



Northern Ireland
Assembly

Committee on Standards and Privileges

**Report on the Review of the
Assembly Members' Code of Conduct and the
Guide to the Rules relating to the Conduct of
Members: Stage 1**

Together with the Minutes of Proceedings and Written Evidence relating to
the Report

**Ordered by the Committee on Standards and Privileges to be printed on
24 February 2021**

Report: NIA 82/17-22 Committee on Standards and Privileges

This report is the property of the Committee on Standards and Privileges. Neither the report nor its contents should be disclosed to any person unless such disclosure is authorised by the Committee.

**THE REPORT REMAINS EMBARGOED UNTIL COMMENCEMENT OF THE
DEBATE IN PLENARY**

Committee Powers and Membership

1. The Committee on Standards and Privileges is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order Nos. 51 and 57. Further provisions on the Committee's functions are also included in Standing Orders 69, 69A, 69B, 69C and 70. The Committee has 9 members including a Chairperson and Deputy Chairperson and a quorum of 5.
2. The Committee has power:
 - to consider specific matters relating to privilege referred to it by the Assembly;
 - to oversee the work of the Assembly Clerk of Standards;
 - to examine the arrangement for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the Assembly, and to review from time to time the form and content of those registers;
 - to consider any specific complaints made in relation to the registering or declaring of interests referred to it;
 - to consider any matter relating to the conduct of Members;
 - to recommend any modifications to any Assembly code of conduct as may from time to time appear to be necessary.
3. The Committee is appointed at the start of every Assembly, and has power to send for persons, papers and records that are relevant to its enquiries.
4. The membership of the Committee is as follows:

Ms Sinéad Ennis (Chairperson)

Mr William Irwin (Deputy Chairperson)

Dr Steve Aiken¹²

Mrs Pam Cameron

Mr Stewart Dickson

Mr Seán Lynch³

Mr Declan McAleer

Mr Patsy McGlone

Mr George Robinson

¹ From 19 October 2020 Steve Aiken MLA replaced John Stewart MLA as a member of the Committee

² From 6 July 2020 John Stewart MLA replaced Doug Beattie MLA as a member of the Committee

³ From 5 October 2020 Sean Lynch MLA replaced Colm Gildernew MLA as a member of the Committee

Table of Contents

Report

Background **Page 4**

Issues considered **Page 5**

Conclusions and Recommendations **Page 10**

Annex to the Report – Proposed amendments to the *Code of Conduct and the Guide to the Rules relating to the Conduct of Members* **Page 12**

Appendices

Appendix 1 – Threshold values for registrable interests in UK & Irish legislatures **Page 66**

Appendix 2 – Written submission from the Commissioner for Standards **Page 75**

Appendix 3 – Link to Minutes of Proceedings relating to the Review **Page 78**

Background

1. Arising from its priority planning event on 11 March 2020, the Committee on Standards and Privileges identified a 'General review of the Code and Guide' as a strategic priority for the remainder of the Mandate. The Committee subsequently agreed its strategic plan 2020-22 on 04 November 2020, which provided for the review to be undertaken in two stages: with stage 1 addressing urgent and straightforward amendments; and stage 2 covering more complex and detailed issues (including the arrangements for handling complaints of inappropriate/unacceptable behaviour).
2. The overall aim of the review is to ensure that the rules and guidance keep pace with best practice in ethical standards. It is envisaged that the outcome will be an improved *Code of Conduct and Guide and Guide to the Rules relating to the Conduct of Members* ('the Code and Guide') which reduces the risk of non-compliance and resultant reputational damage; increases transparency; and leads to increased public confidence associated with a strengthened standards regime.
3. This report represents the output from stage 1 of the review. The issues considered as part of stage 1 included: updating monetary thresholds for the registration (and/or exemption from registration) of certain categories of interests; introducing a requirement on Members to register the value or estimated value of gift/benefit/hospitality and visits; and various consequential amendments and textual improvements to clarify existing provisions and achieve consistency in both the Code and the Guide. These issues were identified since the Code and Guide were last updated in June 2016, including by the previous Committee, by the last Commissioner for Standards and as a result of the experience of the registration process in the current Mandate and developments in comparator legislatures.
4. While the Committee can make minor amendments to the Guide, it requires Assembly approval for changes to the Code and/or substantive changes to the Guide; and this requirement applies in the instant case given the nature of the proposed stage 1 amendments.
5. At its meetings on 01 July 2020 and 30 September 2020, the Committee gave initial consideration to the range of potential amendments which could be covered in stage 1 of the review. This consideration was informed by information on the approaches taken by comparator legislatures to the issues identified, as outlined in the table at **Appendix 1**. At its meeting on 30 September 2020, the Committee agreed to seek advice in writing from the new Commissioner for Standards, Dr Melissa McCullough, on the potential amendments identified to date and on any other suggestions which she may have in that regard. The written submission from the Commissioner, setting out her advice, is included at **Appendix 2**.

6. At its meeting on 4 November 2020, the Committee gave further consideration to the potential amendments to the Code and Guide, including in light of the advice from the Commissioner, and agreed in principle on its approach to the key issues. The Committee agreed this report on stage 1 of the review at its meeting on 24 February 2021. The links to the Minutes of Proceedings of the applicable Committee meetings are included in **Appendix 3**.

Issues considered

7. The Committee's deliberations during stage 1 of the review focused on reviewing the approach to setting thresholds for the registration of various interests and on the case for introducing a new requirement on Members of the Legislative Assembly (MLAs) to provide the value or estimated value of gifts/benefits/hospitality and visits. The Committee has also taken the opportunity as part of the stage 1 review to identify a range of clarificatory amendments and textual improvements to the Code and Guide. A summary of the detailed considerations of the Committee is provided below.

Registration thresholds

8. In initiating the review, the Committee was mindful that categories 1 (Employment and Earnings), 3 (Gifts, benefits and hospitality), 4 (Visits), 5 (Shareholdings), 6 (Land and Property) and 9 (Family Members who benefit from Office Cost Expenditure) of the current Guide, which was last updated on 28 June 2016, include monetary thresholds for registration and/or exemption from registration which are linked to the MLA salary level. The linkage is made explicit in some instances, by reference to a given percentage of current salary, and is implied in other cases, whereby the figures specified represent a proportion of the salary.
9. The Committee identified that an urgent issue had arisen, however, in that the 2016 annual salary of £49,000 is used as the basis for both the worked examples for the percentage calculations and the monetary figures specified. Given that the current annual salary of an MLA has increased to £51,000, various of the threshold references in the Guide are therefore outdated, which risks confusion and inadvertent non-compliance by Members.
10. To inform its considerations, the Committee considered the approaches taken in comparator legislatures, as outlined in the table at Appendix 1. It was noted that the Scottish Parliament and the Welsh Parliament continue to take a broadly similar approach of directly linking certain registration thresholds to the salary of Members. In general terms, however, the House of Commons, House of Lords, Dáil Éireann and Seanad Éireann set threshold values that are not aligned to Member salaries.
11. It was noted in particular that, in April 2015, the House of Commons moved away from the approach of setting thresholds as proportions of Members' salary to one

of expressing them as rounded cash sums. This change seems to have been recommended by a previous House of Commons Commissioner for Standards who had called for the registration categories to be made simpler and more logical. It was also partly in response to the Group of States against Corruption (GRECO) evaluation report⁴ on corruption prevention in respect of Members of Parliament, judges and prosecutors which recommended reductions in the threshold values.

12. Members also noted that, in response to applicable recommendations in the aforementioned GRECO report, the then Committee on Standards and Privileges reviewed the registration thresholds in the Assembly's Guide and, following a benchmarking exercise, it was concluded that the thresholds that apply at the Assembly are amongst the lowest that apply at other legislatures. Members were of the view that this position should be maintained and that any changes, including to take account of the increases in Members' annual salary figure, should not result in substantive increases in the thresholds.

13. Having regard to the above, the Committee considered that the main options available would be:

- (a) To continue the current practice of linking registration (and exemption) thresholds to the MLA salary, including the mixed approach of setting some thresholds as given percentages of current salary (with worked examples provided) and others as specified monetary figures which represent a proportion of the salary at the date of agreeing the edition of the Guide;
- (b) To continue to link registration (and exemption) thresholds to the MLA salary, but set all the applicable thresholds as given percentages of current salary (or of the salary at the beginning of the applicable parliamentary session, which is the approach taken by the Scottish Parliament); or
- (c) To set the various thresholds as rounded cash sums (which could be informed by percentage calculations of the MLA salary at the time of agreeing the edition of the Guide and subject to review by the Committee in each Mandate).

14. In terms of the pros and cons of the three options, members noted that (a) and (b) make explicit how the thresholds have been established (though it was also noted that, with option (c), the basis for calculating the cash sums could be explained in a footnote in the Guide). Members noted that option (a) has the disadvantage of the Guide becoming dated after each inflationary increase to the MLA salary level and the potential for resultant confusion and non-compliance by Members. It was also noted that option (b) places the onus on the Member to calculate the threshold according to the given percentage figure specified. Finally, it was considered that

⁴ Group of States against Corruption (GRECO) evaluation report, pages 14-15:
<https://rm.coe.int/16806ca4de>

option (c) may offer a clear cut and accessible approach, with less scope for misunderstanding.

15. Before finalising its position on the matter, the Committee considered the advice of the Commissioner for Standards. In her written submission to the Committee (Appendix 2), the Commissioner took the view that the approach in option (c) *'would create greater clarity, understanding and compliance for and by Members, would reduce inadvertent non-compliance by Members and allow for greater transparency.'* The Commissioner also advised that, in pursuing this option, the cash sum thresholds *'should be kept under review by the Committee in each Mandate to reflect any necessary changes that may be required.'*

Value or estimated value of gifts, benefits and hospitality and visits

16. As part of its considerations at stage 1 of the review, the Committee noted scope for greater transparency in relation to this issue. The current Guide requires the registration of gifts, benefits and hospitality (Category 3) and visits (Category 4) with a value of over £245. It does not, however, require the Member to register the value or estimated value in this regard (though Members sometimes do so on a voluntary basis). Nonetheless, the Committee is mindful that the value of a gift or other material benefit can be a key consideration in determining whether it could reasonably be thought to influence the Member's actions.
17. In terms of comparators, as indicated in the table at Appendix 1, the Committee noted that the codes/guides for the Scottish Parliament and the House of Commons include requirements to register the value or estimated value of gifts/benefits/hospitality. It was also noted that the inclusion of such a requirement in the Assembly's Guide would complement Rule 6 which was introduced in 2015 and states:

*'You shall not accept any gift, benefit or hospitality that might reasonably be thought to influence your actions as a Member.'*⁵

18. In recommending the introduction of Rule 6 in 2015, the then Committee on Standards and Privileges, having considered the position elsewhere, concluded that:

*'...in certain circumstances, the receipt of a gift, benefit or hospitality by a Member or a related third party might reasonably be thought to influence the Member's actions even when the Member registers the gift, benefit or hospitality and complies with the requirements of the Advocacy Rule.'*⁶

⁵ *The Code of Conduct* (NIA 5/16-21 –28 June 2016), paragraph 4.1, page 5:

<http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges/reports/20160628-code-of-conduct.pdf>

⁶ Report on the *Review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members* (NIA 178/11-16, 10 June 2015) paragraph 169, page 31:

19. In 2015 the then Committee agreed that the receipt of such gifts etc. in these circumstances would be unacceptable and the Assembly subsequently agreed the introduction of the new rule. It was consequently clarified in the Guide that Members must therefore consider carefully the proportionality and appropriateness of any gifts, benefits or hospitality that they, or any related third parties, are offered. It was also made clear in the Guide that:

*'The value of any benefit, its connection to membership of the Assembly or a Member's political activities, its source, and the frequency of receipt of similar offers may all be factors which could be relevant to this judgment.'*⁷

20. While the abovementioned Rule 6 and associated provisions are contained in the current Code and Guide, the Committee has therefore identified a need for supplementary requirements for registration of interests under Category 3 (and, for consistency, also under Category 4, which covers travel, accommodation and hospitality in connection with visits). To further inform its considerations, the Committee has taken account of the advice of the Commissioner for Standards. In her written submission (Appendix 2), the Commissioner took the view that a requirement by Members to register the value or estimated value of gifts/benefits/hospitality (and visits) received is a reasonable expectation in terms of transparency and is necessary to fully appreciate and enforce Rule 6.

