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Accountability systems for legislators' staff and guidance on sanctions for misconduct

1 Introduction

The Committee on Standards and Privileges asked for this paper as part of its ongoing review of the Northern Ireland Assembly's Code of Conduct. The paper addresses the following issues:

- Whether separate accountability systems for Members' staff in the House of Commons, House of Lords, Scottish Parliament, National Assembly for Wales and the Oireachtas exist
- If separate systems do not exist, are Members held accountable for the conduct of their staff?
- The available disciplinary sanctions for misconduct of Members in legislatures in the UK and Ireland, and any guidance on the applicable sanctions for particular types of breaches

The basis for this research lies in the report produced by the Group of European States Against Corruption (GRECO) Evaluation Report on the United Kingdom¹. That report recommended:

- pending any introduction of an accountability system for staff conduct, it should be made clear that Members of the House of Commons and Members of the House of Lords can be responsible for the conduct of their staff when carrying out official duties on behalf of the Member and that, unless otherwise specified, the conduct of the staff should be judged against the standards expected of the Members. The devolved institutions of Wales and Northern Ireland should be invited similarly to take action in accordance with the recommendation.

and

- (i) reviewing the available disciplinary sanctions for misconduct of Members of the House of Commons and Members of the House of Lords in order to ensure that they are effective, proportionate and dissuasive; and (ii) better describing in the relevant guidance to the Codes of Conduct the applicable sanctions for breaches of the rules.

2 Key points

Accountability of Members' staff

- The research did not find any evidence that was publicly available of separate codes of conduct for Members' staff in legislatures in the UK and Ireland
- However, Members' staff in the House of Commons and House of Lords are required to declare relevant interests. Failure to declare relevant interests could lead to investigation by the respective standards commissioners.
- The Code of Conduct in the Scottish Parliament makes it clear that Members are responsible for the behaviour of their staff within the Parliamentary estate. Other rules exist in relation to staff regarding the use of social media on a Member's behalf and engagement with constituents.
- A Resolution on lobbying adopted in 2013 in the National Assembly for Wales states that Members should ensure that staff working for them are aware of and apply the new rules and guidelines.

Sanctions

- The House of Commons and House of Lords do not have sanctions that directly correspond to a breach. However, proposals from the Committee on Standards

¹ [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4\(2012\)2_UnitedKingdom_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4(2012)2_UnitedKingdom_EN.pdf)

and Privileges (2012) would seek to clarify this to some extent in relation to the Commons.

- The Scottish Parliament does provide some guidance on sanctions that could be applied in certain circumstances, but the Parliament also has discretion to apply a range of sanctions in other instances where no specific sanction applies. These are dealt with on a case-by-case basis.
- National Assembly for Wales: In deciding what sanction(s) to recommend to the Assembly, the Committee will make a judgement based on the specific circumstances of the case in question. It will consider the severity of the breach, the extent to which it may have brought the Assembly into disrepute, and whether the case in question is a repeat offence, or shows persistent conduct which may be considered to show contempt for Assembly colleagues, the rules or the institution.
- Oireachtas: The guidance issued by the Committee relates to the register of financial interests, but it does not refer to any sanctions that are applicable for failure to register relevant interests or in circumstances where the Code of Conduct has been breached.

3 Accountability of Members' staff

UK Parliament

The Parliamentary Commissioner for Standards maintains a Register of Members' Secretaries and Research Assistants²:

In accordance with Resolutions made by the House of Commons on 17 December 1985 and 28 June 1993, holders of photo-identity passes as Members' secretaries or research assistants are in essence required to register:

- Any occupation or employment for which they receive over £330 from the same source in the course of a calendar year, if that occupation or employment is in any way advantaged by the privileged access to Parliament afforded by their pass.
- Any gift (eg: jewellery) or benefit (eg: hospitality, services or facilities) they receive in the course of a calendar year, if the value of the gift or benefit exceeds £330 and if it in any way relates to or arises from their work in Parliament.

Complaints, whether from Members, the public or anyone else alleging that a staff member is in breach of the rules governing the Register, should in the first instance be sent to the Registrar of Members' Interests in the Office of the Parliamentary

² <http://www.publications.parliament.uk/pa/cm/cmsecret/memi01.htm>

Commissioner for Standards. The Registrar will then seek to resolve the complaint, though in serious cases the Parliamentary Commissioner for Standards may seek the agreement of the Committee on Standards to undertake a formal investigation³.

