
THE CODE OF CONDUCT

together with

THE GUIDE TO THE RULES RELATING TO THE CONDUCT OF MEMBERS

Approved by The Northern Ireland Assembly on 14 December 1999
and amended on 15 October 2001

The Code of Conduct for Members of the Northern Ireland Assembly

PURPOSE OF THE CODE

The purpose of the Code of Conduct is to assist Members in the discharge of their obligations to the Assembly, their constituents and the public at large.

PUBLIC DUTY

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

Members have a general duty to act in the interests of the electorate and the community as a whole; and a special duty to their constituents.

PERSONAL CONDUCT

Members shall observe the general principles of conduct identified by the Committee on Standards in Public Life¹ as applying to holders of public office:-

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

¹ Cm 2850, p 14

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Members shall base their 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.

Members shall 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 never undertake any action which would bring the Northern Ireland Assembly, or its Members generally, into disrepute.

The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the Assembly, or to any Committee of the Assembly, is contrary to law.

Members shall fulfil conscientiously the requirements of the Assembly in respect of the registration of interests in the Register of Members' Interests and shall always draw attention to any relevant interest in any proceeding of the Assembly or its Committees, or in any communications with Ministers, Government Departments or Executive Agencies.

In any activities with, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with Ministers, Members and officials.

No Member shall act as a paid advocate in any proceeding of the Assembly.

No improper use shall be made of any payment or allowance made to Members for public purposes and the administrative rules which apply to such payments and allowances must be strictly observed.

Members must bear in mind that information which they receive in confidence in the course of their Assembly duties should be used only in connection with those duties, and that such information must never be used for the purpose of financial gain.

The Guide to the Rules relating to the Conduct of Members

INTRODUCTION

1. The purpose of this Guide is to assist Members in discharging the duties placed upon them by the Code of Conduct agreed by the Assembly.
2. No written guidance can provide for all circumstances; when in doubt Members should seek the advice of the Clerk of Standards who, if necessary, will seek adjudication from the Committee on Standards and Privileges.
3. The Guide is divided into four Sections dealing with (1) Registration of Interests (paragraphs 8 to 37); (2) Declaration of Interests (paragraphs 38 to 53); (3) the Advocacy Rule (paragraphs 54 to 64) and (4) Procedure for Complaints (paragraphs 65 to 74).
4. The Code of Conduct provides a framework within which acceptable conduct should be judged. This Guide contains guidelines (paragraphs 54 - 57) to assist Members in applying the rule prohibiting paid advocacy. A further rule (paragraph 64) deals with the conflict of interest that may arise when a Member holding a relevant financial interest takes part in a delegation involving the source of that interest.
5. The Assembly has two distinct but related methods for the disclosure of the personal financial interests of its Members: registration of interests in a Register which is open for public inspection; and declaration of interest in the course of debate in the Assembly and in other contexts. The main purpose of the Register is to give public notification on a continuous basis of those pecuniary interests held by Members which might be thought to influence their Assembly conduct or actions. The main purpose of declaration of interest is to ensure that fellow Members of the Assembly and the public are made aware, at the appropriate time when a Member is making a speech in the Assembly or in Committee or participating in any other proceedings of the Assembly, of any past, present or expected future pecuniary interest which might reasonably be thought to be relevant to those proceedings.
6. The rules described in this Guide mainly derive their authority from a Resolution of the Assembly, rather than from statute or common law, and are therefore enforceable by the Northern Ireland Assembly.
7. Northern Ireland Ministers and junior Ministers are subject to the rules of registration, declaration and advocacy in the same way as all other Members. It is expected that Ministers will be subject to further guidelines and requirements laid down by the First Minister and Deputy First Minister in order to ensure that no conflict arises, nor appears to arise, between their private interests and their public duties. These requirements will not be enforced by the Assembly and so are beyond the scope of this Guide.

1. REGISTRATION OF MEMBERS' INTERESTS

8. Under the Resolution agreed by the Assembly on 14 December 1999, and under the Code of Conduct, Members are required to register their pecuniary interests in a Register of Members' Interests. The duty of compiling the Register rests with the Clerk of Standards.

DEFINITION OF THE REGISTER'S PURPOSE

9. The main purpose of the Register of Members' Interests is to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly. Provision is also made for the registration of relevant non-pecuniary interests. The registration form specifies eleven Categories of registrable interests which are described below. 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.

DUTIES OF MEMBERS IN RESPECT OF REGISTRATION

10. After an election to the Assembly, Members are required to complete a registration form and submit it to the Clerk of Standards within three months of taking their seats in accordance with Standing Orders. For Members returned at a by-election the time limit is also three months from the date on which they take their seats. Members taking their seats in accordance with section 35 of the Northern Ireland Act 1998 must also complete a registration form within three months of taking their seats. After the initial publication of the Register, (or, in the case of Members returned at by-elections or in accordance with section 35 of the Northern Ireland Act 1998, after their initial registration) it is the responsibility of Members to notify changes in their registrable interests within four weeks of each change occurring.
11. Any Member having a registrable interest which has not at the time been registered, shall not undertake any action, speech or proceeding of the Assembly (save voting) to which the registration would be relevant until notification has been given to the Clerk of Standards of that interest.
12. Members are responsible for making a full disclosure of their interests, and if they have relevant interests which do not fall clearly into one or other of the specified categories, they are nonetheless expected to register them.