21. The Commissioner also suggested in her written submission that guidance be provided on how estimations of the value of gifts/benefits/hospitality and visits should be made in practice. On this point, the Committee expects that Members will provide estimates of value which are as accurate as possible and based on information from the provider or market values in the public domain as applicable.

Other issues

22. As alluded to above, the Committee has also taken the opportunity at stage 1 of the review to identify various textual improvements to the provisions of the Code and the Guide. These include the following:

- Clarificatory amendments to rules of conduct 5 and 6 and to various provisions in the Guide to explain that, when considering whether an interest might reasonably be thought to influence their actions as a Member, the Member should consider what others (i.e. not the Member themselves) might reasonably think. This wording would provide consistency with references elsewhere in the Guide (e.g. at paragraphs 43, 64, 66 and 68 of Chapter 1) and would align with equivalent requirements in comparator codes/guides (e.g. House of Commons, Welsh Parliament).

<http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges-2011-2016/report/review-of-code-of-conduct.pdf>

⁷ *The Guide to the Rules* (NIA 5/16-21 –28 June 2016), paragraph 42, page 20:

<http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges/reports/20160628-code-of-conduct.pdf>

- An amendment to update Rule of Conduct 9 to reflect the up-to-date position as regards the Independent Financial Review Panel and the Assembly Commission's functions in respect of Members' allowances, following the Assembly resolution on 30 June 2020.
- A clarificatory amendment to paragraph 2 to the Introduction to the Guide to make clear that, under section 17(3) of the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011 and Assembly Standing Order 81, the Code is defined as including the Guide.
- An amendment to paragraph 1 of Chapter 1 of the Guide to achieve consistency with the wording of Rule of Conduct 4.
- An amendment to paragraph 7 of Chapter 1 of the Guide, which deals with the notification of ceased interests, to require the Clerk of Standards to record the date on which notice of a ceased interest was lodged rather than the date on which the amendment was made in the Register of Interests. This amendment is necessary because the two dates may not necessarily be the same and it would be a fairer position to record the date of notification, which could be earlier than the date the Register is amended.
- An addition to paragraph 8 of Chapter 1 of the Guide to reflect the position agreed by the Committee on Standards and Privileges in 2015 that, where a Member has sought advice from the Clerk of Standards within 28 days of acquiring an interest and has acted in accordance with that advice (having fully disclosed the circumstances of the interest), it would not generally expect to recommend imposing sanctions for such actions when found to be in breach of the Code by the Commissioner.
- An addition to paragraph 49(c) of the Guide to make explicit that visits paid for wholly by the Member are exempt from registration under Category 4.
- An amendment to remove the existing paragraph 49(e) of the Guide, which provides exemptions on registering visits as part of an Industry and Parliament Trust (IPT) fellowship or the Northern Ireland Assembly and Business Trust (NIABT). The exemption in relation to IPT fellowships is no longer applicable given that these are not open to members of devolved legislatures and this provision relates back to the dual mandate period. The exemption in relation to NIABT visits is no longer applicable given the decision taken in December 2017 to dissolve the NIABT.
- An amendment to the existing paragraph 49(f) of the Guide, which provides an exemption in relation to registering visits which are approved by Assembly authorities, to achieve consistency with the wording of an equivalent provision at paragraph 34(f).
- A clarificatory amendment to paragraph 58 of the Guide to make clear that, when registering interests under 'Category 6: Land and Property', Members are required to indicate whether or not the land or property provides rental income.
- Amendments to clarify and improve the provisions in Chapter 2 of the Guide which set out the requirements both for declaring an interest during the stages of a Bill through the Assembly and in terms of the 'Declaration of an interest in respect of written notices'.

- Amendments to the section of Chapter 2 of the Guide which sets out the requirements for the 'Declaration of interest in Committees' to clarify that the context for declaring interests in committees is wider than just business relating to formal inquiries and bills.
- A clarificatory amendment to Appendix 3 of the Guide which highlights the requirement to report, to the Electoral Commission, visits outside the UK which are undertaken in connection with a Member's political activities and are over £1,500 in value.
- A new appendix to the Guide (Appendix 3) which contains signposting to information on: how to make a complaint; the investigation role of and contact information for the Commissioner; the role and work of the Committee; and a link to the Register of Interests.

23. While the Committee believes that it is important that the aforementioned amendments are made at this juncture, it recognises that stage 2 of the review will offer another opportunity to further clarify and improve the provisions of the Code and Guide.

Conclusions and Recommendations

24. In determining a way forward on the above issues, the Committee identified the following as the guiding principles which would shape its recommended improvements to the Code and Guide:

- that the thresholds for registering interests should continue to strike the right balance between ensuring transparency and placing proportionate requirements upon Members;
- that the requirements for registering gifts, benefits and hospitality under Category 3 and visits under Category 4 should aim to ensure that sufficient information is included in the Assembly's Register of Interests to inform any necessary decisions on compliance with applicable rules of conduct; and
- that, more generally, the requirements of the Code and Guide should be framed in clear and unambiguous terms in order to minimise the risk of inadvertent non-compliance by Members.

25. Arising from its deliberations at stage 1 of the review, the Committee recommends to the Assembly that the Code and Guide are amended as per the tracked changes detailed in the **Annex** to this report. In general terms, this would mean:

- that the various registration thresholds referenced in the Guide are set as rounded cash sums (which, though informed by percentage calculations of the current MLA salary, will endure until the Committee's next review of the Guide);
- that categories 3 and 4 of the Guide are amended to require Members to register the value or estimated value of gifts/benefits/hospitality and visits; and

- that various textual improvements are made to both the Code and the Guide in order to clarify and achieve consistency in the existing provisions.

26. In conclusion, the Committee believes that the proposed amendments to the Code and Guide will: reduce the risk of non-compliance and resultant reputational damage to the Assembly; increase transparency; and help to promote increased public confidence in the Assembly as a result of a strengthened standards regime.

27. Subject to the Assembly approving the proposed amendments, a new edition of the Code and Guide, reflecting the agreed changes, will be reported to the Assembly and published.



Northern Ireland
Assembly

Annex

The Code of Conduct
and
The Guide to the Rules
relating to the Conduct of
Members

Report number ~~NIA 5/16-21-28 June 2016~~

CONTENTS

The Code of Conduct:

Purpose of the Code4

Scope of the Code4

The Principles of Conduct5

The Rules of Conduct7

Schedule 1: The Categories of Registrable Interests.....10

The Guide to the Rules:

Introduction.....12

Chapter 1: Registration of Interests.....13

Chapter 2: Declaration of Interests.....34

Chapter 3: Paid Advocacy39

Appendix 1: Guide for Members on dealing with lobbyists43

Appendix 2: Political Parties, Elections and Referendums Act 200046

Appendix 3: Enforcement of the Rules??

1. PURPOSE OF THE CODE

- 1.1 The purpose of the Code of Conduct is to set out for both Members of the Northern Ireland Assembly (“Members”) and the public the minimum ethical standards required of Members when discharging their obligations to the Assembly, their constituents and the public at large by:
- (a) establishing the principles of conduct expected of all Members in undertaking their duties;
 - (b) setting the rules of conduct which flow from these standards and to which all Members must adhere; and in so doing
 - (c) providing openness and accountability to ensure public confidence in the standards regime at the Assembly.

2. SCOPE OF THE CODE

- 2.1 The Code applies to all conduct by Members when acting in their capacity as a Member of the Assembly. The requirements of the Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Assembly including Standing Orders and the rulings of the Speaker.
- 2.2 The Code does not apply to the conduct of a Member either:
- (a) in the Assembly Chamber when Standing Order 65 applies;
 - (b) when acting exclusively in the capacity of a Minister;
 - (c) when acting exclusively in the capacity of any other political or public office;
or
 - (d) when acting exclusively in their private, family or wider public life.
- 2.3 The Code upholds Members’ right to freedom of expression and their privilege provided for by section 50 of the Northern Ireland Act 1998. It imposes ethical standards upon Members rather than service or performance standards.

3. PRINCIPLES OF CONDUCT

- 3.1 Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Assembly and should never undertake any action which would bring the Assembly into disrepute. The Assembly encourages and expects Members to observe the following principles of conduct.
- 3.2 Whilst these principles will be taken into account when considering the investigation and determination of any potential breaches of the rules of conduct, the principles are not themselves enforceable.

The Seven Principles of Public Life

1. *Selflessness*: Members should act solely in terms of the public interest.

2. *Integrity*: Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. *Objectivity*: Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. *Accountability*: Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. *Openness*: Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. *Honesty*: Members should be truthful.

7. *Leadership*: Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The Additional Assembly Principles of Conduct

8. *Equality*: Members should promote equality of opportunity and not discriminate against any person, treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependents.

9. *Promoting Good Relations*: Members should act in a way that is conducive to promoting good relations by tackling prejudice, promoting understanding and respect and encouraging participation between people on the grounds of different religion, political opinion, race, gender, age, sexual orientation and disability.

10. *Respect*: Members should show respect and consideration for others at all time.

11. *Good Working Relationships*: Members should work responsibly with other Members of the Assembly for the benefit of the whole community. Members' working relationship with Assembly staff should at all times be professional, courteous and based on mutual respect.

4. **THE RULES OF CONDUCT**

4.1 Members must abide by the following rules of conduct:

1. You shall base your conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
2. You shall uphold the criminal law. You fail to uphold the law only if you are convicted of, or admit formally, an offence committed when acting in your capacity as a Member.
3. You shall uphold the law in relation to equality. You fail to uphold the law in relation to equality only if a court or tribunal makes a finding against you, or you accept formally that you have breached the law, when acting in your capacity as a Member.
4. You shall register in the Assembly's Register of Members' Interests details of all registrable interests. A registrable interest means an interest specified in Chapter 1 of the Guide to the Rules. [The categories of registrable interest are set out in Schedule 1]
5. You shall declare, whether in Assembly proceedings or in any approach to a Minister, public representative, public body or public official, any relevant interest which might reasonably be thought by others to influence your approach to the matter under consideration. A relevant interest means an interest to which Chapter 2 of the Guide to the Rules applies, and may include a registrable interest.
6. You shall not accept any gift, benefit or hospitality that might reasonably be thought by others to influence your actions as a Member.
7. You shall not, in return for payment or benefit, advocate or initiate any cause or matter on behalf of any outside body or individual. Nor shall you, in return for benefit or payment, urge any other Member to do so.
8. You shall not seek to confer benefit exclusively upon a body (or individual), from which you have received, are receiving, or expect to receive a financial or material benefit, or upon any client of such a body (or individual).
9. You shall not misuse any payment, allowance or resources available to you for public purposes. You shall strictly observe the requirements of any applicable determination made by ~~the Independent Financial Review Panel~~ any relevant body or by the Assembly Commission and any rules made by the Assembly Commission applying to these or any other payments, allowances and resources.