In minor cases of infringement, the Commissioner may, at his discretion, apply the rectification procedure. Under this, a late entry is printed in bold italics in the Register for 12 months from its first appearing. More major cases may be the subject of formal investigation and will be reported to the Committee on Standards.

The House of Lords maintains the Register of Interests of Lords Members' Staff. Failure to declare relevant interests on the register fall within the remit of the House of Lords Commissioner for Standards.

Scottish Parliament

The Code of Conduct makes it clear that Members are responsible for the behaviour of their staff within the Parliamentary estate:

7.6.1 Members will be held responsible for the behaviour of their staff within the Parliamentary complex and in their dealings with other members, other members' staff, and Parliamentary staff.

7.6.2 Members are responsible for ensuring that their staff are fully aware of and understand the policies, rules and requirements that apply to the conduct of personnel on the SPCB's premises⁴.

Other rules exist in relation to staff regarding the use of social media on a Member's behalf and engagement with constituents.

National Assembly for Wales

The Standards of Conduct reported in May 2013 on lobbying and cross-party groups. It recommended that guidance on lobbying and access to Members be adopted by Assembly resolution. The Committee drafted a resolution which was approved by the Assembly in June 2013.

The final paragraph of the Resolution states that "Members should ensure that staff working for them are aware of and apply these rules and guidelines when acting on a Member's behalf or in any National Assembly for Wales' connection."⁵⁶

³ <http://www.publications.parliament.uk/pa/cm/cmsecret/140109/contents.htm>

⁴ <http://www.scottish.parliament.uk/msps/42780.aspx>

⁵ <http://www.senedd.assemblywales.org/documents/s16949/Report%2003-13%20to%20the%20Assembly%20on%20Lobbying%20and%20Cross-Party%20Groups-%20April%202013.pdf>

⁶ Members' staff must also be aware of the different roles and responsibilities of Constituency Members and Regional Members under SO 1.10

Oireachtas

The Standards in Public Office Act 2001 provided for a Code of Conduct to be drafted for TDs. No mention is made of Members' staff in the Act, nor is there any indication in Standing Orders that Members are accountable for the behaviour of their staff.

4 Financial interests

The Interests of Members of the Scottish Parliament Act 2006 and the Government of Wales Act 2006 make it an offence for Members of the respective legislatures to fail to register certain interests. Members who contravene the requirements of the legislation could face sanctions from within their legislature or, depending on the offence, could be subject to criminal charges.

In both the Scottish Parliament and National Assembly for Wales Members can be excluded from proceedings if they have are found to have breached the rules on registrable interests.

In the House of Commons, the rules on the registration of financial interests are set out in the *Guide relating to the Conduct of Members*. It is open to any Member or to a member of the public to complain to the Parliamentary Commissioner for Standards that a Member has not properly registered or declared his or her interests⁷.

Members are required to comply with the requirements of the Dail and the law in respect of the registration and declaration of interests. They are expected to familiarise themselves with the relevant legislation (commonly referred to as the Ethics Acts) and guidelines published by the Committee on Members' Interests and the Standards in Public Office Commission⁸.

5 Sanctions and guidance - House of Commons

The Standards Committee has the power to make recommendations to the House for a suitable sanction in circumstances where a Member is found to have breached the Code of Conduct. The sanctions available are:

- Repayment of monies
- A written apology
- An apology by personal statement on the Floor of the House
- Period of suspension with loss of pay

The power of expulsion has not been used since 1947, but Denis Macshane resigned his seat when the House voted to suspend him for six months.

⁷ Erskine May, *Parliamentary Practice*, 24th edition, 2011

⁸ <http://www.sipo.gov.ie/en/Codes-of-Conduct/TDs/>

Recent research highlighted the fact that:

There has been some discussion as to whether the current procedures of the House are compatible with Article 6 (right to fair trial) of the European Convention on Human Rights. The (Committee on Standards in Public Life) considered this issue as part of its eighth report, recommending an Investigatory Panel to handle serious, contested cases of alleged misconduct; there has as yet been no occasion to use it. The House is not a public authority under the Human Rights Act 1998, but the European Court of Human Rights (ECHR) has jurisdiction and has heard cases relating to the procedures of the House, although not as yet in respect of disciplinary procedures⁹.

