

**WRITTEN QUESTION TO THE CHAIRMAN OF PRIVILEGES AND PROCEDURES COMMITTEE
BY THE CONNÉTABLE OF ST. JOHN
ANSWER TO BE TABLED ON TUESDAY 20th MARCH 2012**

Question

Would the Chairman inform members whether the Data Protection Commissioner was consulted on whether it was appropriate for a member to be required to declare the interests of his or her spouse or partner before the Committee lodged the Amendment (No. 18) to the Standing Orders of the States which will require publication of interests on the internet and, if so, what advice was received? If the Commissioner was not consulted would the Chairman explain why this was not done?

Were all candidates standing for election in October 2011 notified in writing of the requirements concerning the interests of spouses/partners and, if so, did this include getting written consent from the spouse/partner agreeing to the publication of interests? Were candidates further notified that it was intended to publish interests on the internet as well as making them available for public inspection in Morier House?

If candidates were not notified, will the Committee be taking action to address the issue and will the Committee agree to delay the implementation of the proposals until the next elections to enable appropriate measures to be taken to address any concerns relating to the interests of spouses/partners?

Answer

Internet research shows that Registers of Interests relating to M.P.s in the House of Commons, Members of the Scottish Parliament, Members of the Welsh Assembly and Members of the States of Guernsey can all be found and examined on the net. (See appendix)

The Data Protection Commissioner was not consulted immediately prior to the lodging of Amendment (No. 18) to the Standing Orders of the States, however she had been engaged with earlier discussions with the Code of Conduct Working Party, particularly when this issue was first discussed in 2005.

The amendment refers only to the interests of the member, their spouse or co-habitee, but not to any other member of the family. The duty to declare the interests of one's spouse has been included in Standing Orders since 1991 since which time the following have been declarable -

- “ (b) the name and description of any company, whether registered in Jersey or elsewhere, in which the member or the member's spouse, or both persons jointly, owns more than ten per cent of the issued shares;
- (c) a description of any land in Jersey, other than their principal place of residence, which is owned by the member or the member's spouse or both persons jointly and from which either of them derives an income;”

On 6th March 2012, the States agreed that the amendment to Standing Orders which enables publication of a member's interest on the States Assembly website will come into force one month later, namely 6th April 2012.

This amendment was approved following two States' debates. However, the questioner will be aware that the Privileges and Procedures Committee initially proposed publication of the register of members' interests as long ago as 2005 (P.162/2005 refers) as there was consultation with members, and the Committee of the day withdrew this element of the Standing Order changes at a member's request. The matter was brought back to the Assembly by an individual member, the Deputy of St. Martin, and on 9th June 2011 was carried by 39 votes to

9, with 2 abstentions, and the Committee therefore secured the necessary law drafting amendment to Standing Orders for the States' approval to implement that decision, which was debated on 6th March 2012. The revised Standing Order was approved by 38 votes to 5 with one abstention.

The then Deputy of St. Martin also asked a question (6323) of the Committee on this matter on 7th June 2011. Given that matters have been lodged on 3 occasions, consultation with members has occurred, and there was both an earlier written question and a debate during the run up to the last election, I believe there was adequate notice of the provision for prospective candidates.

The Committee as previously constituted did not recommend the online publication of the register of members' interests immediately the proposition was adopted in 2011 and considered that the move to online publication should only be made once the new Assembly has been sworn in, allowing those standing for election to take an informed decision in the full knowledge that the details they will be required to provide as elected members will be published on the Internet. It is the responsibility of prospective candidates for any new position to familiarise themselves with the requirements of the post, and this is also true of the office of States' member. There are a number of obligations placed on anyone who stands for election to the States including the need to abide by the election expenses' regulations, the need to abide by a Code of Conduct and it is the duty of all candidates to ascertain what the constraints of elected office are before standing for election.

It is important to remember that Standing Orders require the Greffier of the States to maintain a register of members' interests and that any person may inspect the register at the offices of the States Greffe during normal working hours. While a photocopy cannot be provided, the Assembly has been advised by the Law Officers that any person could copy out the register and post it on the internet. A member of the public had already expressed an interest in doing so. Were a copy posted on the internet by an individual it may be incomplete and may not be maintained, so that any register put on the internet informally could be misleading, certainly with the passage of time. The Committee took the view that a properly maintained and accurate list will be a better solution. The amendment to Standing Orders was approved by a large majority of the Assembly on 6th March 2012 and there is now no scope for PPC to put this matter on hold as requested by the questioner.