10. You shall observe and comply with the Rules on All-Party Groups and any policy, guidance or instructions of any kind approved by the Assembly, or issued by the Assembly Commission or Assembly secretariat staff on its behalf or with its authority.
11. You shall use information which you receive in confidence only in your capacity as a Member. You shall never use, nor attempt to use, such information for the purpose of financial gain.
12. You shall disclose confidential or protectively marked information only when you are authorised to do so.
13. You shall not act in any way which improperly interferes, or is intended or is likely to improperly interfere, with the performance by the Assembly of its functions, or the performance by a Member, officer or staff of the Assembly of their duties.
14. You shall not use, or attempt to use, your position as a Member to improperly confer an advantage or preferential treatment for either yourself or any other person; or to avoid disadvantage or create disadvantage for someone else.
15. You shall not subject anyone to unreasonable and excessive personal attack.
16. You shall co-operate at all times with any investigation by or under the authority of either the Northern Ireland Assembly Commissioner for Standards or the Assembly.
17. You shall not disclose details in relation to such an investigation except when authorised by law or by the investigatory authority.
18. You shall not lobby a member of the Committee on Standards and Privileges, or the Commissioner in a manner calculated or intended to improperly influence their consideration of whether a breach of the Code of Conduct has occurred.
19. You shall take reasonable care to ensure that your staff, when acting on your behalf, uphold these rules of conduct.
20. You shall, if approached by anyone to act in a way that would breach the Code of Conduct, report without delay details of the approach to the Committee on Standards and Privileges, and to any other appropriate authority.
21. You shall not urge another Member to contravene any rule of conduct

The Categories of Registrable Interest

Category 1: Employment and Earnings

Category 2: Donations and other support

Category 3: Gifts, benefits and hospitality

Category 4: Visits

Category 5: Shareholdings

Category 6: Land and property

Category 7: Miscellaneous

Category 8: Unremunerated interests

Category 9: Family members who benefit from Office Cost Expenditure

The Guide to the Rules
relating to the Conduct of
Members

Introduction

1. The Code of Conduct provides a set of rules by which Members must abide. Some of these rules are supported by more detailed requirements, provisions and guidance.
2. The Guide to the Rules ~~r~~Relating to the Conduct of Members (“the Guide to the Rules”) sets out more detailed requirements, provisions and guidance in relation to Rules 4 – 8 of the Code of Conduct. [Under section 17\(3\) of the Assembly Members \(Independent Financial Review and Standards\) Act \(Northern Ireland\) 2011 and Assembly Standing Order 81, the Code of Conduct is defined as including the Guide to the Rules.](#) The Guide to the Rules is structured as follows:

- Chapter 1 explains how to comply with Rule 4 (registration of interests) and Rule 6 (receipt of gifts).
- Chapter 2 explains how to comply with Rule 5 (declaration of interests).
- Chapter 3 explains how to comply with Rules 7 and 8 (paid advocacy).

In addition, ‘Guidance for Members on dealing with lobbyists’ is included at Appendix 1.

3. The Guide to the Rules and amendments to it are approved by means of resolutions of the Assembly.
4. The Assembly has agreed that the Committee on Standards and Privileges may make such minor amendments to the Guide to the Rules as appear to it to be justified by experience or necessarily reflect decisions of the Assembly, and to report such amended versions of the Guide to Rules to the Assembly.
5. Northern Ireland Ministers and junior Ministers are subject to the rules of registration, declaration and paid advocacy in the same way as other Members (although Ministerial office is not registrable and salaried Ministers may still speak on Executive policies without breaching the restrictions on paid advocacy). But Ministers are also subject to the Ministerial Code of Conduct. The Ministerial Code of Conduct is entirely separate to the Assembly’s Code of Conduct and Guide to the Rules. Complaints that the Ministerial Code of Conduct has been breached fall outside the scope of the Assembly’s Code of Conduct and outside the remit of the Committee on Standards and Privileges and the Assembly Commissioner for Standards.
6. No written guidance can provide for all circumstances, and the references in this Guide to the Rules should not be regarded as exhaustive. The Clerk of Standards is available to give advice on the matters addressed in this Guide. The Electoral Commission is available to give advice on the permissibility of donations, and the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA). [Further detail on PPERA is set out in Appendix 2. Links to information](#)

on the enforcement of the requirements contained in the Code of Conduct and the Guide to the Rules are provided at Appendix 3.

CHAPTER 1: REGISTRATION OF INTERESTS

1. **Rule 4** of the Assembly's Code of Conduct provides that you shall register in the Assembly's Register of Members' Interests details of all relevant registrable interests. A registrable interest is an interest falling within any of the categories of this Chapter.
2. The main purpose of the Register of Members' Interests is therefore to give public notification on a continuous basis of those financial interests (i.e. as specified in categories 1 to 7) held by Members which might reasonably be thought by others to influence the way in which they act. Provision is also made for the registration of non-financial interests (i.e. as specified in categories 8 and 9) and other such information as the Assembly may from time to time require to be included. The nine categories of registrable interests are described below.
3. Apart from the specific rules, there is a more general obligation upon Members to keep the overall definition of the Register's purpose in mind when registering their interests. If you have a financial interest which might reasonably be thought by others to influence the way in which you act as a Member but which does not fall clearly into one of the defined categories, you are required to register it, normally under category 7 (Miscellaneous).
4. You are required to complete a Members' Interests Registration form and submit it to the Clerk of Standards within twenty-eight days of taking your seat in accordance with Standing Orders.
5. You are required to notify the Clerk of Standards of any changes to your registrable interests within twenty-eight days of each change occurring. You must provide all relevant details in relation to the interest and the date on which the interest was acquired or changed.
6. Where necessary or appropriate you may request in writing that your entry in the Register of Interests is amended. The Clerk of Standards will amend your entry as requested and will record the date on which the amendment was made in the Register.
7. If you wish to have a ceased interest removed from the Register you should notify the Clerk of Standards identifying the ceased interest and giving the date that it became a ceased interest. The Clerk of Standards will amend your entry to record the relevant interest as a ceased interest, the date it became a ceased interest and the date on which the amendment was made in the Register the date on which notice of it being a ceased interest was lodged. Not less than 12 months after the notice is lodged the Clerk of Standards will further amend the Register by deleting the interest.⁸

⁸ Where the Assembly Mandate ends before the expiration of the 12-month period and the Member is returned to the subsequent Assembly, the ceased interests will not be carried over in the new Register.

8. The sole responsibility for complying with the duties placed upon them by this Guide rests with Members. You are responsible for making a full disclosure of your interests, and if you have relevant interests which do not fall clearly into one or other of the specified categories, you are nonetheless required to register them. You may at any time seek the advice and guidance from the Clerk of Standards on the registration and declaration of interests. In that regard, the Committee on Standards and Privileges has agreed that, where a Member has sought advice from the Clerk of Standards within 28 days of acquiring an interest and has acted in accordance with that advice (having fully disclosed the circumstances of the interest), it would not generally expect to recommend imposing sanctions for such actions when found to be in breach of the Code by the Commissioner.⁹
9. Failure to register an interest may be an offence under section 43 of the Northern Ireland Act 1998. The Assembly Commissioner for Standards or the Committee on Standards and Privileges may refer to the relevant authorities complaints received in respect of such an alleged failure.
10. Chapter 1 of the Guide sets out the various categories in which details of such interests must be registered and the requirements and exemptions in relation to each category are set out below.

⁹ See report on the *Review of the Code of Conduct and Guide to the Rules Relating to the Conduct of Members*, 10 June 2015, paragraph 331, page 55:
<http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges-2011-2016/report/review-of-code-of-conduct.pdf>

Category 1: Employment and Earnings

11. You must register, subject to the paragraphs below, details of any remuneration you earn including any:
 - (a) directorship,
 - (b) employment (including self-employment),
 - (c) office held;
 - (d) partnership; or
 - (e) trade, profession, or vocation;which is remunerated or in which you have any financial interest.

Requirements for registration

12. You must register the hours you work and the remuneration you receive in respect of each entry. If you do not work set hours you should register the average hours worked and remuneration received.
13. Remuneration includes not only salaries, fees and payments in kind; but also gifts received in recognition of services performed, taxable expenses, allowances and benefits such as company cars, and ex gratia payments.

Directorships

14. It is necessary to register the name of the company in which the directorship is held and to give a broad indication of the company's business, where that is not self-evident from its name. In addition to any remunerated directorships, you are also required to register any directorships you hold which are themselves unremunerated but where the companies in question are associated with, or subsidiaries of, a company in which you hold a remunerated directorship.
15. Companies which have not begun to trade or which have ceased trading need not be registered, either under this Category or under Category 5 (shareholdings). "Not trading" should, however, be interpreted in a strict sense; if a company is engaged in any transaction additional to those required by law to keep it in being, then a remunerated directorship in that company should be registered. If you wish to register a directorship in a company which is not trading you should make the position clear by adding the words "not trading" after the name of the company.

Employment, office held, etc.

16. When registering employment, you must state the employer and the nature of its business, as well as the nature of the post which you hold or the service(s) for which the employer remunerates you. Members who have paid posts as consultants or advisers must indicate the nature of the consultancy, for example “management consultant”, “legal adviser”, “public affairs consultant”.
17. If you are self-employed or are a partner you must register the nature of the business as well as any trading name that is used.
18. If you have previously practised a profession you may wish to register that profession under this Category with a bracketed remark such as “[non-practising]” after the entry. This is particularly desirable in cases of sleeping partnerships and where it is likely that you will resume the profession at a later stage.

Registration of time

19. You are required to register how many hours you either worked or you work on average per week/month in respect of each entry.

Registration of remuneration

20. You are required to register the amount of remuneration (including any taxable benefits and payments in kind etc) that you earn in respect of each entry.
21. Remuneration for each entry must be registered with reference either to (a) the amount you have received or (b) the amount you expect to receive. It is the gross amount that should be registered, although in the case of self-employed sole traders etc. it is acceptable to register with reference to the end year net profit.
22. You may register remuneration as either falling within the following bands—
 - up to £500;
 - between £501 - £1,000;
 - between £1,001 - £2,000;
 - between £2,001 - £3,000;
 - between £3,001 - £5,000;
 - and thereafter in intervals of £5,000;

or as a more specific figure.

23. Where you know that remuneration will be received but you do not know the exact amount, you must register the remuneration on the basis of what you expect to receive. If this later proves to be inaccurate, you must amend your entry, within 28 days of the exact amount being confirmed, so that details in relation to remuneration are accurately updated.
24. If you receive payment for your work and then donate it to another person, or to a charitable or community organisation, you must make your registration in the usual way but may note the donation in your Register entry.
25. If you do not receive payment for your work in a recognisable form or at all, because it is made to another person or organisation, you must nevertheless register the payment within 28 days of its receipt by that other person or organisation. This applies only to payments which, if made direct to you, would have required registration under this category.