PUBLICATION AND PUBLIC INSPECTION

13. The Register is published soon after the beginning of a new Assembly, under the authority of the Committee on Standards and Privileges, and annually thereafter. Between publications the Register is regularly updated in a loose leaf form and, in that form, is available for public inspection in the Office of the Clerk of Standards. The Register is also regularly updated on the

Assembly's web site. At the discretion of the Clerk, copies of individual entries in the Register may be supplied on request. However, the employment agreements deposited with the Clerk which relate to registered interests (paragraph 34) are available for personal inspection only.

THE CATEGORIES OF REGISTRABLE INTEREST

Category 1

Directorships: Remunerated directorships in public and private companies including directorships which are individually unremunerated, but where remuneration is paid through another company in the same group.

14. In this Category, and in others, "remuneration" includes not only salaries and fees, but also the receipt of any taxable expenses, allowances, or benefits, such as the provision of a company car. 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, a Member is also required to register any directorships he or she holds which are themselves unremunerated but where the companies in question are associated with, or subsidiaries of, a company in which he or she holds a remunerated directorship. Otherwise, Members are not required to register unremunerated directorships (see Category 10).
15. Companies which have not begun to trade or which have ceased trading need not be registered, either under this Category or under Category 9 (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 a Member wishes to register a directorship in a company which is not trading the Member should make the position clear by adding the words "not trading" after the name of the company.

Category 2

Remunerated Employment, Office, Profession, etc: Employment, office, trade, profession or vocation (apart from membership of the United Kingdom Parliament, Assembly, Seanad Eireann or ministerial office) which is remunerated or in which the Member has any pecuniary interest.

16. All employment outside the Assembly and any sources of remuneration which do not fall clearly within any other Category should be registered here. When registering employment, Members should not simply state the employer company and the nature of its business, but should also indicate the nature of the post which they hold in the company or the services for which the company remunerates them. Members who have paid posts as consultants or advisers should indicate the nature of the consultancy, for example "management consultant", "legal adviser", "public affairs consultant".
17. Members who have previously practised a profession 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 the Member will resume the profession at a later stage.

Category 3

Clients: In respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employment, office, profession, etc.), any provision to clients of services which depend essentially upon, or arise out of, the Member's position as a Member of the Northern Ireland Assembly should be registered under this Category. All clients to which personal services are provided should be listed together with the nature of the client's business in each case. Where a Member receives remuneration from a company or partnership engaged in consultancy business which itself has clients, the Member should list any of those clients to whom personal services or advice is provided, either directly or indirectly.

18. The types of services which are intended to be covered here include those connected with any Assembly proceeding, or other services relating to membership. A Member who has clients in a non-Assembly professional capacity (for example as a doctor, solicitor or accountant) is 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.
19. Under this Category, if a Member is employed as an Assembly adviser by a firm which is itself a consultancy and therefore is providing such advice and services to its clients, the Member should disclose those of the consultancy's clients with whom he or she has a personal connection or who benefit from the Member's advice and services. The same requirement applies where a Member, on his or her own account, accepts payment or material benefit for providing such services, but not on such a regular basis as to warrant registration as employment under Category 2. Where a company is named as a client, the nature of the company's business should be indicated.

Category 4

Sponsorships:

- (a) Any sponsorship prior to an election where, to the Member's knowledge, the financial support in any case exceeded 25 per cent of the election expenses at that election.
 - (b) Any other form of sponsorship or financial or material support as a Member of the Northern Ireland Assembly which involves any personal payment, benefit, or advantage. If any of these arrangements involve payment to the Member or any material benefit or advantage which the Member personally receives this should be indicated.
20. This Category deals with sponsorship by companies, trade unions, professional bodies, trade associations and other organisations. Under subsection (a) the Member is required to register the source of any contribution to his or her election expenses in excess of 25 per cent. of the total of such expenses. Subsection (b) relates to other forms of sponsorship, which is interpreted to cover any regular or continuing support from companies or organisations from which the Member receives any financial or material benefit in support of his or her role as a Member of the Northern Ireland Assembly. Members should register any sponsorship arrangement in which they are personally involved and irrespective of whether they receive personal payment. If a company is the sponsor the nature of its business should be indicated.

21. Members are also required to register (and declare where relevant) any substantial donations which are made by an organisation or company on a regular basis to their constituency party when such donations are linked directly to their own candidacy or membership of the Assembly. For this purpose “substantial” means any payment (or benefit in kind of an equivalent value) of £1000 or more per annum. Such donations would not fall within the exemption to disclosure recommended by the Committee on Standards in Public Life.² Blind Trusts may not be used as a means for avoiding disclosure of individual donations.³ However, donations made directly to a constituency party as an expression of general political support, not linked to the Member’s candidacy or membership of the Assembly, should not be registered.
22. The provision of services of a research assistant or secretary whose salary, in whole or in part, is met by an external organisation, and the provision of free or subsidised accommodation for the Member’s use, other than accommodation provided solely by the constituency party, should be registered, as appropriate, either in this section or under Category 5 “Gifts, benefits and hospitality”; except that accommodation provided by a local authority at no cost, or at a subsidised cost, to a Member for the sole purpose of holding constituency surgeries is exempt from registration.

Category 5

Gifts, benefits and hospitality (UK): Any gift to the Member or the Member’s partner of greater value than £125 or any material benefit of a value greater than 0.5 per cent of the Member’s Assembly salary from any company, organisation or person within the UK which in any way relates to membership of the Assembly.

23. The specified financial values above which gifts, hospitality and any other benefit must be registered are:-
 - (a) for tangible gifts (such as money, jewellery, glassware etc.), £125;
 - (b) for other benefits (such as hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services etc.), 0.5 per cent of a Member’s annual Assembly salary.

