (Party Leaders' Allowance Act).⁴⁵

Under the Electoral Acts the Standards Commission has a duty to monitor and where appropriate report to the Chairman of the Dáil Éireann on issues such as election expenses and the disclosure of donations.⁴⁶ With regards to the Party Leaders' Allowance Act 2001 it considers statements of expenditure submitted by party leaders and prepares reports the Minister for Finance indicating the disclosure of unauthorised expenditure and if the statement is adequate or inappropriate.⁴⁷

APPOINTMENT OF THE STANDARDS COMMISSION

ROLE, RESPONSIBILITIES AND POWERS

The role of the Standards Commission in relation to the Ethics Acts is to provide advice on compliance with the Acts, to administer a register of interests and tax compliance measures, and to investigate complaints made under Section 22 of the Ethics in Public Office Act 1995 or section 4 of the Standards in Public Office Act 2001. Complaints made under either of these sections fall to the Standards Commission to investigate rather than the Committee on Members' Interests of Dáil Éireann.

Section 22 of the Ethics Act 1995 details the type of person who can make a complaint to the Standards Commission about alleged breaches of the disclosure provisions of the Act. Section 4 of the Ethics Act 2001 provides that an individual can make a complaint about a specified person who has allegedly committed a specified act (defined in the 2001 Act) or breached a provision of the Act.⁴⁸

SUBJECT TO THE DIRECTION OR CONTROL OF THE HOUSES

The Committee on Members' Interests of Dáil Éireann or other relevant Committee can request the Standards Commission to investigate a particular complaint. At least twice each year the Standards Commission will consult with the Committees with regards to the operation of the 2001 Act and other relevant matters and legislation.

IS THE POSITION ON A STATUTORY BASIS? STATUTORY POWERS?

The Standards Commission and its functions are provided for on a statutory basis by the Standards in Public Office Act 2001.⁴⁹ However, the Standards Commission has "no coercive or punitive power."⁵⁰

⁴⁵ Standards in Public Office Commission information is available at <http://www.sipo.gov.ie/en/AboutUs/>

⁴⁶ Information on the functions of the Standards Commission under the Electoral Acts is available at <http://www.sipo.gov.ie/en/AboutUs/Functions/>

⁴⁷ Information on the functions of the Standards Commission under the Party Leaders Allowance Act is available at <http://www.sipo.gov.ie/en/AboutUs/Functions/>

⁴⁸ The Standards in Public Office Commission investigation of complaints under the Ethics Acts <http://www.sipo.gov.ie/en/Complaints/ComplaintsProcedures/InvestigationofcomplaintsundertheEthicsActsandElectoralActs/>

⁴⁹ The Standards in Public Office Act 2001 is available at <http://www.irishstatutebook.ie/2001/en/act/pub/0031/index.html>

⁵⁰ Standards in Public Office Commission, *Investigations under the Ethics in Public Office Acts 1995 and 2001 and the Local Government Act 2001 Statement of Intended Procedures*

HOW IS THE COMMISSION APPOINTED? ELIGIBILITY CRITERIA, TERMS AND CONDITIONS OF APPOINTMENT

The Standards Commission is comprised of six members (one Chairperson and five ordinary members). Section 2 of the 2001 Act states that the Chairperson must be a judge (or former judge) of the Supreme Court or the High Court and will be appointed by the President following resolutions passed by both Houses. The appointment of the Chairperson is for a six year term and re-appointment for another term is provided for within the 2001 Act.

The ordinary members consist of “the Comptroller and Auditor General, the Ombudsman, the Clerk of the Dáil Éireann, the Clerk of the Seanad Éireann, and a person who (i) is appointed to be such a member by the Government following resolutions passed by each House approving the proposed appointment, and (ii) is a former member of one of the Houses and is not a representative in the European Parliament.”⁵¹ The ordinary members are appointed for a six year term and can be re-appointed for a subsequent term. However, an ordinary member will cease to hold their position should they be nominated as a member of Seanad Éireann, are nominated for election for either House or the European Parliament, or have been elected to the European Parliament.⁵²

The members of the current Standards Commission are Mr Justice Matthew P Smith (Chairman and former judge of the High Court), John Buckley (Comptroller and Auditor General), Ms Emily O’Reilly (Ombudsman), Mr Kieran Coughlan (Clerk of Dáil Éireann), Ms Deirdre Lane (Clerk of the Seanad Éireann), and Mr Michael Smith.