Clients

26. Any provision to clients of services for remuneration which depend essentially upon, or arise out of, your position as a Member of the Assembly must be included in this category.
27. All clients to whom services or advice are provided by you in this regard must be listed together with the nature of the client's business in each case. Where you receive remuneration from a company or partnership engaged in consultancy business which itself has clients, you must list any of those clients to whom you provide services or advice, either directly or indirectly.
28. The types of services which are intended to be covered here include those connected with any Assembly proceeding, or other services relating to membership. If you have clients in a non-Assembly professional capacity (for example as a doctor, solicitor or accountant) you are not required to register those clients, provided it is clear beyond doubt that the services which are being provided do not arise out of or relate in any manner to membership of the Assembly.
29. If you have provided such registrable services to clients you must confirm in your entry on the Register that you have not engaged in paid advocacy.
30. **You should not register under this category:**

- a) details in relation to remuneration from a single source which, in the course of a calendar year, does not exceed ~~0.5% of the current salary of an Assembly Member (currently £245)~~ £250.¹⁰;
- b) details in relation to any salary payable under section 47 of the Northern Ireland Act 1998 (i.e. details in relation to Members; Ministers or junior Ministers; the Speaker, Principal Deputy Speaker and Deputy Speakers, members of the Northern Ireland Assembly Commission; and those other offices specified in standing orders including Chairpersons and Deputy Chairpersons of Committees).
- c) details of income received by way of dividends (details in relation to relevant shareholdings are registered under category 5);
- d) details of income received by way of rental income (details in relation to land and property from which rental income is received is registered under category 6); or
- e) pension payments (which do not need to be registered in any category).

¹⁰ This and other similar cash sum thresholds for the registration (or exemption from registration) of interests have been informed by percentage calculations of the current salary of an Assembly Member at the date the Guide to the Rules was published.

Category 2: Donations and other support

31. You must register, subject to the paragraphs below, support for your activities as a Member, or for candidacy at an election for Assembly or non-Assembly office, or for your political activities which has a value of more than £1,000, either as a single donation or in multiple donations of more than £200 from the same source in a calendar year.¹¹

Requirements for registration

32. This category has two parts:

Category 2(a): support received by a local party organisation or indirectly via a central party organisation.¹² You must register under this sub-category support received by your constituency party organisation or which you receive via a central party organisation if there was a clear link between the donation and you; for example, if it was given to such an organisation with a wish that it be allocated to you, to your fighting fund or to a front bench office which you hold; if it was assigned to you in circumstances where you were aware, or could reasonably be expected to be aware, of the identity of the donor; or if you had invited or encouraged the donation;

Category 2(b): any other support received by a Member. This includes support received indirectly, for example via a political club.¹³ Under this category you must register:

- a) Financial support and sponsorship;
- b) Loans and credit arrangements;
- c) Support in kind, including any of the following, if provided either free or at concessionary rates: advice or information services; receptions and events; training or development for the Member or their staff; the services of staff or interns; the provision of office space or equipment; hospitality or travel benefits such as season tickets or parking;¹⁴
- d) Bequests;
- e) Gifts of property.

¹¹ The terms "donations" and "support", as used in this chapter, include both financial support and support in kind.

¹² Defined as a registered political party or an accounting unit of such a party

¹³ A political club is not a registered political party or an accounting unit of such a party. It is likely to be a Members' association under PPERA, defined as an organisation separate from, but which may be affiliated to, registered parties, but whose members come mainly from one party.

¹⁴ A concessionary rate should be valued by reference to the nearest equivalent commercial rate.

33. You are required to provide the following information:
- a) The name of the donor and (if the donation was received indirectly) the organisation acting as intermediary;
 - b) The amount of the donation, or its nature and value if it is a donation in kind;¹⁵
 - c) Category 2(b) only: the dates of receipt¹⁶ and acceptance;
34. **You should not register under this category:**
- a) Direct support from your own party organisation;
 - b) Trade union support for a constituency party organisation, where this is linked to the constituency and would be provided irrespective of the identity of the Member;
 - c) Facilities, equipment or services provided by the Assembly, or for which you claimed under a scheme for Assembly expenses; and loans or credit arrangements taken out in order to fund activities for which you may claim expenses under a scheme for Assembly expenses;
 - d) The hours contributed by volunteers (unless funded by another body);
 - e) Any money or support provided out of public funds for your security;
 - f) Participation in developmental and secondment programmes, such as those operated by the Politics Plus (formerly the Northern Ireland Assembly Legislative Strengthening Trust) Professional Development Programme for Members, which are approved by Assembly authorities;¹⁷
 - g) Donations or gifts which are intended to provide personal benefit, which should be registered if necessary under Category 3: gift, benefits and hospitality;
 - h) Visits, which should be registered if necessary under Category 4;

¹⁵ When registering any income from fundraising, for example by local party organisations or political clubs, Members should give the net figure (i.e. the surplus generated by the fundraising after costs are deducted) along with details of any individual donation which exceeded the financial threshold, and the relevant donor. If the funds were raised for more than one Member, each should register as if he or she was the sole beneficiary.

¹⁶ Subscriptions, memberships and staff secondments are generally regarded as received on their start dates.

¹⁷ Incidental benefits such as gifts or visits do however require registration under categories 3, or 4 if they are received in the course of such a fellowship or secondment.

Political Parties, Elections and Referendums Act 2000 (PPERA)

35. PPERA sets out rules about who you can accept donations and loans from and when you have to report these to the Electoral Commission, as well as registering them under this code. Further detail is set out in Appendix 2.

Category 3: Gifts, benefits and hospitality

36. You must register, subject to the paragraphs below, any gifts, benefits or hospitality with a value of over ~~£245~~ £250 which are provided either to you or any third party because of your membership of the Assembly (including those received in a ministerial capacity) or your political activities. You must also register multiple benefits from the same source if these have a value of more than ~~£245~~ £250 in a calendar year.

Requirements for registration

37. Under this category you must register:

Any gifts, benefits or hospitality which relate in any way to your membership of the Assembly or political activities, if provided either free or at concessionary rates, including:

- a) event or travel tickets;
 - b) hospitality including receptions, meals and accommodation;
 - c) gifts such as clothing or jewellery;
 - d) club subscriptions and memberships;
 - e) loans or credit arrangements;
 - f) discount cards.
38. You are required to register the gift, benefit or hospitality received; the name of the Government, organisation, company or individual who provided it; ~~and~~ the date it was received; and its value or estimated value. -
39. You are required to register any gift, benefit or hospitality received by any third party (e.g. partner, child, friend, member of staff or company in which you have a controlling interest) which is provided because of your membership of the Assembly or your political activities. This includes gifts provided to staff in recognition of work carried out on your behalf. You are required to register your relationship to a third party who receives such a registrable gift, benefit or hospitality.

Electoral Commission issues

40. Further detail in relation to the requirements of PPERA and the acceptance of any gift, benefit or hospitality over £500 which would require registration in this category is set out in Appendix 2.

Gifts, benefits and hospitality which should not be accepted

41. As per rule 6 of the Code of Conduct, **you must not accept any gift, benefit or hospitality that might reasonably be thought by others to influence your actions when acting as a Member.**
42. You must therefore consider carefully the proportionality and appropriateness of any gifts, benefits or hospitality that you, or any related third parties, are offered. The value of any benefit, its connection to your membership of the Assembly or your political activities, its source, and the frequency of receipt of similar offers may all be factors which could be relevant to this judgment. You should decline all but the most insignificant or incidental hospitality, benefit or gift offered by a lobbyist. A lobbyist is anyone who, in a professional capacity, works to influence, or advises those who wish to influence, the institutions of government in Northern Ireland¹⁸.
43. **You should not register under this category:**
 - a) Gifts, benefits and hospitality which could not reasonably be thought by others to be related to your membership of the Assembly or your political activities; for example, purely personal gifts or benefits from partners or family members. The extent to which this exemption applies in any particular case is necessarily a matter of judgement. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to your membership of the Assembly or your political activities, or would not reasonably be thought by others to be so related, it need not be registered. If there is any doubt it should be registered;
 - b) Hospitality from UK public bodies, including, for example, devolved administrations, government departments, the armed services or the police, or

¹⁸ An elected representative or member of the House of Lords is not considered to be a lobbyist.

local or health authorities. Hospitality from the government of the Republic of Ireland is also not registrable¹⁹;

c) Gifts, benefits or hospitality received in recognition of a service performed, e.g. after giving a speech. If these benefits would not have been received had this service not been performed, they should be registered under Category 1: Employment and earnings.

d) Gifts or benefits which are not retained personally but which are handed over to either the Assembly or to the relevant Executive department for recording and for either retention or disposal.

e) Donations or other assistance given to you to support your Assembly or political activities, or for candidacy at an election for Assembly or non-Assembly office, which should be registered under Category 2: Donations and other support.

f) Visits, including travel, accommodation, and hospitality/subsistence which should be registered under Category 4: Visits.

¹⁹ If there is any doubt as to the permissibility of such donors, the Member should consult the Electoral Commission

Category 4: Visits

44. You must register, subject to the paragraphs below, details of any travel, accommodation and hospitality with a value of over ~~£245-£250~~ provided either to you or any third party, when the purpose of the visit relates to your membership of the Assembly (including those received in a ministerial capacity) or your political activities.

Requirements for registration

45. You are required to register the date, destination and purpose of the visit; whether travel, accommodation and hospitality was provided to you and/or a third party (e.g. partner, child, friend, member of staff); ~~and~~ the name of the Government, organisation, company or individual which met the cost; and the value or estimated value of the travel, accommodation and hospitality provided. You are also required to register your relationship to a third party whose visit is paid for because of your membership of the Assembly or your political activities.
46. When travel, accommodation or hospitality is provided to you (and/or a third party) because of your membership of the Assembly or your political activities, but the purpose of the visit does not relate to your role as a ~~membership~~ Member of the Assembly or your political activities (e.g. the purpose is recreational) then these details should be registered under Category 3: Gifts, benefits and hospitality.
47. Where the hospitality provided on a visit is significantly in excess of what reasonably could be considered subsistence then this hospitality should instead be registered under Category 3: Gifts, benefits and hospitality.
48. Further detail in relation to the requirements of PPERA and the acceptance of any visit costing over £500 which would require registration in this category is set out in Appendix 2.
49. **You should not register under this category:**
- (a) Visits, the costs of which are met from UK public funds (e.g. visits which are paid for by the Assembly or by an Executive department).
 - (b) Visits undertaken under the auspices of the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British-Irish Parliamentary Assembly or the Westminster Foundation for Democracy; the Council of Europe, the Organization for Security and Co-operation in Europe Parliamentary Assembly, the British American Parliamentary Group, and the NATO Parliamentary Assembly;

(c) Visits arranged and paid for wholly by your own political party or wholly by yourself;

(d) Visits paid for wholly by an institution of the European Union or by a political group of the European Parliament;

~~(e) Visits as part of an Industry and Parliament Trust fellowship or the NI Assembly Business Trust.~~

(e) Visits, undertaken such as those organised as part of the Politics Plus (formerly the Northern Ireland Assembly Legislative Strengthening Trust) Professional Development Programme for Members, which are approved by Assembly authorities.

(f) Visits the cost of which does not exceed ~~0.5% of the current salary of an Assembly Member (currently £245)~~ £250; and

(g) Visits which are entirely unconnected with your membership of the Assembly or your political activities.

Category 5: Shareholdings

50. You must register, subject to the paragraphs below, any holdings which:
- i) amount to more than 1% of the issued share capital of that company, or more than 1% of a partnership; or
 - ii) are valued at more than ~~50% of the current salary of an Assembly Member (currently £24,500)~~ £25,000.

Requirements for registration

51. **Under this category you must register:**

- a) Shareholdings or share options which you hold, either by yourself or with or on behalf of a third party (e.g. partner, child, friend, member of staff or company in which you have a controlling interest). This includes any shares which are managed by a trust (other than a blind trust²⁰ or similar delegated management arrangement) and any holdings in sector-specific vehicles;
- b) Interests in any kind of partnerships.