DECLARATION OF MEMBERS' INTEREST - WEBSITE AVAILABILITY

PARLIAMENT	Published on official	Remunerated directorships	Remunerated Employment	Clients	Sponsorship or other support	Gifts, benefits, hospitality	Travel	Land and property	Share holdings	Memberships	Legal instrument or Code
United Kingdom House of Commons	Yes	Amounts paid, number of hours worked, nature of the business and the name and address of the person/company concerned. The return should include taxable expenses, allowances or benefits. Unremunerated positions for a company associated with another company in which the member has a remunerated position must be declared.	Details including amount paid, nature of the work carried out, number of hours worked, and the name and address of the person/company concerned.	The provision of services to clients should be listed, with their name and the nature of their business. Where these services are provided to a consultancy, then the member must list any of the clients of the consultancy too who services/advice were supplied.	Any donation or other form of financial or material support amounting to more than £1,000 from a single source. Any agreement with a Member on the provision of services must be declared a where the value exceeds 1% of the member's salary.	Any gift to the member or their spouse or partner (of £200 or over and from a permissible source), which in any way relates to membership of the House or to a member's political activity, and whose value exceeds 1% of the parliamentary salary.	Relates to overseas travel, whose value exceeds 1% of the parliamentary salary, and where those cost was not wholly borne by the Minister or by UK public funds.	Any land or property, not being used for the purposes of the Member, the Member's spouse or partner, and of substantial value or salary, from which a substantial income is derived. 'Substantial value' means greater than the parliamentary salary, and 'substantial income' means greater than 10% of the parliamentary salary.	Greater than 15% of the issued share capital of the company; or 15 per cent or less of the issued share capital, but greater in value than the parliamentary salary.	n/a	Resolution of the House of 22 May 1974, amended on 9 February 2009.
Scottish Parliament	Yes	Details of paid and voluntary directorships.	Full details of any employment, remunerated interviews (or donations in lieu of payment)	n/a	Personal sponsorship or sponsorship of events run by the member.	All gifts received, including one-off donations.	Travel as a Committee member - amounts relating to flights, meals, accommodation.	Details of heritable property. No details of principal dwelling.	The member or a relevant person holds shares where the nominal value is greater than 1% of the total nominal value of the issued share capital; or where the market value exceeds 50% of the member's salary (currently £28,760).	n/a	Scottish Parliament Act 2006 and Code of Conduct for Members of the Scottish Parliament
National Assembly for Wales	Yes	Own and spouse directorships. Also membership or chairmanship of bodies in receipt of Assembly funds.	Details of own and spouse's employment.	Names of clients required.	Sponsorship that is more than 25% of the candidate's election expenses and ongoing financial support by any person or organisation.	Limit is 0.5% of basic gross annual salary as an Assembly member (currently £269).	Overseas visits by member/partner or dependent child.	Landed owned by member/partner or dependent child valued at more than the gross annual salary of a member (currently £53,852) or from which the member derives an income of more than 10% of the gross annual salary (currently £5,385).	Companies or bodies in which the member/partner or dependent child has a beneficial interest in shares which either have a market value greater than 1% of the issued share capital; or have a value exceeding 50% of the basic gross annual salary (currently £28,760).	Membership by member/partner or dependent child, paid or unpaid, or any body funded wholly or in part by the Assembly. Membership of a private club or society which has entry requirements for membership.	Section 36 of the Government of Wales Act 2006 and Standing Order 31.

DECLARATION OF MEMBERS' INTEREST - WEBSITE AVAILABILITY

Eire	Yes	Member's shadow directorships.	Any occupation the remuneration from which exceeded €2,600.	Contracts exceeding €6,500.	n/a	Money or other property exceeding €650.	Exceeding €650.	Freehold or leasehold interests exceeding €13,000.	Exceeding €13,000.	n/a	n/a	Ethics in Public Office Acts, 1995 and 2001.
States of Guernsey	Yes	Name and registered office of companies where directorships are held.	Name and address of employer and nature of employment or office.	n/a	n/a	Any assets or interest held or enjoyed by any close members of family or by any company in which the member has a controlling interest which might be thought to influence the members' conduct as a member of the States.	n/a	Material interest in real property situated in the Bailiwick (other than principal residence) held by member/member's spouse/ infant children or a company in which the member has a controlling interest.	Where the member/member's spouse/infant children or a company in which the member has a controlling interest is beneficially entitled to 10% or more of the issued share capital of, or a material interest in, a limited liability company.	n/a	n/a	Rule 23 of the Rules of Procedure of the States of Deliberation and Schedule 1.
States of Jersey	No	Name and address of any organisations from whom the member receives any remuneration or benefit by virtue of being a director or a partner.	Name and address of any person, company, trust, professional association, union, political party or other organization from whom the member receives any remuneration or benefit by virtue of being employed or the holder of an office.	n/a	Name and address of any person who provides sponsorship. Any other interest or benefit which the elected member or his or her spouse or cohabitee receives which might influence the members' actions as an elected member.	Name and address of any person who gives the elected member, or his or her spouse or cohabitee, any gift, hospitality or other benefit which has a monetary value greater than 1% of the member's salary.	Name and address of any person (apart from the States or any administration of the States) who pays all or part of the costs of a visit made outside Jersey by the elected member or his or her spouse or cohabitee if the visit is, in any way, related to their membership of the States.	A description of any land sufficient to identify it, which is wholly owned, or jointly owned with another person by or on behalf of the elected member or his or her spouse or cohabitee; or by or on behalf of the elected member and his or her spouse or cohabitee jointly.	Name and address of any company in which the member/the member's spouse or cohabitee, or both of them, whether jointly or separately, own shares exceeding 1% or more of the issued share capital of the company or €25,000 in value.	n/a	Standing Orders 152-154 and Schedule 2.	