



Office of the Clerk of Tynwald

Mr Ian Kermode
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Freedom of Information Co-Ordinator
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Our ref: 3723709

7 March 2024

Dear Mr Kermode

Your Request

We write further to your request, received 6 March 2024, which states:

"Members of Tynwald (MHKs and MLCs) have a duty to declare past or present interests, including financial interests, which could be regarded as affecting or bearing upon the way in which a member carries out his or her duties.

Relevant interests include an interest in land or buildings, ownership of stocks and shares, directorships, receiving sponsorship money or gifts/benefits in kind.

Please can you confirm the following:

- 1. Are the rules covering members interests incorporated within the Standing Orders of Tynwald, revised edition July 2023 or are there other relevant statutory provisions?*
- 2. In particular, is Annex 7 (Register of Members' Interests Rules) of such Standing Orders of Tynwald currently applicable?*
- 3. Is there a minimum value or amount of a gift or benefit in kind which should be registered?*
- 4. If so, what is that value or amount?*
- 5. What sanction (e.g. reprimand, suspension, financial penalty) is available against a Tynwald member should he/she fail to comply with the duty to register an interest?*
- 6. Which entity e.g. Standing Orders Committee or Tynwald Court, adjudicates on whether there has been a breach of the duty to register an interest and whether a sanction ought to be imposed?*
- 7. When was the last time any Tynwald member (current or past) was sanctioned for failing to declare an interest?*
- 8. Do interests generally have to be declared within one month of that interest arising?*
- 9. Who is the present Registrar of Members' interests (responsible for updating the Register of Members' interests)?*
- 10. Could a failure to declare an interest also be treated as a breach of the Ministerial Code?*

Thank you."

Our Response

Our response to your request is as follows:

- 1. Are the rules covering members interests incorporated within the Standing Orders of Tynwald, revised edition July 2023, or are there other relevant statutory provisions?**

Yes, these are the Rules and there is nothing in statute.

- 2. In particular, is Annex 7 (Register of Members' Interests Rules) of such Standing Orders of Tynwald currently applicable?**

Yes.

- 3. Is there a minimum value or amount of a gift or benefit in kind which should be registered?**

No. There used to be a figure but this approach was abandoned in June 2017. At the time it was abandoned the figure stood at £58.

- 4. If so, what is that value or amount?**

Please see response to Q3 above.

- 5. What sanction (e.g. reprimand, suspension, financial penalty) is available against a Tynwald member should he/she fail to comply with the duty to register an interest?**

In November 2022, the Tynwald Standards and Members' Interests Committee ("the Committee") adopted ['Interim Guidance on the handling of complaints about the conduct of Members of Tynwald'](#).

This specifies the formal and informal procedures in outline, including the making of a reference to the Committee, the appointment of an Investigating Officer to investigate, the Committee's consideration of any report, and the ability to report to Tynwald on outcomes.

In terms of 'sanctions' the formal outcomes which the Committee may include in its Report include:

- *"a finding that the Codes have been breached*
- *a recommendation that 'D' be censured by Tynwald*
- *a recommendation that 'D' be required to apologise under paragraph 4.3A of the Standing Orders*
- *a recommendation that 'D' be suspended, either for a specified length of time or indefinitely*
- *in the case of an MHK, a recommendation that the House of Keys Management and Members Standards Committee make a report which could lead to recall under the procedures in section 136 of the Elections (Keys and Local Authorities) Act 2020"*

The Guidance is to be read in conjunction with the Standing Orders of Tynwald Court and in particular Annex 7 (Register of Members' Interest Rules).

The Guidance was adopted by the Committee on an interim basis on 23rd November 2022 with the intention that it should be reviewed after one year.

The Committee have now completed a [Review of the Members' Standards Regime \[PP 2024/0045\]](#) which has been published to the [Tynwald Register of Business](#) and is subject to a motion at the April 2024 sitting of Tynwald.

6. **Which entity e.g. Standing Orders Committee or Tynwald Court, adjudicates on whether there has been a breach of the duty to register an interest and whether a sanction ought to be imposed?**

Please see response to Q7 (above).

7. **When was the last time any Tynwald member (current or past) was sanctioned for failing to declare an interest?**

There have been no occasions of this to-date since the Register was established in 2003.

8. **Do interests generally have to be declared within one month of that interest arising?**
Yes.

9. **Who is the present Registrar of Members' interests (responsible for updating the Register of Members' interests)?**

Dr Jonathan King, Clerk of Tynwald and Registrar of Members' Interests.

10. **Could a failure to declare an interest also be treated as a breach of the Ministerial Code?**

The Isle of Man Government [Ministerial Code](#), updated in October 2022, is overseen by the Cabinet Office and not Parliament (Tynwald).

The [Council of Ministers webpage](#) advises that the Code "...provides clear guidance on standards of conduct for Ministers and sets out their duties and responsibilities to Council, Tynwald and their Departments. The Code also covers Ministers' constituency, private and financial interests. The Code is not a rule book but a set of guidelines on how Ministers should act and arrange their affairs to uphold the standards. This includes observing Lord Nolan's Seven Principles of Public Life – these are set out in the Code".

At paragraph 2.30 (p.18) cross reference is made to the Register of Members Interests, as follows:

"Acceptance of gifts and hospitality and travel

- 2.30 *It is a well-established and recognised rule that no Minister or civil servant should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts, etc., are offered to a spouse, partner or member of their immediate family. At all times the acceptance of gifts should reflect and be in compliance with the Register of Members Interests, as notified to the Registrar of Members Interests".*

Additionally, paragraphs 2.31 to 2.39 expand on other matters including gifts, hospitality and travel.

Please quote the reference number 3723709 in any future communications.

Your right to request a review

If you are unhappy with this response to your freedom of information request, you may ask us to carry out an internal review of the response, by completing a complaint form and submitting it electronically or by delivery/post.

An electronic version of our complaint form can be found by going to our website at <https://services.gov.im/freedom-of-information/Review> . If you would like a paper version of our complaint form to be sent to you by post, please contact me and I will be happy to arrange for this. Your review request should explain why you are dissatisfied with this response, and should be made as soon as practicable. We will respond as soon as the review has been concluded.

If you are not satisfied with the result of the review, you then have the right to appeal to the Information Commissioner for a decision on;

1. Whether we have responded to your request for information in accordance with Part 2 of the Freedom of Information Act 2015; or
2. Whether we are justified in refusing to give you the information requested.

In response to an application for review, the Information Commissioner may, at any time, attempt to resolve a matter by negotiation, conciliation, mediation or another form of alternative dispute resolution and will have regard to any outcome of this in making any subsequent decision.

More detailed information on your right to a review can be found on the Information Commissioner's website at www.inforights.im.

Should you have any queries concerning this letter, please do not hesitate to contact me.

Further information about freedom of information requests can be found at www.gov.im/foi.

I will now close your request as of this date.

Yours sincerely

FOI Co-Ordinator
Clerk of Tynwald's Office