52. You must register

- a) The name of the company or organisation;
- b) A brief description of the nature of its business, and of any relevant trust or delegated management arrangement;
- c) Whether the holding falls to be registered under paragraph 50(i) or paragraph 50(ii)

53. Holdings should be valued as at the previous 5 April. If this is not possible, you should make your best estimate of the value on that date and register the holding within 28 days of the 5 April valuation. You are not required to register the value of any holding.

54. **You should not register under this category:**

²⁰ For further information see <https://www.gov.uk/hmrc-internal-manuals/trusts-settlements-and-estates-manual/tsem1570>

- a) Holdings in collective investment vehicles²¹ such as unit trusts, investment companies with variable capital (ICVCs) and investment trusts;
 - b) Assets held in blind trusts;
 - c) Pensions
55. However, shareholdings of a registrable value which are held within a trust or personal pension plan must be registered if the company or companies in which the shares are invested is identifiable.

²¹ For further information see <https://www.gov.uk/hmrc-internal-manuals/savings-and-investment-manual/saim6010>

Category 6: Land and Property

56. You must register, subject to the paragraphs below, any land or property in the UK or elsewhere which:
- a) has a value of more than ~~£49,000~~ £50,000; or forms part of a total property portfolio whose value exceeds ~~£49,000~~ £50,000; and/or
 - b) alone or together with other properties owned by you, provides rental income of more than ~~£4,900~~ £5,000 in a calendar year irrespective of whether or not you receive any of that income.

Requirements for registration

57. **Under this category you must register:**

Land or property which you own or hold, either by yourself or with or on behalf of a third party (e.g. partner, child, friend, member of staff or company in which you have a controlling interest).

58. You must register: the type of property (e.g. whether business or residential) or if land the type of use to which it is put; ~~and~~ its general location; and whether it provides rental income. A farm on which a Member has a residence must be registered because it has a substantial value aside from the residential use. Acceptable examples are as follows:

- “Woodland in Fermanagh”
- “Dairy farm in Armagh”
- “3 residential properties in Bangor from which rental income is received”

59. You must register any property which you hold as a trustee only when you have a beneficial interest in the income or assets of the relevant trust.

60. If the rental income is paid to another person or organisation, this must be stated

61. **You should not register under this category:**

Any land or property which is used wholly for your own personal residential purposes, or those of your spouse, partner or dependent children (that is, your main and any other homes).

62. However, any such land or property does have to be registered if it provides rental income. If that rental income contributes to the receipt of rental income of more than ~~£4,900~~ £5,000 in a calendar year, all the other properties that contribute to this total income will also have to be registered.

Category 7: Miscellaneous

63. You must register any relevant financial interest not falling clearly within one of the above categories.

Requirements for Registration

64. You must register any relevant financial interests or material benefits which do not fall clearly into any of the above Categories but which might reasonably be thought by others to influence how you act in your capacity as a Member of the Assembly
65. It is a cardinal principle that you are responsible for making a full disclosure of your own interests in the Register; and if you have relevant interests which do not fall clearly into one or other of the specified Categories, you will nonetheless be expected to register them.

Category 8: Unremunerated interests

66. You must register, subject to the paragraphs below, any unremunerated interests which might reasonably be thought by others to influence how you act in the capacity as a Member of the Assembly.

Requirements for Registration

67. Certain non-financial interests may reasonably be thought by others to affect the way you discharge your public duties, and must therefore be registered in this category. The following non-financial interests are always relevant and therefore must be registered:
- (a) Unremunerated directorships;
 - (b) Unremunerated public office or membership of public bodies, e.g. boards of governors of schools;
 - (c) Membership of the Policing Board;
 - (d) Acting as an office-holder or trustee of cultural or sporting bodies;
 - (e) Acting as an office-holder or trustee in pressure groups or trade unions; and
 - (f) Acting as an office-holder or trustee in voluntary or not-for-profit organisations
68. Where you consider that any other unremunerated interest might reasonably be thought by others to influence your actions in a similar manner to a remunerated interest, such an interest must be registered under this category.
69. **You should not register under this category:**
- (a) any unremunerated position directly arising from membership of the Assembly (e.g. being an office holder in an All Party Group or an unremunerated Chairperson of a committee); or
 - (b) any unremunerated office held in a political party.

Category 9: Family Members who benefit from Office Cost Expenditure

70. You must register, subject to the paragraphs below, details of any family members who benefit in any way through your Office Cost Expenditure.

Requirements for registration

71. Under this category you must register any of the following family members:
- a) a spouse, civil partner or cohabitant (whether current or former); or
 - b) a parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew or niece whether
 - by blood (whether of the full or half blood);
 - by marriage, civil partnership or cohabitant relationship (whether current or former); or
 - by adoption.
72. You are required to provide the following information:
- a) the nature of your relationship to the person (but not that person's name); and
 - b) how that person benefits (e.g. through employment). Where the benefit is through employment the job title must be given.
73. Where you use any of your Office Cost Expenditure in a way that benefits a family member (as defined at paragraph 71) of another MLA then this must also be registered. For example:
- “I employ the granddaughter of [MLA's name] as my Research Assistant”.
74. **You should not register under this category** any family member whose benefit does not exceed £250 in a calendar year ~~0.5% of the current salary of a Member (currently £245)~~.

CHAPTER 2: DECLARATION OF INTERESTS

1. **Rule 5** of the Assembly's Code of Conduct provides that you shall declare, whether in Assembly proceedings or in any approach to a Minister, public representative, public body or public official, any relevant interest. A relevant interest means an interest to which this Chapter applies and may be either financial or non-financial and may include a registrable interest.—
2. The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the Assembly and on other occasions, of any relevant interest. The requirement to declare an interest complements the registration requirements and applies to almost every aspect of your Assembly duties. It covers a broader range of interests than registration.

Requirements for declaration

3. You are required, subject to the paragraphs below, to declare any interests which might reasonably be thought by others to influence your approach to the matter under consideration, including:
 - a) financial interests specified in categories 1 to 7 of Chapter 1;
 - b) past financial interests (normally limited to those active within the last twelve months);
 - c) indirect financial interests, such as the financial interests of a third party, if you are aware of that interest. It is not necessary to identify the person concerned: a formula such as "A member of my family has a financial interest in []" will usually suffice. Further detail is set out in paragraphs 4-6 below.
 - d) expected future interests, if your plans have moved beyond vague hopes and aspirations and reached the stage where you have a reasonable expectation that a financial benefit will accrue;
 - e) financial interests of a sort which do not require registration,

f) financial interests which require registration but have not yet appeared in the published Register;

g) any non-financial interests.

4. The requirement to declare the financial interests of a third party only applies when:
 - a) you have a relationship or connection with the third party in question (e.g. a family member, close friend, business associate or a member of your staff); and
 - b) the nature of your contribution relates so directly to the interests of the third party that it might reasonably be thought by others to have influenced your approach to the matter under consideration.
5. The more distant your relationship or connection with the third party in question the less likely it is that their interests might reasonably be thought by others to have influenced your approach to the matter under consideration. There is no need to declare the interests of a constituent unless you also have another relationship or connection with them.
6. There is no need to declare the interests of third parties where their interests are either held widely or relate only generally to the matter under consideration and could not therefore reasonably be thought by others to influence your approach to the matter under consideration.
7. You are not required to declare an interest:
 - a) *when voting in plenary*. But if you have a relevant registrable interest which has not yet been registered you should seek to register it before the vote; or if this is not possible, as soon as possible afterwards;
 - b) *if the interest is common to all Members*, (e.g. an interest such as a Member's salary or being an employer);
 - c) *if the interest is common to a very broad category of people to which you belong* (e.g. ratepayers; parents; public transport users etc. This exemption does not extend to membership of a profession).

8. In a debate or other proceedings of the Assembly you should declare an interest at the beginning of your speech. A declaration should be brief but should make specific reference to the nature of your interest.
9. ~~If the Assembly is dealing with a Committee stage of a Bill it will normally be sufficient for you to declare a relevant interest when speaking for the first time. It will not be necessary for a declaration to be repeated except when you speak on an Amendment to which the interest is particularly relevant. When speaking during the amending stages of a Bill through the Assembly, you should make a declaration when a relevant interest arises. When speaking at all other stages in plenary it will normally be sufficient for you to declare a relevant interest when speaking for the first time.~~

Declaration of an interest in respect of written notices

10. ~~Declaration of relevant interest is required on Forthcoming Business or the Order Paper when tabling any written notice, i.e. Members with a relevant interest to declare must do so when submitting a written notice of any item of business, e.g.:~~

(a) *Questions for oral or written answer.* You must indicate and briefly explain the nature of any relevant interest ~~on when tabling the a~~ question in the Business Office form. If the question is for oral answer there is no need ~~for further declaration to declare the interest orally~~ when called in the Chamber;

(b) *Topical Questions.* You must declare any relevant interest orally in the Chamber when asking the question;

(c) *Questions for urgent oral answer.* You must ~~inform the Speaker of~~ indicate any relevant interest when tabling the Urgent Oral Question in the Business Office and, at that time, provide a brief explanation of the nature of the relevant interest. You must also declare the interest orally in the Chamber;

(d) A notice for the ~~presentation-introduction~~ of a Bill;

(e) A notice of a proposal for a Non-Executive Bill;

~~(f)~~ Any other Motions, Amendments, or names added in support of them, Matters of the Day, Adjournment Debate topics or when submitting other items of business. You must indicate any relevant interest when submitting a Motion, Amendment to a Motion, or adding names in support of same, and when tabling a Matter of the Day or an Adjournment Debate topic. Having indicated you

have an interest to declare you must provide a brief explanation of the nature of the relevant interest; or

~~(g)~~ Amendment to Bills (whether to be considered in the Assembly or, as proposals, in a Committee) and any names added in support of them.

11. Whenever such an interest is declared, the symbol “[R]” (for “Relevant Interest Declared”) is printed after the Member’s name on the ~~Forthcoming Business appropriate list, notice~~ or Order Paper. The Office accepting the written notice (including any written notice of a Member adding his or her name to a Motion or Amendment) assumes that no interest is declarable unless the notice clearly indicates a declaration. Having indicated that there is a relevant interest to be declared, you must include a brief explanation of the nature of the relevant interest.; this should be done by inserting “[R]” after the Member’s name on the Motion or Amendment, or adjournment debate topic as the case may be, or filling in the appropriate box which appears on the form for Assembly Questions.
12. “Relevant interests” which should be declared include any interest which might reasonably be thought by others to influence your approach to the matter under consideration you are required to register in the Register of Members’ Interests, or which you should declare in debate (see paragraph 3). It ~~will therefore usually may~~ be the case that the interest to which you are drawing the attention of the Assembly will already be entered in the Register of Members’ Interests. Provided it is readily apparent which of your registered interests are applicable, you need take no further action. If this is not the case, or if the interest is a new interest which is not yet available for inspection in the Register, or is one of the other types of interest described at paragraph 3, then when giving notice you should attach to that notice a brief written description of the interest which is being declared. This will then be available for inspection by Members in the office where the notice was given, i.e. the Business Office or the Bill Office.
13. You must exercise particular care when invited to add your name to any Motions or Amendments and to ensure that you have considered whether you have a ~~relevant~~ declarable interest. Given the informal way in which support for Motions and Amendments is often sought, the need for declaration may not be foremost in your mind, but great care needs to be exercised in these circumstances.
14. Declaration of relevant interest is required when sponsoring an event or function in Parliament Buildings.