RULES/GUIDELINES FOR DISMISSAL

The Chairperson of the Standards Commission can request to be removed from office or can be removed from office by the President if there is evidence of misbehaviour, incapacity or bankruptcy and resolutions are passed by both Houses in support of the removal.

An ordinary member can resign by giving written notice to the Minister or can be removed from office if there is evidence of misbehaviour, incapacity or bankruptcy and following resolutions passed by both Houses in support of the removal.

HANDLING ALLEGED BREACHES

A complaint can be made to the Standards Commission under provisions set out in Section 22 of the Ethics in Public Office Act 1995 and Section 4 of the Standards in Public Office Act 2001.

The Statement of Intended Procedures describes the process the Standards Commission intend to follow when carrying out an investigation under the Ethics Acts. While the Standards Commission generally investigate office holders or specified persons (under Section 4 of the Standards Act):

section 22 (5) of the Ethics Act, as amended, provides that complaints in relation to members of the Oireachtas may fall to be investigated by the

(2006), p4, retrieved 21 December 2009

<http://www.sipo.gov.ie/en/GeneralPublications/InvestigationProtocol/>

⁵¹ The Standards in Public Office Act 2001 s 2 (2)

⁵² The Standards in Public Office Act 2001 s 2 (2H)

*Commission where the complaint is one made to the Commission by the chairman of the relevant Committee on Members' Interests itself or where, in the case of a third party complaint, the complaint is referred to the Commission by the chairman of the Committee concerned.*⁵³

Complaints must be made to the Standards Commission in writing and should contain as much detail as possible to enable it to decide whether a formal investigation is required. Section 8 of the 2001 Act provides that the Standards Commission shall not investigate a complaint unless the complainant discloses their identity. The Commission also has the right to contact the person that is the subject of the complaint to seek information which may have a bearing on whether or not to begin an investigation.

Section 6 of the 2001 Act allows the Standards Commission to appoint Inquiry Officers to carry out a preliminary inquiry into a complaint. Initially the Officer will request a statement of evidence from the complainant or anyone else deemed relevant to the inquiry. They will then provide the person who is the subject of the complaint with the particulars of the complaint including the statement submitted by the complainant. The Officer will request a statement of the evidence that would be given to the Standards Commission from the person who is the subject of the complaint and will conduct interviews as appropriate with both parties. The Officer is also permitted to request any documents which may be relevant to the inquiry.

The Inquiry Officer is required to prepare a report for the Standards Commission detailing the results of the inquiry and must include any statements or documents provided to the Officer as part of the preliminary inquiry. The 2001 Act states that the report must not contain any determinations or findings but will at the request of the Standards Commission contain "an opinion of the officer as to whether there is *prima facie* evidence to sustain the complaint concerned."⁵⁴ The Statement of Intended Procedures notes that in cases where the facts are clear and not the subject of dispute it may not be necessary to conduct a preliminary inquiry. However, the general view of the Standards Commission is that the use of an Inquiry Officer is beneficial in most cases.

The Standards Commission will hold sittings for the purposes of investigation at which it will hear evidence and receive submissions relevant to the case. The Commission can call for witnesses and will allow the person who is the subject of the complaint to present their case to them and also cross examine witnesses called by the Commission and present their own witnesses. A witness is entitled to:

*The same privileges and immunities as a witness in a court, save that such witness cannot refuse to answer a question or refuse to produce a document on the ground that the answer or document might incriminate him or her.*⁵⁵

⁵³ Standards in Public Office Commission, *Investigations under the Ethics in Public Office Acts 1995 and 2001 and the Local Government Act 2001 Statement of Intended Procedures* (2006), p4, retrieved 21 December 2009

<http://www.sipo.gov.ie/en/GeneralPublications/InvestigationProtocol/>

⁵⁴ The Standards in Public Office Act 2001 s 6 (3)