The rule means that any gift, or other benefit, which in any way relates to membership of the Assembly and which is given gratis, or at a cost below that generally available to members of the public, should be registered whenever the value of the gift or benefit is greater than the amounts specified in (a) or (b) above. Any similar gift or benefit which is received by any company or organisation in which the Member, or the Member and the Member’s partner jointly, have a controlling interest should also be registered.

24. There are two important exceptions to this rule: gifts and benefits known to be available to all Members of the Northern Ireland Assembly need not be registered; and a Member need not register attendance at a conference or a site visit within the United Kingdom or the Republic of Ireland where the organiser meets reasonable travel costs and subsistence only.

² Committee on Standards in Public Life, Fifth Report, Cm 4057-I, paragraph 4.69

³ *Ibid.*, paragraph 4.72

25. Gifts and material benefits in this Category (and other Categories) are exempt from registration if they do not relate in any way to membership of the Assembly. 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 membership of the Assembly, 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.

Category 6

Overseas visits: With certain specified exceptions, overseas visits made by the Member or the Member's partner relating to or in any way arising out of membership of the Northern Ireland Assembly where the cost of the visit was not wholly borne by the Member, or by United Kingdom or Northern Ireland public funds.

26. The Member should enter in the Register the date, destination and purpose of the visit and the name of the Government, organisation, company or individual which met the cost. Where only part of the cost was borne by an outside source (for example the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a registered All-Party or Assembly group or by a party backbench group, it is not sufficient to name the group as the sponsor of the visit: the Government, organisation, company or person ultimately meeting the cost should be specified.
27. The following categories of visit, which are mainly paid for from Northern Ireland public funds or which involve reciprocity of payment with other Governments or Parliaments, together with any hospitality associated with such a visit and available to all participants, are exempt from registration:-
- (a) Visits which are paid for by, or which are undertaken on behalf of, the Northern Ireland Executive or which are made on behalf of an international organisation to which the Northern Ireland Assembly belongs;
 - (b) Visits abroad with, or on behalf of, a Committee of the Assembly;
 - (c) Visits undertaken under the auspices of the Commonwealth Parliamentary Association, the Inter-Parliamentary Union (or the British-Irish Parliamentary Body) or the Westminster Foundation for Democracy;
 - (d) Visits arranged and paid for wholly by a Member's own political party;
 - (e) Visits paid for wholly by an institution of the European Union or by a political group of the European Parliament;
 - (f) Visits as part of an Industry and Parliament Trust fellowship.

Visits which are entirely unconnected with membership of the Assembly are also exempt from registration.

Category 7

Overseas benefits and gifts: Any gift to the Member or the Member's partner of greater value than £125 or any material advantage of a value greater than 0.5 per cent of the current Assembly salary from or on behalf of any investment, organisation or person which in any way relates to membership of the Assembly.

28. The financial limits and guidelines which apply to the previous Category also apply here. Members should enter a cross-reference under this Category where an interest already entered in Categories 1, 2 or 3 entails the receipt of payments from abroad.

Category 8

Land and Property: Any land or property, other than any home used for the personal residential purposes of the Member or the Member's partner, which has a substantial value or from which a substantial income is derived. The nature of the property should be indicated.

29. Second homes need not be registered under this Category unless regularly let at commercial rents; but a farm on which the Member has a residence should be registered because it has a substantial value aside from the residential use. Entries should be reasonably specific as to the nature of the property and its general location, for example:-

“Woodland in Fermanagh”

“Dairy farm in Armagh”

“3 residential rented properties in Bangor”.

Category 9

Shareholdings: Interests in shareholdings held by the Member, either personally, or with or on behalf of the Member's partner or dependent children, in any public or private company or other body which are:

- (a) greater than 1 per cent of the issued share capital of the company or body; or
- (b) less than 1 per cent of the issued share capital but more than £25,000 in nominal value. The nature of the company's business in each case should be registered.
30. When determining whether or not shareholdings are registrable under the criteria set out above, Members should include not only holdings in which they themselves have a beneficial interest but also those in which the interest is held by, or on behalf of, their partner or dependent children. For each registrable shareholding, the entry should state the name of the company or body, briefly indicate the nature of its business, and make clear which of the criteria for registration is applicable.
31. In considering whether to register any shareholdings falling outside (a) and (b) Members should have regard to the definition of the main purpose of the Register: “to provide information

of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly”. If a Member considers that any shareholding which he or she holds falls within this definition, the Member should register the shareholding either in this Category or under Category 10.

Category 10

Miscellaneous: Any relevant pecuniary interest, not falling within one of the above categories, which nevertheless falls within the definition of the main purpose of the Register which is “to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly,”

32. The main purpose of this Category is to enable Members to enter in the Register any pecuniary interests which they consider to be relevant to the Register’s purpose, but which do not obviously fall within any of the other categories. It is a cardinal principle that Members are responsible for making a full disclosure of their own interests in the Register; and if they have relevant interests which do not fall clearly into one or other of the specified Categories, they will nonetheless be expected to register them.

Category 11

Unremunerated Interests: Any unremunerated interests which might reasonably be thought by others to influence a Member’s actions, speeches or votes in the Assembly, or actions taken in his or her capacity as a Member of the Northern Ireland Assembly, even though the Member receives no financial benefit.