The research went on to highlight a case heard by the ECHR, *Demicoli v Malta*, in which it ruled that imposition of sanctions by the Maltese Parliament against a newspaper editor was a breach of Article 6, but distinguished between this and internal disciplinary procedures.

Guidance

The Code of Conduct together with The Guide to the Rules relating to the conduct of Members¹⁰ provides guidance to Members on compliance with the rules. It does not include the type of sanction appropriate to each offence, rather it states: “The Committee will consider any report from the Commissioner to it and report its conclusions and recommendations to the House. The House may impose a sanction on the Member where it considers it necessary”¹¹.

In December 2012 the Committee on Standards and Privileges published proposed revisions to the guide to the rules relating to the conduct of Members. This report has **not yet** been debated and approved. However it does contain the following proposed guidance in respect of sanctions:

Where the Commissioner has concluded that there has been a breach of the rules, and the Committee agrees in whole or in part, those concerned face a range of penalties. In a very few cases, the reputational damage of an adverse report will be deemed sufficient, together with any action required to remedy the breach. In more serious cases the Committee will make recommendations for further action. The Committee may recommend:

- a) a written apology;
- b) for relatively minor failures to declare interests, an apology on the floor of the House by means of a point of order;

⁹ <http://www.parliament.uk/business/publications/research/briefing-papers/SN05127/the-code-of-conduct-for-members-recent-changes>

¹⁰ <http://www.publications.parliament.uk/pa/cm201012/cmcode/1885/188501.htm>

¹¹ <http://www.publications.parliament.uk/pa/cm201012/cmcode/1885/1885.pdf>

- c) an apology on the floor of the House by means of a personal statement;
- d) for non-Members, withdrawal of Parliamentary passes, either indefinitely or for a fixed period;
- e) suspension from the service of the House for a specified number of sitting days (during which time the Member receives no salary and must withdraw from the precincts of the House.¹²⁾

6 Sanctions and guidance - House of Lords

In December 2013 the House of Lords House Committee published a report recommending two new sanctions in circumstances where a Member was found to have breached the Code of Conduct. Currently, if a Member is found to have breached the Code, the House only has the power to suspend them for a period not longer than the remainder of the Parliament. This is because Members attend the House of Lords by virtue of their writ of summons issued by the Monarch following a general election or the creation of a new Peerage.

The two new proposed sanctions are:

- Preventing a Member from claiming any money from the House for a specified period.
- Denying a Member from using the facilities of the House for a specified period. This would include dining and banqueting facilities, car parking, the library and research services, ICT equipment, supplies, network accounts and support, bookable meeting rooms, desk space, stationery and pre-paid envelopes.

As these new sanctions are not related to the writ of summons, they could be applied for any defined period irrespective of the point in the life of the Parliament at which the sanctions were applied. The House Committee does not suggest any limitation to what the defined period could be for either sanction. The period would be for the Privileges and Conduct Committee to decide in each case¹³.

In addition to the power to suspend a Member for the remainder of a session, the Lords may also censure a Member.

Guidance

The Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct does make reference to the narrow scope of the sanctions that can be applied to Members who are found to be in breach of the Code:

¹² <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmstnprv/636/636.pdf>

¹³ <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldhouse/91/9102.htm>

In the case of a breach of the Code, the options available to the Sub-Committee in its report to the Committee for Privileges and Conduct include:

- That the Code has been breached but that no action or sanction is appropriate. Where the Member concerned has volunteered appropriate remedial action (such as corrected disclosure or a personal apology to the House), the Sub-Committee may report to the Committee for Privileges and Conduct that it sees no need for the matter to be reported to the House because the remedial action itself involves public acknowledgement of the mistake.
- That the Code has been breached; that the Member's conduct should be drawn to the attention of the House in a report from the Committee for Privileges and Conduct; and, where appropriate, that the Committee for Privileges and Conduct should recommend to the House that the Member be required to take action to regularise the position.
- That the Code has been breached and that the Committee for Privileges and Conduct should recommend to the House that the Member be suspended from the House for a specified period of time not longer than the remainder of the current Parliament¹⁴.