⁵⁵ Standards in Public Office Commission, *Investigations under the Ethics in Public Office Acts 1995 and 2001 and the Local Government Act 2001 Statement of Intended Procedures* (2006), p12, retrieved 21 December 2009

<http://www.sipo.gov.ie/en/GeneralPublications/InvestigationProtocol/>

If the witness provides false evidence, fails or refuses to attend before the Commission, refuses to take the oath, refuses to answer any question to which the Commission is legally entitled an answer, or refuses to produce any document which the Commission legally requires they can be found to be committing an offence. To obstruct the Commission, a Committee or an Inquiry Officer “by act or omission”⁵⁶ can also be considered an offence.

The Standards Commission will submit a report outlining the results of the investigation to the person who is the subject of the complaint, the complainant (if the complaint was made under section 22 of the 1995 Act), and:

- (c) (i) in case the person the subject of the investigation is or was an office holder and the Commission has determined that he or she has contravened Part II, III, IV, the Committee, and*
- (ii) in any other case – (I) the Minister, or (II) if, at the time of the alleged contravention concerned, the person occupied a position in a Department of State or office administered by a Minister of the Government other than the Minister, that Minister of the Government.*⁵⁷

If the subject of the complaint is a Member of either of the Houses of the Oireachtas it is the responsibility of the relevant Committee to recommend if action against the Member should be taken. If the subject is not a Member of either House it will still be outside the remit of the Standards Commission to recommend sanctions and they will have no further input in the process.

COMMITTEE ON MEMBERS’ INTERESTS OF DÁIL ÉIREANN

ROLE OF THE COMMITTEE WHEN HANDLING BREACHES

The Committee on Members’ Interests of Dáil Éireann conducts investigations into alleged breaches of provisions contained within the Ethics Acts. The Clerk of the Dáil Éireann may refer complaints from non Members while complaints from Members will go directly to the Committee. For investigation purposes the Committee holds sittings at which it can receive submissions and relevant evidence. The sittings may be conducted in private. The Chairman of the Committee can call the Member concerned or any other relevant person to attend the sitting to provide evidence. They will be afforded the same privileges and immunities as they would be in a court of law. The Chairman may also request any relevant documents pertaining to the alleged breach to be presented before the Committee. Failure to present before the Committee, answer questions or provide relevant documents can be found to be an offence.

A report of the proceedings will be produced by the Committee and issued to the Member named in the complaint and the complainant. If it concludes that the Member has breached the Ethics Acts it will also lay the report before the Dáil Éireann. The Committee can propose a motion to censure, suspend or financially penalise a Member.

⁵⁶ The Standards in Public Office Act 2001 s 17

⁵⁷ The Ethics in Public Office Act 1995 s 24 (1)

MODIFYING AND MAINTAINING THE CODE OF CONDUCT

CURRENT ROLES AND DUTIES OF THE COMMITTEE

The Committee is responsible for drafting compliance guidelines for Members in relation to the Ethics Acts (in consultation with the Standards Commission and the Committee on Members' Interests of the Seanad Éireann), drawing up a code of conduct for non-office holders (following consultation with the Standards Commission) and conducting investigations into alleged breaches of statements of interest. The Committee also provides Members with advice in relation to the Ethics Acts. The code of conduct drawn up by the Committee focuses on the standards of conduct and integrity that must be upheld by each Member of the Dáil Éireann and it provides an advisory role to Members in this regard.

ANNEX 1

RELEVANT CODES OF CONDUCT AND GUIDELINES

HOUSE OF COMMONS

Register of financial interests – Register of Members' Financial Interests – 10 December 2009 (Part 1 and Part 2)

<http://www.publications.parliament.uk/pa/cm/cmregmem/memi02.htm>

New code of conduct relating to Members' financial interests to be prepared by the IPSA

Allowances – The Green Book July 2009: A guide to Members' allowances

<http://www.parliament.uk/documents/upload/GreenBook.pdf>

New allowances scheme to be prepared by the IPSA

Code of conduct (ethics) – The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members