33. Members are required to register unremunerated directorships, eg directorships of charitable trusts, professional bodies, learned societies or sporting or artistic organisations, where such a body might directly benefit from public funds or from a decision taken by the Northern Ireland Assembly. Where a Member considers that an unremunerated interest, other than a directorship, which the Member holds might be thought by others to influence his or her actions in a similar manner to a remunerated interest, such an interest should be registered here.

Employment Agreements

34. Members should deposit certain employment agreements with the Clerk of Standards. Any Member who has an existing agreement or proposes to enter into an agreement which involves the provision of services in his or her capacity as a Member of the Northern Ireland Assembly should:
 - (a) ensure, that the agreement does not breach the advocacy rule (see paragraphs 54 - 64);
 - (b) put any such agreement in written form;
 - (c) deposit a full copy of the agreement with the Clerk of Standards. The agreement should indicate the nature of the services to be provided and specify the fees or benefits the

Member is to receive in bands of (1) up to £1,000; (2) £1,001 to £5,000; (3) £5,001 to £10,000 (and thereafter in bands of £5,000).

- (d) make the appropriate entry in the Register of Members' Interests; and
- (e) declare the interest when it is appropriate to do so (see paragraphs 38 - 53).

Deposited agreements may be inspected in the Office of the Clerk of Standards. The terms of the Resolution of the Assembly do not permit the taking of copies.

- 35. The requirement for employment agreements to be put in writing will apply principally to any arrangement whereby a Member may offer advice about Assembly matters. It should also include frequent, as opposed to merely occasional, commitments outside the Northern Ireland Assembly which arise directly from membership of the Assembly. For example, a regular, paid newspaper column or television programme would have to be the subject of a written agreement, but ad hoc current affairs or news interviews or intermittent panel appearances would not.
- 36. A regular paid newspaper column, or regular contribution to a radio or television programme, need not be the subject of a written agreement if its subject is wholly unrelated to Assembly or public affairs (e.g. a sports column).
- 37. Disclosing remuneration for Assembly services separately from remuneration for other services would be justified only in exceptional circumstances; e.g. where the Assembly services are separately identifiable and form only a small proportion of the services as a whole. In any such case the entry in the Register should make it clear that the remuneration is for Assembly services as part of a wider agreement.

2. DECLARATION OF MEMBERS' INTERESTS

Rules of the Assembly

- 38. The rule that any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, should be declared in debate, or other proceeding places a duty on Members to disclose to Ministers, or servants of the Crown, all relevant interests. The term 'servants of the Crown' should be interpreted as applying to the staff of executive agencies as well as to all staff employed in government departments.

Past and potential interests

- 39. The rule relating to declaration of interest is broader in scope than the rules relating to the registration of interests in two important respects. As well as current interests, Members are required to declare both relevant past interests and relevant interests which they may be expecting to have. In practice only interests held in the recent past, i.e. those contained in the current printed edition of the Register, need normally be considered for declaration. Expected future interests, on the other hand, may be more significant. Where, for example, a Member is debating legislation or making representations to a Minister on a matter from which he or she

has a reasonable expectation of personal financial advantage, candour is essential. In deciding when a possible future benefit is sufficiently tangible to necessitate declaration, the key word in the rule which the Member must bear in mind is “expecting”. Where a Member’s plans or degree of involvement in a project have passed beyond vague hopes and aspirations and reached the stage where there is a reasonable expectation that a financial benefit will accrue, then a declaration explaining the situation should be made.

Relevance

40. It is the responsibility of the Member, having regard to the rules of the Assembly, to judge whether a pecuniary interest is sufficiently relevant to a particular debate, proceeding, meeting or other activity to require a declaration. The basic test of relevance should be the same for declaration as it is for registration of an interest; namely, that a pecuniary interest should be declared if it might reasonably be thought by others to influence the speech, representation or communication in question. A declaration should be brief but sufficiently informative to enable a listener to understand the nature of the Member’s interest.
41. No difficulty should arise in any proceeding of the Assembly or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the Assembly, include debates in Committees, the presentation of a Public Petition, and meetings of Committees at which evidence is heard. On all such occasions the Member will declare the interest at the beginning of his or her remarks and it will be a matter of judgement, if the interest is already recorded in the Register, whether he or she simply draws attention to this or makes a rather fuller disclosure. Any declaration should be sufficiently informative to enable a listener to understand the nature of the Member’s pecuniary interest.
42. In a debate in the Assembly the Member should declare an interest briefly, usually at the beginning of his or her speech. If the Assembly is dealing with the Committee stage of a Bill it will normally be sufficient for the Member to declare a relevant interest when speaking for the first time. It will not be necessary for a declaration to be repeated at subsequent sittings except when the Member speaks on an Amendment to which the interest is particularly relevant. When giving notice of an Amendment or a Motion, giving notice of the presentation of a Bill or adding a name to an Amendment or Motion, Members should declare any relevant interest in the appropriate manner (see paragraphs 43 – 46 below).

Declaration of interest in respect of written notices

43. Declaration of relevant interest is required on Forthcoming Business or the Order Paper when tabling any written notice, i.e.:
 - (a) Questions (for oral or written answer, including Private Notice Questions);
 - (b) a notice for the presentation of a Bill;
 - (c) any other Motions, Amendments, or added names in support of them;
 - (d) Amendments to Bills (whether to be considered in the Assembly or in a Committee) and any names added in support of them.