Declaration of interest in Committees

15. As a Member of a Committee, when considering ~~on~~ any matter ~~or Bill~~ you must adhere to the following rules:

a) When you have a financial or other interest which is directly affected by a particular inquiry matter being considered by the Committee or when you consider that a personal interest may reflect upon the work of the Committee or its subsequent Report, you should consider whether you should stand aside from the Committee proceeding relating to it. This is particularly important if you are the Chairperson of a Committee;

b) At your first meeting of a Committee you should ensure that any financial or other interests which relate to the remit of that Committee, or which are likely to be relevant to a substantial part of the work of the Committee, are drawn to the attention of the Committee;

c) You should declare interests at the appropriate time during a committee meeting: this might be either at the start of the meeting or when a particular matter arises. In particular, you should ensure you declare interests;

(i) when the Committee is undertaking the scrutiny of a Bill;

~~(i)~~ (ii) when the Committee is deciding on the subject of an inquiry or review;

~~(ii)~~ (iii) at the beginning of any inquiry or review to which your interest particularly relates; and

~~(iii)~~ (iv) at sessions of evidence, and in any hearings involving witnesses to whom the interest is particularly relevant and before any questions which might reasonably be thought by others relevant to that interest.

16. Although the main purpose of declaration of interest is to inform colleagues, it is right that witnesses and the public, if the Committee is meeting in public, should also be informed. When a Committee meets in public, declaration of interest should be in public session. When a Committee meets in private and regularly takes oral evidence, declaration should be made when witnesses are present.
17. In making any declaration you should clearly identify the nature of the interest.
18. Any declarations will be recorded in the Committee's minutes of proceedings.
19. Where the subject matter of any scrutiny by a Committee is of direct concern to an outside body in which you have a financial or other interest, you must consider whether on grounds of conflict of interest it is proper to take part in the inquiry proceedings. You must also consider whether the relationship of your interest to the subject of the inquiry scrutiny is so close that it is not possible to participate effectively in the inquiry proceedings without crossing the borderline into paid advocacy.

Other occasions when declaration of interest should be considered

20. The requirement to declare a relevant interest at the appropriate time covers almost every aspect of your Assembly duties extending to correspondence and meetings with Ministers and public officials. Frankness with colleagues is also important. You must declare financial or other interests not only in debate in the Assembly and its Committees but also whenever you are attempting to influence your fellow Members.
21. Failure to declare an interest may be an offence under section 43 of the Northern Ireland Act 1998. The Assembly Commissioner for Standards or the Committee on Standards and Privileges may refer to the relevant authorities complaints received in respect of such an alleged failure.

CHAPTER 3: PAID ADVOCACY

1. You should be able to bring your outside experience to bear on matters of public policy, but you should not abuse your position to advantage those paying you. The rules on Advocacy are intended to provide the right balance between enabling Members to bring to bear their experience outside the Assembly on matters of public policy while avoiding any suggestion that an outside individual or organisation can gain preferential treatment in return for having a financial relationship with a Member.

The Rules

2. **Rule 7** of the Code of Conduct provides that you shall not, in return for payment or benefit, advocate or initiate any cause or matter on behalf of any outside body or individual. Nor shall you, in return for benefit or payment, urge any other Member to do so.
3. This rule means that paid advocacy is prohibited. You may not advocate or initiate any cause or matter, either in proceedings of the Assembly or in any other manner, in consideration of any payment or benefit in kind.
4. This rule also means that you may not enter into any contractual arrangement which fetters your complete independence in the Assembly in return for payment or benefit in kind.
5. **Rule 8** provides that you shall not seek to confer benefit exclusively upon a body (or individual), from which you have received, are receiving, or expect to receive a payment or benefit, or upon any client of such a body (or individual).
6. Otherwise, you may speak freely on matters which relate to the affairs and interests of a body (or individual) from which you receive a financial or material benefit, provided the benefit is properly registered and declared.
7. It would be regarded as a very serious breach of the rules if a Member failed to register or declare an interest which was relevant to a proceeding he or she had initiated. Similar considerations would apply in the case of approaches to Ministers and others. "Initiating an Assembly proceeding" includes:
 - presenting a Bill;
 - presenting a Petition;
 - tabling and asking an Assembly Question, including any supplementary questions to such a Question;
 - initiating, or seeking to initiate an adjournment (or other debate);
 - tabling or moving any Motion or Amendment;

- tabling or moving an Amendment to a Bill;
 - proposing a draft Report, or moving an Amendment to a draft Report, in a Committee;
 - giving any written notice, or adding a name to such notice, or making an application for an emergency debate.
8. You must also consider, however, whether you have a conflict of interest. If so, you must resolve it, at once, in accordance with Rule 1 of the Code of Conduct.
9. Exceptionally, you may approach the responsible Minister or public official with evidence of a serious wrong or substantial injustice even if the resolution of any such wrong or injustice would have the incidental effect of conferring a financial or material benefit on an identifiable person from whom or an identifiable organisation from which you, or a member of your family, has received, is receiving or expects to receive, outside reward or consideration (or on a client of that person or organisation).

Interpretation

10. Under these rules, a payment or benefit includes:
- a) past financial interests or material benefits, including
 - "one-off" registrable interests, such as donations; gifts, benefits and hospitality; and visits; and
 - continuing benefits such as directorships, employment and sponsorships;
 - b) all present financial interests or material benefits which must be either registered or declared;
 - c) future financial interests or material benefits, if you have a firm and specific expectation that such a financial benefit from an identifiable outside person or organisation will accrue in the next year; and
 - d) any relevant payment or benefits in kind to a third party in place of you (although any payment to a third party which arises out of that person's own occupation is not regarded as a benefit for the purposes of the rule).
11. Under these rules a payment or benefit does not include:
- a) any non-financial interest or benefit, even though this may be registered or declarable;

b) any salary or allowance payable under section 47 of the Northern Ireland Act 1998; or

c) any salary or allowance arising from membership of the House of Commons, the House of Lords or a district council.

12. The restrictions under Rule 8 apply for one year after the payment or benefit was received. You can free yourself immediately of any restrictions due to a benefit received during the past year by repaying its full value.

Trade Unions

13. The rules do not prohibit you from being sponsored by a trade union or any other organisation, subject to the rules on registration and declaration.

Private Member's Bills

14. You are not prevented from seeking to introduce and proceed with a Private Members' Bill by reason of the fact that you receive free or subsidised assistance from an organisation connected with the purpose of the Bill provided you had no pre-existing financial relationship with the organisation which is registered, or is required to be registered.

Visits

15. You are reminded that when accepting visits you should be mindful of the reputation of the Assembly. However, the knowledge obtained by Members on such visits can often be of value to the Assembly as a whole. While it is desirable that Members should be able to use that knowledge in debate in the Assembly there is a point at which promoting the interests, of e.g. a foreign Government from which hospitality has been received crosses the line between informed comment to lobbying for reward or consideration.
16. You may not therefore seek to confer an exclusive financial or material benefit on a foreign government, non-governmental organisation (NGO) or other agency which has, within the previous year, funded a registrable visit which you have undertaken.
17. You may, however (having registered and declared their/your interest), initiate or participate in proceedings or approaches to Ministers, other Members or public officials etc. which relate to a country, or the work of an NGO or agency etc., which has funded a registrable visit, provided that your

participation does not seek to confer benefit exclusively on that government or organisation.

Further advice

18. The financial interests of Members are extremely varied, as the Register demonstrates. Each Member will need to apply the rule on paid advocacy and the guidelines to their particular circumstances. When in doubt, you can seek advice from the Clerk of Standards, or the Committee on Standards and Privileges. However, some illustrative examples of the application of the guidelines may be of value:

(a) A Member who is a director of a company may not seek particular preference for that company (e.g. tax relief, subsidies, restriction of competition) in any proceeding of the Assembly.

(b) In the case of trade associations, staff associations, professional bodies, charities (or any similar representative organisation):

(i) Membership alone of any representative organisation does not entail any restrictions under the rule.

(ii) A Member who is, for example, a remunerated adviser:

- May not advocate measures for the exclusive benefit of that organisation; nor speak or act in support of a campaign exclusively for the benefit of the representative organisation or its membership (e.g. a campaign for special tax relief, or for enhanced pay and numbers);
- May speak or act in support of a campaign which is of particular interest to the representative organisation (e.g. in the case of an animal welfare organisation, a campaign to prohibit the importation of animal fur, or prohibit blood sports; in the case of a charity for cancer research, a campaign for the prohibition of smoking).

19. Failure to adhere to the rules on paid advocacy may be an offence under section 43 of the Northern Ireland Act 1998. The Assembly Commissioner for Standards

or the Committee on Standards and Privileges may refer to the relevant authorities complaints received in respect of such an alleged failure.

Guidance for Members on dealing with lobbyists

A lobbyist is someone who, in a professional capacity, works to influence, or advise those who wish to influence, the institutions of government in Northern Ireland in respect to:

- (h) the formulation, modification or adoption of any legislative measure (including the development of proposals for legislation);
- (ii) the formulation, modification or adoption of a rule, regulation or any other programme, policy or position;
- (iii) the administration or execution of a governmental or other public programme or policy within Northern Ireland (including the negotiation, award or administration of a public contract, grant, loan, permit or licence).

Lobbyists include both consultant or third-party lobbyists and in-house lobbyists.

The Committee on Standards in Public Life has concluded that lobbying has an important part to play in securing “the democratic right to make representations to government and to have access to the policymaking process [which] is fundamental to the proper conduct of public life and the development of sound policy.” The Committee on Standards and Privileges agrees with this conclusion. Many organisations play an important role in informing ~~members~~ Members of the Assembly.

However, some lobbying can give rise to a suspicion of improper influence over the Assembly. Members of the Assembly, and their staff, must have regard to such public perceptions. Members’ dealings with lobbyists should always be governed by the Seven Principles of Public Life, including in particular the principles of integrity and openness.

Members’ dealings with lobbyists fall within the scope of the Assembly Code of Conduct and Guide to the Rules (“the Code and Guide”). Members must not, in relation to any dealing with a lobbyist, do anything which breaches the Code and Guide.

Members must therefore register or declare any interests that they have arising out of their interactions with lobbyists. Paid advocacy is not permitted. Members are prohibited from advocating or initiating any cause or matter on behalf of any outside body or individual, or from urging any other Member of the Assembly to do so, in return for payment or benefit.

The Code also provides that Members must not accept any gift, benefit or hospitality that might reasonably be thought by others to influence their actions when acting as a Member. This means that Members should decline all but the most insignificant or incidental hospitality, benefit or gift offered by a lobbyist.

In addition to the provisions of the Code and Guide, however, Members are also encouraged to have regard to the following guidance which is based on recommendations contained within the Committee on Standards in Public Life's Report 'Strengthening Transparency Around Lobbying':

- The public must be assured that no person or organisation will gain better access to, or treatment by, any Member as a result of employing a lobbyist either as a representative or to provide strategic advice. Members should not offer or accord preferential access or treatment to lobbyists or their employers. Nor should lobbyists or their employers be given to understand that preferential access or treatment might be forthcoming from another Member or group or person within, or connected with the Assembly.
- Members should proactively and as a matter of course, satisfy themselves as to the identity of the person or organisation lobbying them (and where appropriate their client or employer) and the reason for the approach.
- Members should consider:
 - keeping a record of all meetings with lobbyists;
 - requiring lobbyists to make a record of the meeting, and provide for the Member to have access to that record at any future time should it be called for, before agreeing to meet with them,
 - arranging for a member of their support staff to take notes at any meetings with lobbyists.
- Members should bear in mind the principle of equality of access and the need proactively to consider, after any meeting, whether a balance of views should be obtained.
- Members should take particular care not to give the impression of giving greater weight to representations because they come from lobbyists; representations should be given such weight as they deserve based on their intrinsic merit.