7 Sanctions and guidance - Scottish Parliament

The Scottish Parliament's Code of Conduct provides guidance in relation to the application of sanctions. There are particular offences in relation to a failure to declare registrable interests under the Interests of Members of the Scottish Parliament Act 2006. Apart from potential criminal offences, the Parliament can recommend sanctions under the terms of this Act:

9.53 The Interests of Members of the Scottish Parliament Act 2006, at section 15, states:

(1) If a member—

- (a) has, or had, a registrable interest in any matter and has failed to register it in accordance with section 3, 5 or 6; or
- (b) has a declarable interest in any matter and has failed to declare that interest in accordance with section 13, the Parliament may, in such manner as it considers appropriate in the particular case, prevent or restrict that member from participating in any proceedings of the Parliament relating to that matter.

The Interests of Members of the Scottish Parliament Act 2006, at section 16, states:

Where a member fails to comply with, or contravenes, any of the provisions made by or under section 3, 5, 6, 13, 14 or 15, the Parliament may, in such manner as it may determine, exclude that member from proceedings in the Parliament for such period as it may consider appropriate¹⁵.

¹⁴ <http://www.publications.parliament.uk/pa/ld/ldcond/code.pdf>

¹⁵ http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/CodeofConduct_05032013_complete.pdf

The guidance also highlights a number of specific offences where certain sanctions would apply:

Sanctions in relation to conduct at a meeting of the Parliament or committee meeting	<p>If the Presiding Officer decides that a member is in breach of Rule 7.3 of the Standing Orders, set out in Section 7.3 (Volume 2) of the Code, the Presiding Officer may order that member to be excluded from the Chamber for a period not beyond the end of the next sitting day. In the case of a committee or sub-committee, the decision is for its Convener, who may exclude the member for the rest of the committee meeting at which the exclusion is made.</p> <p>The Parliament may decide, on a motion of the Parliamentary Bureau, to exclude the member for a further period.</p>
Sanctions in relation to a breach of the Reimbursement of Members' Expenses Scheme	<p>Where the SPCB finds that a member has made improper use of an allowance the SPCB may report this to the Standards, Procedures and Public Appointments Committee. The Standards, Procedures and Public Appointments Committee may then recommend to the Parliament that any of the member's rights and privileges be withdrawn, including under the Reimbursement of Members' Expenses Scheme Resolution the removal of all or part of the member's allowances.</p>
Sanctions in relation to Cross-Party Groups	<p>The MSP who signs the declaration on compliance with the rules on Cross-Party Groups on behalf of a group will be held primarily responsible for a group's conduct. If the Standards, Procedures and Public Appointments Committee considers that a group has failed to comply with any of the rules on Cross-Party Groups it may withdraw a group's recognition as a Cross-Party Group, with consequent loss of access to the Parliament's facilities and any privileges generally accorded to recognised Cross-Party Groups. Each individual MSP, however, remains responsible for all matters relating to that member's own conduct as a member of a Cross-Party Group.</p> <p>Any individual failure to comply with, or contravention of, the rules on Cross-Party Groups by a member could lead to the Standards, Procedures and Public Appointments Committee recommending a withdrawal of that member's rights and privileges.</p>
Sanctions in relation to treatment of staff	<p>If the SPCB decides to refer a complaint about the treatment of staff to the Standards, Procedures and Public Appointments Committee, the Standards, Procedures and Public Appointments Committee may recommend to the Parliament that any of the member's rights and privileges be withdrawn.</p>

Withdrawal of rights and privileges

The guidance also deals with breaches where no specific sanction has been set out.

9.68 Standing Orders Rule 6.4.2, in relation to the remit of the Standards, Procedures and Public Appointments Committee, states:

Where the Committee considers it appropriate, it may by motion recommend that a member's rights and privileges be withdrawn to such extent and for such period as are specified in the motion.

9.69 The Standards, Procedures and Public Appointments Committee may recommend to the Parliament that any of a member's rights and privileges should be withdrawn. **This would be in relation to any breach of the Code for which no specific sanction is set out in the paragraphs above** (emphasis added). As appropriate, the Committee may also wish to make such a recommendation, in addition to other sanctions, described above, having been imposed.

9.70 As laid down in Schedule 3, paragraph 2 of the Scotland Act, the rights and privileges which the Parliament may consider for withdrawal are a member's rights and privileges as member. The Parliament may consider the following to be appropriate in particular cases:

- exclusion of a member from proceedings of the Parliament generally or specifically, for example, proceedings at particular meetings of the Parliament or its committees;
- exclusion from other activities which a member might normally have a right to attend, such as Cross-Party Groups;
- withdrawal of a right of access as a member to the Parliamentary complex;
- withdrawal of a right of access as a member to Parliamentary facilities and services;
- removal of representational, ceremonial and related privileges which a member might normally enjoy as a member;
- withdrawal of a member's allowance or salary or any part of an allowance or salary.