44. Whenever such an interest is declared, the symbol “[R]” is printed after the Member’s name on the Forthcoming Business 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 an Amendment) assumes that no interest is declarable unless the notice clearly indicates a declaration: this should be done by inserting “[R]” after the Member’s name on the Motion or Amendment, as the case may be, or filling in the appropriate box which appears on the form for Assembly Questions.
45. “Relevant interests” which should be declared include any interest which the Member is required to register in the Register of Members’ Interests, or which the Member should declare in debate. It will therefore usually be the case that the interest to which the Member is drawing the attention of the Assembly will already be entered in the Register. Provided it is readily apparent which of the Member’s registered interests are applicable, the Member 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, then the Member when giving notice 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. In the case of Private Notice Questions which are allowed, a Member with a relevant interest should declare that interest when the Question is formally asked in the Assembly.
46. All Members need to exercise particular care when invited to add their names to any Motions or Amendments and to ensure that they have considered whether they 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 Members’ minds, but great care needs to be exercised by Members in these circumstances.

Declaration of interest in applications for adjournment or emergency debates

47. Requests for emergency debates and applications for adjournment debates are made to the Speaker. Such applications should be accompanied by a declaration of any relevant interest. When a Member is notified that he or she had been successful in obtaining an adjournment debate it is the Member’s responsibility to notify the Business Office and to ensure that an indication of the relevant interest appears at the earliest opportunity on the Forthcoming Business or Order Paper. The procedure will be similar to that for written notices described in paragraph . If the Speaker allows a Member to present an application to the Assembly for an emergency debate, a Member with a relevant interest should begin his or her remarks to the Assembly with a declaration of that interest.

Declaration of interest in Committees

48. Members of Committees on any matter or Bill must adhere to the following rules:
 - (a) before the first meeting of a Committee, all Members nominated to serve upon a Committee are required to send to the Clerk of the Committee details of any pecuniary interests for circulation to the Committee;
 - (b) when a member of a Committee, particularly the Chairman, has a pecuniary interest which is directly affected by a particular inquiry or when he or she considers that a personal

interest may reflect upon the work of the Committee or its subsequent Report, the Member should stand aside from the Committee proceedings relating to it;

- (c) before proceeding to business, the Chair of the Committee should invite all members of the Committee to declare any interests they may have which relate to the terms of reference of that Committee, or which are likely to be relevant to a substantial part of the work which the Committee may be expected to undertake;
 - (d) a Member should make a declaration of interest at an early stage in any inquiry to which that interest particularly relates. If the interest is especially relevant to one witness or group of witnesses appearing before the Committee, the interest should be declared again at the appropriate session of evidence;
 - (e) a Member is required to declare an interest when asking any questions which relate directly, or which might reasonably be thought by others to relate directly, to the pecuniary interest he or she holds. Such a declaration must be made irrespective of any declaration having been made at an earlier meeting of the Committee. One such declaration is sufficient for any questions asked of the same witnesses during one evidence Session;
 - (f) 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;
 - (g) in making any declaration a Member should clearly identify the nature of the pecuniary interest. The form in which a declaration of interest is made, and its extent, must be primarily for the individual Member. A casual reference is not sufficient. A Member should make a declaration in clear terms and should ensure that such a declaration is entered in the Minutes of Proceedings of the Committee;
 - (h) it is perfectly acceptable for a Member, when declaring an interest which is registered in the Register of Members' Interests to refer to his or her entry in the Register;
 - (i) the importance of declaration when relevant and of declaring a pecuniary interest at the moment when it is most appropriate to do so is stressed. It is not intended to create a situation where the proceedings of Committees are frequently interrupted by declarations of tangential relevance to what is being considered. The interests that a Member is required to register may not be at all relevant to his or her work on the Committee and consequently may never need to be declared during its proceedings.
49. Where the subject matter of an inquiry of a Committee is of direct concern to an outside body in which a Member has a pecuniary interest, the Member must consider whether on grounds of conflict of interest it is proper to take part in the inquiry. The Member must also consider whether the relationship of his or her interest to the subject of the inquiry is so close that it is not possible to participate effectively in the inquiry without crossing the borderline into advocacy.

Rule on declaration of interests relating to Private Bills

50. A Member nominated to serve on a Committee on a Private Bill is required by Standing Orders to sign a declaration “that my constituents have no local interest, and I have no personal interest, in the said Bill”. To be disqualified the Member’s interest must be a direct interest where there is a potential benefit or disadvantage to the Member arising from the matter in issue; or the constituency interest must be a local interest affecting the constituency as a whole or a significant number of constituents. Where a Member is in doubt, the Clerk of Bills should be consulted.

Other occasions when declaration of interest should be considered

51. The requirement to declare a relevant interest at the appropriate time covers almost every aspect of a Member’s Assembly duties extending to correspondence and meetings with Ministers and public officials. Frankness with colleagues is also important. It should be a matter of honour that a pecuniary interest is declared not only, as at present, in debate in the Assembly and its Committees but also whenever a Member is attempting to influence his or her fellow Members, whether in unofficial committees and gatherings or at any kind of sponsored occasion, with or without entertainment, or simply in correspondence or conversation. Above all it should be disclosed when a Member is dealing with Ministers and civil servants, and this obligation becomes of paramount importance when another government is involved either directly or indirectly.
52. There are certain proceedings where declaration of interest is impracticable; e.g. during oral Questions or when asking a question in response to ministerial statement on a matter of public policy or supplementary to a Private Notice Question. (The Member asking the Question should, however, declare an interest; see paragraphs .) However, Members are advised to declare any relevant interest when such a declaration does not unduly impede the business of the Assembly, for example in relation to a request for a debate made in response to a Business Question or statement.