- Members should consider routinely publishing information about all significant meetings and any hospitality received involving lobbyists. This should include significant contact (including private meetings) where a specific matter is raised which has a bearing on official business.
- Members may participate in events for which others are charged a fee to attend. In doing so, however, Members should ensure that there should be no grounds for the perception that such an event is a means of “buying” access to them. Members should not offer preferential treatment to any person or organisation as a result of having made initial contact with a Member at such an event.
- Members should not participate in any event if they are aware, or become aware, that the organisers are promoting the event on the basis that those paying to attend the event are “buying” influence over Members or that they can expect to receive better subsequent access to, or treatment by Members, than would be accorded to any other person or organisation.
- Members should ensure that their staff are aware of this guidance.

Appendix 2

Further information in relation to the rules on donations arising from the Political Parties, Elections and Referendums Act 2000 (PPERA)

1. PPERA sets out rules about who you can accept donations and loans from and when you have to report these to the Electoral Commission, as well as registering them under this code. You must not accept any donations, loans, security or other support valued at over £500 from impermissible donors/lenders. Within 30 days of receiving a donation, and before entering into a loan, you must check that the donor/lender is permissible. It is an offence to accept a donation or enter into a loan from an impermissible source. For Members a permissible donor/lender must be one of the following:
 - an individual registered in a UK electoral register (including bequests – donations only)
 - a UK registered company which is incorporated within the European Union and carries on business in the UK
 - a UK registered political party
 - a UK registered trade union
 - a UK registered building society
 - a UK registered limited liability partnership that carries on business in the UK
 - a UK registered friendly industrial or provident society
 - a UK based, unincorporated association that carries on business or other activities wholly or mainly in the UK and has its main office there
 - an Irish citizen (including bequests – donations only)
 - an Irish registered company which is incorporated within the European Union and carries on business in the island of Ireland
 - an Irish registered political party
 - an Irish registered trade union
 - an Irish registered building society
 - an Irish registered limited liability partnership that carries on business in the island of Ireland
 - an Irish registered friendly, industrial or provident society
 - an Irish based, unincorporated association that carries on business or other activities wholly or mainly in Ireland and has its main office there
 - certain kinds of trust (donations only)

2. You must report to the Electoral Commission all donations which you accept – whether in the form of money or goods or services provided without charge or on non-commercial terms – if they exceed £1,500 in value. Multiple donations from a single source, in the same calendar year, that aggregate to more than the threshold must also be reported. Reports must be made within 30 days of accepting the donation. If permissibility cannot be established within 30 days from date of receipt, the donation must be returned to the donor or surrendered to the Electoral Commission. You must also tell the Electoral Commission about all donations over £500 in value which were received from impermissible or

unidentifiable sources even if they were returned to the donor. These reports must be made within 30 days of the donation having been returned or surrendered.

3. You must provide to the Electoral Commission the value of the donation and the name, address and other relevant details of the donor.
4. Loans and other credit arrangements, including credit facilities and the provision of security or a guarantee on your behalf, must also be reported. The same thresholds and rules about aggregation apply to reporting of loans as to donations. You must provide the name, address and other relevant details of the lender or guarantor. Details of the value, terms and conditions of the loan must also be reported.
5. Before accepting any gift, benefit or hospitality over £500 which would require registration in Category 3 (including a credit facility or a loan which exceeds £500 in value) you are required to satisfy yourself that it is from a permissible donor, and to notify the Electoral Commission where required under PPERA (e.g. where its value is over £1500).
6. Before accepting any travel, accommodation and hospitality over £500 which would require registration in this category, you are required to satisfy yourself that it is from a permissible donor, and to notify the Electoral Commission where required under PPERA (e.g. where its value is over £1500). PPERA recognises that Members may undertake visits outside the UK in connection with their political activities, the costs of which are met by an individual or organisation which is not a permissible donor. PPERA permits Members to accept donations from individuals and organisations that are not permissible donors, provided that the purpose of the donation is to meet the reasonable costs of an overseas visit. You must notify the Electoral Commission where required under PPERA (e.g. where its value is over £1500).
7. Adherence to the rules in relation to PPERA is a matter for the Electoral Commission rather than for the Committee on Standards and Privileges or the Assembly Commissioner for Standards.
8. For further advice on any matter in relation to the requirements of PPERA please contact the Electoral Commission on 02890 894020.

Appendix 3

Enforcement of the Rules

1. Complaints against a Member alleging a failure to comply with the Code of Conduct and the Guide to the Rules should be made in writing to:

The Assembly Commissioner for Standards,
Room 283,
Parliament Buildings,
Belfast, BT4 3XX

or by email to:

standardscommissioner@niassembly.gov.uk

2. Guidance on the complaints process and on how to make a complaint is available at the following link:

<https://standardscommissionerniassembly.org/the-complaints-process/>

3. Information on the investigation role of the independent Commissioner for Standards is available at the following link:

<https://standardscommissionerniassembly.org/the-commissioner/>

4. Information on the role and work of the Committee on Standards and Privileges is available at the following link:

<http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/standards-and-privileges/>

5. The Register of Assembly Members' Interests is available at the following link:

<http://www.niassembly.gov.uk/your-mlas/register-of-interests/>



Northern Ireland
Assembly

Appendices

Appendix 1 – Threshold values for registrable interests in UK & Irish legislatures
(aligned against the Northern Ireland Assembly’s 9 categories of registrable interests)

Key	
	Aligned to salary of a Member
	Standalone figures
	No threshold

<u>Northern Ireland Assembly</u> (9 categories)	<u>House of Commons</u> (10 categories)	<u>House of Lords</u> (10 categories)	<u>Welsh Parliament</u> (10 categories)	<u>Scottish Parliament</u> (6 categories)	<u>Dáil Éireann</u> (10 categories)	<u>Seanad Éireann</u> (9 categories)
1. Employment and Earnings >0.5% of current salary of a Member – for remuneration from a single source in a calendar year.	1. Employment and earnings > £100 for individual payments. >£300 for the total of multiple payments of whatever size from the same source in a calendar year.	1. Directorships >£500 – for a single benefit or multiple benefits which cumulatively amount to this value from the same source in a calendar year.	1. Directorships No Threshold.	1. Remuneration and related undertaking >0.5% of a Member’s salary (rounded down to the nearest £10) at the beginning of the current parliamentary session (from a single source on a single occasion or from a single source which in aggregate during a session exceeds the threshold).	1. Occupations etc. >€2,600 (gross figure, cumulative over registration period).	1. Occupations etc. >€2,600 (gross figure, cumulative over registration period).
		2. Remunerated employment >£500 – for a single benefit or multiple benefits which cumulatively amount to this value from the	2. Remunerated Employment, Office, Profession etc. No Threshold.		3. Directorships No Threshold.	3. Directorships No threshold.
		value from the	3. The Names of Clients (Services) No Threshold.		8. Remunerated position No Threshold.	8. Remunerated position No Threshold.

<u>Northern Ireland Assembly</u> (9 categories)	<u>House of Commons</u> (10 categories)	<u>House of Lords</u> (10 categories)	<u>Welsh Parliament</u> (10 categories)	<u>Scottish Parliament</u> (6 categories)	<u>Dáil Éireann</u> (10 categories)	<u>Seanad Éireann</u> (9 categories)
		same source in a calendar year. >£1,000 – for occasional income or benefits from speeches, lecturing, broadcasting, royalties or journalism.				
<p>2. Donations and other support</p> <p>>£1,000 in value, either as a single donation or in multiple donations of more than £200 from the same source in a calendar year.</p>	<p>2. Donations and other support</p> <p>>£1,500, either as a single donation or in multiple donations of >£500 from the same source in a calendar year.</p>	<p>6. Sponsorship</p> <p>>£500, from a single source, whether as a single donation, multiple donations or services in kind.</p>	<p>6. Financial Sponsorships</p> <p>As a candidate for election to Parliament: >25% of the candidate's election expenses.</p> <p>As a Member – No Threshold.</p>	<p>3. Loans, credit facilities etc.</p> <p>>£1500 or if the aggregate value and any aggregable benefit is >£1,500.</p>	<p>7. Travel facilities, etc.</p> <p>Travel facilities, living accommodation, meals or entertainment provided free of charge or at less than the commercial price during the registration period (excluding that provided at <€650 or where the difference between price paid</p>	<p>7. Travel facilities, etc.</p> <p>Travel facilities, living accommodation, meals or entertainment provided free of charge or at less than the commercial price during the registration period (excluding that provided at <€650 or where the difference between price paid</p>

<u>Northern Ireland Assembly</u> (9 categories)	<u>House of Commons</u> (10 categories)	<u>House of Lords</u> (10 categories)	<u>Welsh Parliament</u> (10 categories)	<u>Scottish Parliament</u> (6 categories)	<u>Dáil Éireann</u> (10 categories)	<u>Seanad Éireann</u> (9 categories)
					and commercial price was <€650). Free/sponsored travel may be considered a donation which is subject to different thresholds.	and commercial price was <€650). Free/sponsored travel may be considered a donation which is subject to different thresholds.
3. Gifts, benefits and hospitality >£245 in value, including multiple benefits from the same source which exceed this value in a calendar year.	3. Gifts, benefits and hospitality from UK sources >£300 – for a single benefit or multiple benefits which cumulatively amount to this value from the same source in a calendar year [required to stipulate the ‘amount of the donation, or its nature and value if it is a donation in kind’].	8. Gifts, benefits and hospitality >£300 – for a single benefit or multiple benefits which cumulatively amount to this value from the same source in a calendar year [no requirement to stipulate/estimate the value of any gift/benefit/hospitality].	4. Gifts, Hospitality, Material Benefits or Advantage >0.5% of a Member's basic gross annual salary (£320 when Guide was published, May 2016) [no requirement to stipulate/estimate the value of any gift/benefit/hospitality].	2. Gifts >0.5% of a Member's salary (rounded down to the nearest £10) at the beginning of the current parliamentary session and which also meets the ‘prejudice test’. (including gifts received from a single source during a session which cumulatively exceed the threshold).	5. Gifts >€650 in value, or aggregate value, from the same person during the registration period [no requirement to stipulate/estimate the value of any gift].	5. Gifts >€650 in value, or aggregate value, from the same person during the registration period [no requirement to stipulate/estimate the value of any gift].