9.71 The Parliament will decide on a case by case basis what rights and privileges will be withdrawn from a member and the duration of withdrawal¹⁶.

Advice from standards clerks

In its guidance to Members on registering financial interests, the Code of Conduct places significance on the advice given by standards clerks:

If a member is uncertain about whether or not to register an interest the Standards clerks' advice should be sought (in writing, where possible). Where the SPPA Committee agrees with the conclusion of a Stage 2 complaint report from the Standards Commissioner that a breach of the Interests of Members of the Scottish Parliament Act 2006 has occurred (in relation to Section 3(1) or section 5(2) of that Act), the SPPA Committee will take into account whether the member followed any advice provided to the member by the Standards clerks

¹⁶ http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/CodeofConduct_05032013_complete.pdf

(on whether that interest required registration) when considering whether or not to recommend sanctions.

The Committee will also take into account whether the circumstances as disclosed by the member to the Standards clerks (and upon which the Standards clerks have given advice) are the same as those disclosed to the Standards Commissioner during investigation of the complaint.

Where the member has sought advice from the Standards clerks within 30 days of acquiring an interest and has acted in accordance with that advice (having fully disclosed the circumstances of the interest) the SPPA Committee would not generally expect to recommend sanctions on any breach found by the Standards Commissioner.

Members should be aware that this statement of intent does not prevent the Standards Commissioner or the Procurator Fiscal from finding that a member has breached the Act.

*Standards, Procedures and Public Appointments Committee, 8 September 2009 (Session 3)*¹⁷.

8 Sanctions and guidance - National Assembly for Wales

In May 2013 the Standards of Conduct Committee in the National Assembly for Wales published its report on proposed modifications to the sanctions available to the Assembly. Some of the key points from the report were:

Discretion

- The (Standards of Conduct) Committee should remain free to take a discretionary approach to interpreting the sanctions available and applying them on a case by case basis.
- Some guidance for Members on the use of sanctions is important, but the Complaints Procedure should refer to sanctions that the Committee “may” not “must” apply, and make it clear that the Committee would take account of all the circumstances in each case.

Repeat offences

- Repeat offending should have more serious consequences and the sanctions regime should allow for this...guidance in the Complaints Procedure to accompany the sanctions regime should take account of the handling of repeat offences.

Intent

¹⁷ http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/CodeofConduct_05032013_complete.pdf

- The sanctions regime should also allow the Committee the discretion to recommend a sanction that takes account of intent i.e. whether a breach is deemed to have been committed intentionally or not, and whether any dishonesty or deceit is involved.

Requirement for an apology

- A Member would be expected to apologise to the complainant and/or the Assembly for a breach of the Code of Conduct, either orally or in writing. However in some circumstances the Member may not wish to apologise. Therefore the Committee is of the view that its report to the Assembly provides an opportunity to express its view of the seriousness of any breach it finds, including expressing disapproval, regardless of whether or not the Member subsequently chooses to issue a personal apology.

Censure

- The Committee did not recommend any change to the existing provisions to ‘censure’ a Member. Standing Order 22.10 provides that a report of the Standards of Conduct Committee, made under Standing Order 22.9, may include a recommendation to censure a Member for failing to comply with any of the matters encompassed in Standing Order 22.2(i).

Extending the sanction of exclusion

- The Committee considered that the sanction of exclusion should be available in circumstances other than those to which it currently applies. Whilst it did not foresee a future occasion on which it might choose to recommend this sanction other than in relation to a breach of the rules on financial and other interests, it thought it appropriate for this sanction to be available for consideration.

Withdrawal of rights and privileges

- The Committee recommended that it should have the discretion to withdraw rights and privileges other than the removal of salary associated with exclusion i.e. preventing a Member from having access to the Assembly Estate, or representing the Assembly in any other capacity during a period of exclusion. The full recommendation was:

The Standards of Conduct Committee recommends that the Assembly’s Standing Orders should:

i) enable the Standards of Conduct Committee to recommend the sanction of exclusion for a breach of the Code of Conduct for Assembly Members that does not relate to Standing Order 2 – Financial and Other Interests of Members;

ii) reflect the provisions of the current Standing Order 2.10 by not stating any minimum or

maximum time period for exclusion;

iii) enable the Standards of Conduct Committee to recommend withdrawal of rights and privileges other than the removal of salary that is associated with exclusion¹⁸.