Divisions

53. For the purpose of taking part in any division in the Assembly or in Committee, it is sufficient for the relevant interest to be disclosed in the Register of Members’ Interests. A Member should seek to ensure prior to a vote taking place that any relevant interest is registered, or, where it is not, should register the interest immediately after the vote.

3. THE ADVOCACY RULE

Guidelines on the application of the advocacy rule

54. If a financial interest is required to be registered in the Register of Members’ Interests, or declared in debate, it falls within the scope of the advocacy rule. The following Guidelines will assist Members in applying the rule.

Initiating a Assembly proceeding

55. When a Member has received, is receiving or expects to receive a pecuniary benefit from a body (or individual) outside the Northern Ireland Assembly, the Member may not initiate any Assembly proceeding which relates specifically and directly to the affairs and interests of that body (or individual); any client of such a body (or individual); any group, sector, category or organisation whose affairs and interests are substantially the same as those of the outside body (or individual).

[Note: “Initiating a Assembly proceeding” includes:

- presenting a Bill;*
- presenting a Petition;*
- tabling and asking a Assembly Question;*
- initiating, or seeking to initiate an adjournment (or other) debate;*
- tabling or moving any Motion;*
- 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.]*

Participation in debate

56. When making a speech or participating in any other Assembly proceeding, advocacy is prohibited which seeks to confer benefit exclusively upon a body (or individual) outside the Northern Ireland Assembly, from which the Member has received, is receiving, or expects to receive a pecuniary benefit, or upon any registrable client of such a body (or individual). Otherwise a Member may speak freely on matters which specifically and directly relate to the affairs and interests of a body (or individual) from which he or she receives a pecuniary benefit, provided the benefit is properly registered and declared.

[Note: “Participation in a debate etc” includes:

- making a speech in the Assembly, in Committee of the whole Assembly, or in Committee;*
- making an intervention in a debate or asking a supplementary question to a Question, statement or other proceeding;*
- asking a question in a Committee when taking formal evidence.]*

Constituency interests

57. Irrespective of any relevant interest which the Member is required to register or declare, he or she may pursue any constituency interest in any proceeding of the Assembly, except that:
- (a) where the Member has a financial relationship with a company in the Member’s constituency the guidelines above relating to “initiation” and “participation” shall apply;
 - (b) where the Member is an adviser to a trade association, or to a professional (or other representative) body, the Member should avoid using a constituency interest as the

means by which to raise a matter which relates primarily to the wider industrial, professional or other interest and which the Member would otherwise be unable to pursue.

58. Paragraphs 55 – 57 above reflect the considerations of the Select Committee on Standards in Public Life. The Committee’s opinion was that “any Member who is a paid Assembly adviser, or who receives any form of remuneration from any outside body, should not initiate proceedings ... if they relate specifically and directly to the affairs and interests of that body”.⁴ It also recommended that a Committee on Standards and Privileges, should, when considering any complaint, “have regard both to the nature and directness of the interest giving rise to any remuneration, and how far the relevant Assembly activity could be regarded as conferring, or seeking to confer, a particular benefit on the interest in question”.⁵
59. No limitation on Members’ freedom of action interferes with Members’ ability to inform themselves on matters of public concern or with the performance of their paramount duty to represent the interests of their constituents and those of the public generally. Consequently, while the advocacy rule restricts a Member’s ability to initiate proceedings, there are fewer restrictions placed upon participation in debate. “There can be few cases where any damage to the public interest can result from a Member who has declared an interest speaking in the Assembly, even in a Second Reading debate on a relevant Bill or in a Committee of the whole Assembly”.⁶
60. The Assembly expects the Committee on Standards and Privileges to consider any individual speech against the criterion of whether it might bring particular benefit to the organisation or individual from which the Member received benefit. This expectation is best met if the scope for participation in debate is governed by the term “exclusive benefit” and this is the definition used in the Guidelines.

Parameters to the operation of the advocacy rule

61. The following parameters to the operation of the advocacy rule exist:-
- (a) *The advocacy rule and registrable interests:* The advocacy rule applies with equal effect to any registrable or declarable pecuniary benefit irrespective of the source of that benefit (i.e. no distinction is drawn between financial benefits received from a company, a representative organisation, a charity, a foreign government or any other source). Similarly, no distinction should be drawn in the application of the advocacy rule to different categories of registrable or declarable benefit (except for the provision below relating to visits to an overseas dependency of the United Kingdom). Non-pecuniary interests registered by Members do not fall within the scope of the Resolution agreed by the Assembly on 14 December 1999 and the advocacy rule does not apply to them.
- (b) *Past, present, and future benefits:* Unlike the Register, which lists current benefits, or benefits received in the immediate past, the Resolution of 14 December 1999 also refers, as does the rule on declaration, to past and expected future benefits. It is difficult to

⁴ HC Select Committee on Standards in Public Life, Second Report, Session 1994-95, HC 816, paragraph 27 (emphases added).

⁵ *Ibid.*, paragraph 20 (emphases added).

⁶ *Ibid.*, paragraph 22 (and Cmnd 2850-I, paragraph 83).

contemplate circumstances where any benefit received some time in the past, particularly an interest which is not in the current printed Register, could be sufficiently relevant to be taken into account under the advocacy rule (see (d) below). Expected future interests, on the other hand, may be more significant. For example, Members expecting to derive direct financial benefit from particular legislation should, as well as declaring the interest in debate as appropriate, not seek to move Amendments relevant to the expected future interest. The same consideration applies to the initiation of other proceedings.