<http://www.publications.parliament.uk/pa/cm/cmpocrules.htm>

SCOTTISH PARLIAMENT

Register of financial interests – Code of Conduct for MSPs

<http://www.scottish.parliament.uk/msp/conduct/index.htm>

Allowances – Members Expenses Scheme

<http://www.scottish.parliament.uk/msp/MSPAllowances/index.htm>

Code of conduct (ethics) - Code of Conduct for MSPs

<http://www.scottish.parliament.uk/msp/conduct/index.htm>

NATIONAL ASSEMBLY FOR WALES

Register of financial interests – National Assembly for Wales Code of Conduct for Assembly Members

<http://www.assemblywales.org/memhome/mem-commissioner-standards/cod-ymddyqiad.htm>

Allowances – subject to a set of rules known as 'The Determination' (updated annually)

http://www.assemblywales.org/nafw_members_officers_salaries_allowances_determination_2009.pdf

Code of conduct (ethics) - National Assembly for Wales Code of Conduct for Assembly Members
<http://www.assemblywales.org/memhome/mem-commissioner-standards/cod-yddygiad.htm>

DÁIL ÉIREANN

Register of financial interests – Guidelines on compliance with the provisions of the Ethics in Public Office Acts, 1995 and 2001 (office holders)
<http://www.sipo.gov.ie/en/Guidelines/EthicsActs/OfficeHolders/>

Code of conduct (ethics) – Code of conduct for Members of the Dáil Éireann other than office holders
<http://www.oireachtas.ie/viewdoc.asp?fn=/documents/press/codeofconduct.htm>

ANNEX 2

INDEPENDENT PARLIAMENTARY STANDARDS AUTHORITY CHAIR AND MEMBERS

(<http://www.parliamentarystandards.org.uk/index.html>)

CHAIR

Professor Sir Ian Kennedy LLD

Professor Sir Ian Kennedy is a lawyer who has also lectured and written on the law and ethics of healthcare. He is Emeritus Professor of Health Law, Ethics and Policy at the School of Public Policy, University College of London and Visiting Professor at the London School of Economics. He was Chairman of the Healthcare Commission, the public watchdog in health services provision, and was the leader of the public enquiry into the deaths in children's heart surgery at the Bristol Royal Infirmary (1998-2001). He also chaired the Nuffield Council on Bioethics and is currently Chair of the UK Research Integrity Office.

MEMBERS

Rt Hon Lord Justice Scott Baker

A High Court Judge in the Family Division (1988-92) before transferring to the Queen's Bench Division in 1992. He became a Lord Justice of Appeal in 2002 and has been a member of the Government Committee of Inquiry into Human Fertilisation (the Warnock Committee) and a member of the Parole Board. He sat as coroner for the inquests into the deaths of Diana, Princess of Wales and Dodi Fayed in 2007 and 2008.

Professor Isobel Sharp CBE

Professor Isobel Sharp CBE is a partner at Deloitte LLP and a Visiting Professor at the University of Edinburgh Business School. She was President of The Institute of Chartered Accountants of Scotland for 2007/8 and has served on the UK Accounting Standards Board and the Financial Reporting Review Panel. Professor Sharp was awarded a CBE in 2009 for services to the accountancy profession. She was a member of the Independent Review of Parliamentary Allowances group which reported in March 2008 on the Reimbursement of Expenses for Members of the Scottish Parliament.

Jackie Ballard

The Liberal Democrat MP for Taunton from 1997-2001. Between 2002 and 2007 she was Director General of the Royal Society for the Prevention of Cruelty to Animals. In 2007 she took up the post as CEO of the Royal National Institute for the Deaf.

Ken Olisa

A businessman who worked at IBM (UK) and Wang Laboratories before founding technology merchant bank Interregnum. He now leads Restoration Partners. He serves on the boards of Thomson Reuters, Eurasian Natural Resources Corporation (ENRC). He is Chairman of Thames Reach, a charity focused on ending street homelessness in London by 2012. He is a Warden of the Worshipful Company of Information Technologists, a Vice President of the British Computer Society and a

member of the Government's Women's Enterprise Task Force. He was an inaugural member of the Postal Services Commission from 2000-2004, a board member with Open Text, and a Governor of the Peabody Trust.