In October 2013 the Assembly approved changes to Standing Orders giving effect to the proposals from the Standards of Conduct Committee. The Standards of Conduct Committee now has a wider range of sanctions that it can apply in circumstances where a Member has been found in breach of the Code of Conduct:

A report under Standing Order 22.9 may include a recommendation to:

(i) censure a Member;

(ii) withdraw any rights and privileges from a Member as set out in the procedures for the investigation of complaints established under Standing Order 22.2(iv);

(iii) exclude a Member from any Assembly proceedings for a specified period;

or any combination of the above, for failing to comply with any of the matters encompassed within Standing Order 22.2(i)¹⁹.

Guidance on sanctions relating to particular breaches

In deciding what sanction(s) to recommend to the Assembly, the Committee will make a judgement based on the specific circumstances of the case in question. It will consider the severity of the breach, the extent to which it may have brought the Assembly into disrepute, and whether the case in question is a repeat offence, or shows persistent conduct which may be considered to show contempt for Assembly colleagues, the rules or the institution. The Committee will also take account of intent, i.e. whether a breach is deemed to have been committed intentionally or not, and whether any dishonesty or deceit is deemed to have been involved²⁰.

9 Sanctions and guidance - Oireachtas

The Ethics in Public Office Acts make provision for the setting up of a register of interests for members of Dáil Éireann. Under the Acts, a member is obliged to give the Clerk of the Dáil a written statement of his or her registrable interests and other required information, within 30 days of the registration date.

¹⁸ <http://www.senedd.assemblywales.org/documents/s17349/Report%2004-13%20to%20the%20Assembly%20on%20Sanctions%20-%20May%202013.pdf>

¹⁹ Standing Orders of the National Assembly for Wales

²⁰ <http://standardscommissionerwales.org/wp-content/uploads/2013/10/FINAL-agreed-09.07.13-e-Procedure-for-dealing-with-complaints-against-assembly-members.pdf>

The Acts further provided for the setting up of the Select Committee on Members' Interests of Dáil Éireann, to draw up and publish guidelines to assist members in compliance with the terms of the Acts, to draw up a code of conduct for non-office holders and to investigate alleged contraventions of the Acts as regards statements of interest.

The Committee has to prepare a Code of Conduct for non-office holders and issue guidelines in relation to the registration of their interests. The Committee also has to investigate alleged contraventions of the provisions of the Acts and provide advice to Members on request.

The Committee has to publish guidelines for Members on the steps they need to take to comply with the Acts. These guidelines are prepared in consultation with the Standards in Public Office Commission (SIPO).

The Committee also has to consult with the SIPO in drafting Codes of Conduct for Members who are non-office holders. The Code outlines the standards of behaviour expected from Members mainly, it would appear, in relation to financial affairs – the Code itself is admissible in any proceedings before a court or other tribunal, committee or commission.

When a Committee report, or a report received from SIPO, is laid before the House, the Committee can put forward a motion that the House takes the following action or actions:

- Notes the report
- Censures the office holder or other Member concerned
- Suspends the office holder or other Member for 30 sitting days or, if the contravention is continuing, until such time as the offender takes steps to comply with the Acts
- In certain circumstances a suspension may be accompanied by a financial penalty²¹

There is no mention of a correlation between a particular sanction being applied in the case of a specific offence.

However, if the Committee finds that the Member acted in good faith or believed that they were complying with guidelines and advice, the Committee will not recommend censure or suspension.

The guidance issued by the Committee²² relates to the register of financial interests, but it does not refer to any sanctions that are applicable for failure to register relevant interests or in circumstances where the Code of Conduct has been breached – the

²¹ Functions of the Committee on Members' Interests: <http://www.oireachtas.ie/documents/committees29thdail/Functions.doc>

²² <http://www.oireachtas.ie/parliament/media/committees/membersinterests/Final-guidelines-2014-for-circulation.pdf>

sanctions, as referenced above, are outlined in the 'Functions of the Committee' document.