- (c) *Continuing benefits*: Continuing benefits, i.e. directorships, other employment, and sponsorship, can be divested to release a Member with immediate effect from the restrictions imposed by the advocacy rule, providing that the benefit is disposed of and there is no expectation of renewal.
 - (d) *“One-off” benefits*: From the publication of the first edition of the Register, which will include the date of registration, the advocacy rule will apply to “one-off” registrable benefits, both visits and gifts, from the day upon which the interest was acquired until one year after it is registered.
 - (e) *Family benefits*: The rule includes relevant payments to a Member’s family, but any payment to a member of the family of any Member which arises out of the family member’s own occupation is not regarded as a benefit for the purposes of the Resolution.
 - (f) *Visits to a United Kingdom dependency*: Although visits to a United Kingdom dependency at the expense of the Government of that territory must be registered and declared, such visits shall not be taken into account when applying the advocacy rule.
62. The financial interests of Members are extremely varied, as the Register demonstrates. Each Member will need to apply the advocacy rule and the Guidelines to his or her particular circumstances. When in doubt, Members will be able to seek the advice of the Clerk, 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 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. The Member may not initiate any proceeding which seeks particular preference for any sector or group of companies whose interests are substantially the same as those of the company in which the Member has a remunerated interest.
 - (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 advocacy rule.
 - (ii) A Member who is, for example, a remunerated adviser:
 - may not, whether by initiating a proceeding or participating in debate, 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 participate in debate (but may not initiate any proceeding) 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).
- (c) When a Member has a problem involving a company within his or her constituency the Member may take any Assembly action to resolve that problem, even though he or she may hold a remunerated position with a body representing the relevant sector of the industry regionally or nationally, or with another company outside the constituency in the same industrial sector. Similarly a Member who has a remunerated position with a representative association is not restricted in any way in taking up the case of a constituent who is a member of that association, or is employed by a member of that association. The only circumstances when the Member's actions are restricted are when the Member has a registrable interest with the company concerned when the guidelines provide that the Member forfeits the special position he or she has as a constituency Member.
- (d) Members are reminded that when accepting foreign visits they 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 and advocacy. Members may not, for example, either initiate or advocate in debate increased United Kingdom financial assistance to a Government from which they have recently received hospitality. Nor may the Member initiate any proceeding in the Northern Ireland Assembly which seeks to bring specific and direct benefit to the host Government. Subject to this constraint Members could, having declared their interest, raise matters relating to their experiences in the country either in a speech or by initiating any other proceeding. Similarly they could raise matters relating to the problems of the country generally, or make use of any local insight they have obtained into regional problems (e.g. the situation in the Middle East or in South East Asia, economic or social problems or an external threat) or information they have obtained on local developments or initiatives.
- (e) A Member whose visit was funded by a non-governmental organisation (NGO) or other agency would not be inhibited in initiating proceedings relating to its work unless the Member sought to raise matters which related specifically and directly to the affairs and interests of the NGO or agency itself, rather than the problems it was dealing with. In debate the Member could go even wider - only a matter which was for the exclusive benefit of the NGO or agency: e.g. a request for a grant-in-aid to the particular organisation - could not be pursued.
- (f) Under the advocacy rule, a Member who is receiving free office accommodation provided by a local authority should not advocate measures for the specific and direct benefit of

the local authority itself (as distinct from the interests of those whom the local authority represents). In practice, since Members also have a paramount duty to represent their constituents there will be few occasions when the application of the rule will place a limit on a Member's Assembly actions. In any event, accommodation provided solely for the purpose of holding constituency surgeries is exempt from registration and therefore from the application of the advocacy rule.

Responsibility of the Member

63. In common with the rules of the Assembly relating to registration and declaration of interest the main responsibility for observation of the rule on advocacy lies with the individual Member. The Select Committee on Standards in Public Life stated in its Second Report that "it is important to make clear that it will not be the function of the Chair to enforce the ban on paid advocacy during speeches, either by interrupting a Member thought to be contravening it, or by declining to call him. Complaints will be a matter for the Commissioner to investigate in the first instance".⁷ The Speaker should decline to receive points of order relating to registration or advocacy.

Delegations

64. The Resolution agreed by the Assembly on 14 December 1999 restricts the extent to which any Member with a paid interest may participate in, or accompany, a delegation to Ministers or public officials relating to that interest. A Member should not initiate, or participate in, or attend any such delegation where the problem to be addressed affects only the body with which the Member has a relevant interest, except when that problem relates primarily to a constituency matter.

4. PROCEDURE FOR COMPLAINTS

65. Complaints, whether from Members or from members of the public, alleging that the conduct of a Member is incompatible with the Code of Conduct or with this Guide, should be addressed in writing to the Clerk of Standards.
66. Both the Committee on Standards and Privileges and the Clerk of Standards will be guided by the view that it is not sufficient to make an unsubstantiated allegation and will expect the complainant to assemble supporting evidence. A complaint founded upon no more than a newspaper story or television report will not normally be regarded as a substantiated allegation. Anonymous complaints will not be entertained.
67. Communications between a Member of the Assembly and the Clerk of Standards and between a member of the public and the Clerk of Standards are not covered by Assembly privilege under section 50 of the Northern Ireland Act 1998 nor are they privileged at law. However, should the Commissioner for Standards decide to investigate a complaint, that investigation is

⁷ HC Select Committee on Standards in Public Life, Second Report, Session 1994-95, HC 816, paragraph 26.

privileged. Once the Commissioner reports his findings to the Committee, the proceedings of the Committee in relation to the report are privileged. The privilege attaching to an investigation by the Commissioner and the related proceedings of the Committee do not extend to include allegations made in the original complaint.