<u>Northern Ireland Assembly (9 categories)</u>	<u>House of Commons (10 categories)</u>	<u>House of Lords (10 categories)</u>	<u>Welsh Parliament (10 categories)</u>	<u>Scottish Parliament (6 categories)</u>	<u>Dáil Éireann (10 categories)</u>	<u>Seanad Éireann (9 categories)</u>
	<p>5. Gifts and benefits from sources outside the UK</p> <p>>£300 – for a single benefit or multiple benefits which cumulatively amount to this value from the same source in a calendar year</p> <p>[required to stipulate the ‘amount of the donation, or its nature and value if it is a donation in kind’].</p>		<p>5. Contracts with the Assembly Commission or Welsh Government</p> <p>No Threshold.</p> <p>10. Membership/ Chairmanship of bodies in receipt of Assembly Commission or Welsh Government funds</p> <p>No Threshold.</p>	<p>>£1,500 – for any gift (or sponsorship as per PPERA) for political activities (including gifts received from a single source during a session which cumulatively exceed the threshold)</p> <p>[required to stipulate ‘details of the nature of and estimated monetary value of the gift and the date it was received’].</p>	<p>9. Contracts</p> <p>>€6,500 in value.</p>	<p>9. Contracts</p> <p>>€6,500 in value.</p>

<u>Northern Ireland Assembly (9 categories)</u>	<u>House of Commons (10 categories)</u>	<u>House of Lords (10 categories)</u>	<u>Welsh Parliament (10 categories)</u>	<u>Scottish Parliament (6 categories)</u>	<u>Dáil Éireann (10 categories)</u>	<u>Seanad Éireann (9 categories)</u>
<p>4. Visits</p> <p>>£245 in value – for any travel, accommodation and hospitality.</p>	<p>4. Visits outside the UK</p> <p>>£300 – for a single visit (if not wholly borne by the Member or public funds) or multiple visits which cumulatively amount to this value from the same source in a calendar year.</p>	<p>7. Overseas visits</p> <p>>£500 in value.</p>	<p>7. Overseas Visits</p> <p>No Threshold.</p>	<p>4. Overseas Visits</p> <p>Any overseas visit that meets the ‘prejudice test’ or where:</p> <p>(a) the cost is >£1,500 or</p> <p>(b) the costs are >£500 (but not >£1,500) and the aggregate value and any aggregable benefit is >£1,500.</p>		

<u>Northern Ireland Assembly (9 categories)</u>	<u>House of Commons (10 categories)</u>	<u>House of Lords (10 categories)</u>	<u>Welsh Parliament (10 categories)</u>	<u>Scottish Parliament (6 categories)</u>	<u>Dáil Éireann (10 categories)</u>	<u>Seanad Éireann (9 categories)</u>
<p>5. Shareholdings</p> <p>i) amount to >1% of the issued share capital of that company, or >1% of a partnership; or</p> <p>ii) are valued at >50% of the current salary of a Member (currently £24,500).</p>	<p>7. Shareholdings</p> <p>i) amount to >15% of the issued share capital of that company, or >15% of a partnership;</p> <p>ii) are valued at >£70,000.</p>	<p>3. People with significant control of a company</p> <p>4. Shareholdings</p> <p>Any shareholding either (a) amounting to a controlling interest, or (b) not amounting to a controlling interest, but >£50,000 in value.</p>	<p>9. Shareholdings</p> <p>a. of a market value >1% of the issued share capital; or</p> <p>b. of a market value <1% of the issued share capital where the value of those shareholdings is >50% of the basic gross annual salary for a Member at the preceding 5th April.</p>	<p>6. Interest in Shares</p> <p>(a) the nominal value of the shares at the relevant date is, or was, >1% of the total nominal value of the issued share capital of the company or other body; or</p> <p>(b) the market value of the shares at the relevant date exceeds, or exceeded, 50% of a Member's salary (rounded down to the nearest £10) at the beginning of the current parliamentary session.</p>	<p>2. Shares etc.</p> <p>>€13,000 aggregate market value in respect of any one company, enterprise or undertaking.</p> <p>>€13,000 share of the net value of a private limited company, at any point in the registration period.</p> <p>>€13,000 aggregate holding in a unit trust or managed fund during the registration period.</p>	<p>2. Shares etc.</p> <p>>€13,000 aggregate market value in respect of any one company, enterprise or undertaking.</p> <p>>€13,000 share of the net value of a private limited company, at any point in the registration period.</p> <p>>€13,000 aggregate holding in a unit trust or managed fund during the registration period.</p>

<u>Northern Ireland Assembly (9 categories)</u>	<u>House of Commons (10 categories)</u>	<u>House of Lords (10 categories)</u>	<u>Welsh Parliament (10 categories)</u>	<u>Scottish Parliament (6 categories)</u>	<u>Dáil Éireann (10 categories)</u>	<u>Seanad Éireann (9 categories)</u>
<p>6. Land and property</p> <p>a) has a value of >£49,000; or forms part of a total property portfolio (excluding any personal residences) with value >£49,000; and/or</p> <p>b) alone or together with other properties owned by the Member, provides rental income >£4,900 in a calendar year.</p>	<p>6. Land and property</p> <p>(i) >£100,000 or forms part of a total property Portfolio (excluding any personal residences) with value >£100,000; and/or</p> <p>(ii) alone or together with other properties owned by the Member, provides rental income >£10,000 in a calendar year.</p>	<p>5. Land and property</p> <p>(a) which has a capital value >£250,000 (but excluding any personal residences), or</p> <p>(b) from which an income of >£5,000 a year is derived.</p>	<p>8. Land and Property</p> <p>Any land or property (excluding any personal residence) which:</p> <ul style="list-style-type: none"> - has a substantial value equivalent to the basic gross annual salary for a Member (£64,000 when Guide published, May 2016); or - from which a substantial income is derived equivalent to 10% of the basic gross annual salary for a Member (£6,400 when Guide published, May 2016). 	<p>5. Heritable property</p> <p>(a) >50% of a Member's salary (rounded down to the nearest £10) at the beginning of the current parliamentary session; or</p> <p>(b) any income is received from the heritable property in 12 months prior to relevant date.</p>	<p>4. Land</p> <p>>€13,000 in value at any time during the registration period.</p>	<p>4. Land</p> <p>>€13,000 in value at any time during the registration period.</p>
					<p>6. Property and Service</p> <p>Where the price(s) was (or were) less than the commercial consideration(s) or price(s) by >€650.</p>	<p>6. Property and Service</p> <p>Where the price(s) was (or were) less than the commercial consideration(s) or price(s) by >€650.</p>

<u>Northern Ireland Assembly (9 categories)</u>	<u>House of Commons (10 categories)</u>	<u>House of Lords (10 categories)</u>	<u>Welsh Parliament (10 categories)</u>	<u>Scottish Parliament (6 categories)</u>	<u>Dáil Éireann (10 categories)</u>	<u>Seanad Éireann (9 categories)</u>
7. Miscellaneous No Threshold.	8. Miscellaneous No threshold.	9. Miscellaneous financial interests >£500 – for a single benefit or multiple benefits which cumulatively amount to this value from the same source in a calendar year.			10. General Guidance No Threshold.	10. General Guidance No Threshold.
8. Unremunerated interests No Threshold.		10. Non-financial interests No Threshold.				
9. Family members who benefit from Office Cost Expenditure >0.5% of the current salary of a Member (currently £245) in a calendar year.	9. Family members employed and remunerated through parliamentary expenses >£700 – for remuneration in a calendar year.					

<u>Northern Ireland Assembly</u> (9 categories)	<u>House of Commons</u> (10 categories)	<u>House of Lords</u> (10 categories)	<u>Welsh Parliament</u> (10 categories)	<u>Scottish Parliament</u> (6 categories)	<u>Dáil Éireann</u> (10 categories)	<u>Seanad Éireann</u> (9 categories)
	10. Family members engaged in lobbying No Threshold.					
Sources Northern Ireland Assembly: http://www.niassembly.gov.uk/globalassets/documents/standards-and-privileges/reports/20160628-code-of-conduct.pdf House of Commons: https://www.parliament.uk/business/publications/commons/hoc-code-of-conduct/ House of Lords: https://www.parliament.uk/globalassets/documents/lords-commissioner-for-standards/HL-Code-of-Conduct.pdf Welsh Parliament: https://senedd.wales/media/edabtfkt/standards-compendium_draft_october-2015_v2-final.pdf Scottish Parliament: https://www.parliament.scot/Parliamentaryprocedureandguidance/202005_CCEd07Rev02202007.pdf Dáil Éireann: https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/committee_on_members_interests_dail_eireann/termsOfReference/2020/2020-01-03_guidelines-for-members-of-dail-eireann-who-are-not-office-holders-concerning-the-steps-to-be-taken-by-them-to-ensure-compliance-with-the-provisions-of-the-ethics-in-public-office-acts-1995-and-2001_en.pdf Seanad Éireann: https://data.oireachtas.ie/ie/oireachtas/committee/seanad/25/committee_on_members_interests_seanad_eireann/termsOfReference/2020/2020-01-02_guidelines-for-members-of-seanad-eireann-who-are-not-office-holders-concerning-compliance-with-the-ethics-in-public-office-acts-1995-and-2001_en.pdf						

Appendix 2 – Written submission from the Commissioner for Standards

From: Melissa McCullough
Commissioner for Standards

To: Shane McAteer
Clerk to the Standards and Privileges Committee

Date: 16 October 2020

Re: Amendments to Code of Conduct and Guide to the Rules Relating to the Conduct of Members

At its 30th September meeting, the Committee on Standards and Privileges agreed to seek my advice on potential Stage 1 amendments to the Code of Conduct and Guide to The Rules Relating to the Conduct of Members.

Key Issues:

1. Updating/changing registration thresholds

- 1.1. Salary linked percentage thresholds can lack clarity, create confusion and lead to ambiguity.
- 1.2. Setting thresholds as rounded cash sums informed by percentage calculations based on the current MLA salary would likely provide greater clarity.
- 1.3. I believe this option would create greater clarity, understanding and compliance for and by Members, would reduce inadvertent non-compliance by Members and allow for greater transparency.
- 1.4. Cash sum thresholds should be kept under review by the Committee in each Mandate to reflect any necessary changes that may be required.

2. Registering the value or estimated value of gifts/benefits/hospitality and visits

- 2.1. The proposed requirement by Members to register the value or estimated value of gifts/benefits/hospitality and visits received is one that I believe is necessary to fully appreciate and enforce Rule 6 within the Code which states: *'You shall not accept any gift, benefit or hospitality that might reasonably be thought to influence your actions as a Member.'*

- 2.2. Registering gifts, benefits, hospitality (Category 3) or visits (Category 4) by way of a Member's own estimate is a reasonable expectation in my view.
- 2.3. Importantly, it is a more appropriate level of transparency in respect of Rule 6. The current practice of simply registering any gifts/benefits/hospitality and visits with a value over £245—but with no requirement to specify a value or estimated value, seems to fall short in respect of reasonable transparency expectations.
- 2.4. The Committee may wish to consider providing Members with the appropriate guidance on how estimations of such registrations work in practice if/when the amendment is made.

3. Other amendments within the document.

Chapter 1

3.1. Category 4: Visits

- 49 (c) Explicitly including that visits paid for wholly by the Member are exempt would be a useful addition.

3.2. Category 5: Shareholdings

- 50 ii) Amending to a rounded cash sum (option c) and being kept under review would be preferable in my view for reasons as stated above at 1 and 2

3.3. Category 6: Land and Property

- 56 a) and b) For both, a rounded cash sum (option c) would be preferable in my view for reasons as stated above at 1 and 2

Chapter 2

3.4. Declaration of Interests

- 20) Further discussions by the Committee relating to whether the inclusion of All-Party Groups and informal meetings with other Members as occasions when a Member might be attempting to influence fellow Members would be useful.

General

- 3.5. The addition of "by others' throughout the document gives welcome clarity for Members.

I welcome the opportunity to provide input in respect of a proposed Stage 2 Committee Review to include further examination of the Scope of the Code and Rules.

Appendix 3 – Link to Minutes of Proceedings relating to the Review

The Minutes of Proceeding relating to the Review can be found at the following link:

<http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/standards-and-privileges/minutes-of-proceedings/session-2020---2021/>

The relevant Minutes of Proceedings are as follows:

1 July 2020

30 September 2020

4 November 2020

20 January 2021

24 February 2021.