68. All complaints submitted to the Clerk of Standards will be referred by him to the Commissioner for Standards for initial and, if appropriate, detailed investigation. The receipt of a complaint by the Clerk of Standards or the Committee on Standards and Privileges is not to be interpreted as an indication that a prima facie case has been established.
69. When the Commissioner considers a complaint and concludes that no further investigation is necessary, he will report accordingly to the Committee through the Clerk of Standards.
70. On completion of a detailed investigation into a complaint against a Member, the Commissioner shall submit a report to the Committee on Standards and Privileges.
71. If the Committee on Standards and Privileges decides to adopt the findings and conclusions of a detailed report, as mentioned in paragraph 70, that report shall be submitted to the Assembly as part of a report of the Committee on Standards and Privileges.
72. Where the report submitted to the Assembly in accordance with paragraph 71 deals with any matter mentioned in paragraphs 8 to 64 of this guide, it may contain a recommendation that the Member be excluded from proceedings of the Assembly for a specified period and have his/her rights and privileges as a Member withdrawn for that period.
73. The Committee on Standards and Privileges has power under Standing Orders to send for persons, papers and records, to order the attendance of any Member before it and to require that specific documents in the possession of a Member relating to its inquiries or to the inquiries of the Commissioner for Standards be laid before it.
74. While it will be usual for the Committee on Standards and Privileges to deliberate in private, the Committee determines for itself whether sessions at which evidence is to be taken shall be held publicly or in private, and is empowered to refuse leave for the broadcasting of any public sessions.

APPENDIX TO THE GUIDE: RESOLUTION OF THE ASSEMBLY RELATING TO THE CONDUCT OF MEMBERS – 14 DECEMBER 1999

Resolved that,

- a Approval is given to:
 - (i) The Code of Conduct contained in Assembly Paper NIA 1;

- (ii) The Guide to the Rules relating to the Conduct of Members contained in Assembly Paper NIA 1; and
- (iii) The Committee on Standards and Privileges to 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 the Assembly.

Registration and Declaration of Members' Interests

- b. Every Member of the Assembly shall furnish to the Clerk of Standards such particulars of his or her registrable interests as shall be required, and shall notify to the Clerk of Standards any alterations which may occur therein, and the Clerk of Standards shall cause these particulars to be entered in a Register of Members' Interests which shall be available for inspection by the public.
- c. In any debate or proceeding of the Assembly or its Committees or transactions or communications which a Member may have with other Members, Ministers, or servants of the Crown, he or she shall disclose any relevant interest or benefit of whatever nature, whether direct or indirect, that he or she may have had, may have or may be expecting to have. For these purposes:
 - (i) any interest disclosed in a copy of the Register of Members' Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division in the Assembly or in any of its Committees;
 - (ii) the term 'proceeding' shall be deemed not to include the asking of a supplementary question.
- d. It is the personal responsibility of each Member to have regard to his or her public position and the good name of the Northern Ireland Assembly in any work he or she undertakes or any interests he or she acquires. The scope of the requirement to register remunerated trades, professions or vocations includes any remunerated activity in the fields of public relations and political and Assembly advice and consultancy; in particular, in regard to the registration and declaring of clients the services which require such registration and, where appropriate, declaration, include, as well as any action connected with any proceedings in the Assembly or its Committees, the sponsoring of functions in Parliament Buildings, making representations to Ministers, Civil Servants and other Members, accompanying delegations to Ministers and the like.
- e. No difficulty should arise in any proceeding of the Assembly or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the Assembly, includes debates in Committees, the presentation of a Public Petition, and meetings of Committees at which evidence is heard. On all such occasions the Member will declare his or her interest at the beginning of his or her remarks. It will be a matter for the Member's judgement, if the interest is already recorded in the Register, whether he or she simply draws attention to this or makes a rather fuller disclosure. Declarations of interest made in Committees shall be recorded in their Minutes of Proceedings.
- f. Any Member proposing to enter into an agreement which involves the provision of services in his or her capacity as a Member of the Northern Ireland Assembly shall conclude such an

agreement only if it conforms to the Code of Conduct for Members; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000, shall be deposited with the Clerk of Standards at the same time as it is registered in the Register of Members' Interests and made available for inspection by the public.

- g. Any Member who has an existing agreement involving the provision of services in his or her capacity as a Member of the Northern Ireland Assembly which conforms to the Code of Conduct for Members, but which is not in written form, shall take steps to put the agreement in written form; and within three months of the date of this Resolution a full copy of any such agreement including the fees or benefits payable in bands of: up to £1,000, £1,000-£5,000, £5,000-£10,000, and thereafter in bands of £5,000 shall be deposited with the Clerk of Standards and registered in the Register of Members' Interests and made available for inspection by the public.

Advocacy

- h. It is inconsistent with the dignity of the Assembly, with the duty of a Member to his or her constituents, and with the maintenance of the privilege of freedom of speech, for any Member of the Assembly to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in the Northern Ireland Assembly or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in the Northern Ireland Assembly; the duty of a Member being to his or her constituents and to Northern Ireland as a whole, rather than to any particular section thereof and that in particular no Member of the Assembly shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received, is receiving, or expects to receive:
 - (i) advocate or initiate any cause or matter on behalf of any outside body or individual, or
 - (ii) urge any other Member of the Northern Ireland Assembly, including Ministers, to do so, by means of any speech, Question, Motion, introduction of a Bill or amendment to a Motion or Bill.
- i. A Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest.

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