



**CALL FOR FEEDBACK
CODE OF CONDUCT AND REGISTER OF INTERESTS
FOR MEMBERS OF THE ANGUILLA HOUSE OF ASSEMBLY**

1. The Administration Committee of the Anguilla House of Assembly has developed a draft Code of Conduct and Register of Interests for Members of the Assembly. The project emanates from the House of Assembly's Strategic Goal 10, "*To build the trust and confidence of the people in their House of Assembly*" and the corresponding strategy, "*To Ensure ethical and principled governance*".
2. The work also follows on the recommendations of the [Commonwealth Parliamentary Association's Benchmarks for Democratic Legislatures Report](#); particularly recommendations 19 and 20. The work is supported by the Commonwealth Parliamentary Association Headquarters (CPA-HQ) as a part of their ongoing Memorandum of Understanding with the Anguilla House of Assembly.
3. The development of a Code of Conduct and Register of Interests acknowledges the community's expectations of high standards from their elected representatives. It represents the desire of Members to: enhance propriety and strengthen the community's trust in the Assembly; to encourage ethical conduct and to reduce risks to the integrity of the Assembly.
4. The Draft Code of Conduct and Register of Interests, proposes to apply to all Members, including Ministers, Temporary Members and the Speaker. It was developed through technical expertise sourced by the Commonwealth Parliamentary Association Headquarters. The expertise was delivered by Mr. Tom Duncan, Clerk of the Australian Capital Territory Legislative Assembly.
5. The Draft Code of Conduct and Register of Interests is the result of a consultative process that engaged Members of the Assembly, Assembly Staff, The General Public, the Governor's Office and relied on extensively on best practice models throughout the Commonwealth.
6. The Committee proposes that the Code of Conduct and Register of Interests be incorporated into the [House of Assembly \(Procedure\) Rules](#) though the addition of sections 67.A and 88.A to the existing rules.
7. The Committee is desirous of receiving further feedback from the General Public relating to the contents of the Draft Code of Conduct and Register of Interests. Feedback should be sent by **Friday 27th January, 2023** to:

Lenox J. Proctor
Clerk of the Anguilla House of Assembly
lenox.proctor@gov.ai .



**CODE OF CONDUCT AND
DECLARATION OF INTERESTS FOR
MEMBERS OF THE HOUSE OF ASSEMBLY**

DRAFT

House of Assembly Rules – Section references to proposed amendments

Written Declaration of Interests

67A. Within 28 days of the making of and subscribing to an oath or affirmation as a Member of the House of Assembly. Each Member shall provide to the Clerk a declaration of the private interests of themselves and their immediate family in the form as presented to the Assembly by the Speaker from time to time.

Under the general direction of the Speaker, the Clerk shall store the declarations of private interests and arrange for the declaration and any updates to be placed on the internet.

When a Member vacates his or her seat or is not re-elected at the next election the Clerk shall retain those physical declarations for 7 years. When 7 years has elapsed, the Clerk shall remove declarations from the internet and destroy all declarations made by that Member.

Code of Conduct for Members

88A. Members shall abide by the Code of Conduct for Members as outlined in Appendix 1

Appendix 1

CODE OF CONDUCT FOR MEMBERS

Preamble / Introduction

- (1) The Members of the Anguilla House of Assembly acknowledge that the community expects high standards from their elected representatives, that we wish to enhance propriety and strengthen the community's trust in the Assembly, and that the adoption of a code of conduct will encourage ethical conduct and reduce risks to the integrity of the Assembly.
- (2) This Code applies to all Members, including Ministers, temporary Members and the Speaker.

Principles of the code

- (1) In committing to this code, Members undertake to abide by the following principles:
 - Selflessness – Members should only act in the public interest.
 - Integrity – Members should always act with integrity and diligence.
 - Objectivity – Members should make decisions and choices based on using the best evidence and merit.
 - Accountability – Members shall be transparent and accountable to the citizens of Anguilla for their decisions and actions and shall submit themselves to the appropriate scrutiny necessary to ensure this.
 - Openness – Members should act and make decisions in an open and transparent manner.
 - Honesty – Members should always be truthful in all their dealings.
 - Leadership – Members should promote these principles by leadership and example, in order to maintain and support public trust and confidence in the integrity of the parliament and the conduct of its Members of public business.

Declarations of interests

- (1) In addition to any requirements of the Code establishing the Operations of the Executive Council, Members shall declare their interests to the Clerk within 28 days of being elected as a Member in a form as tabled by the Speaker. The form shall include details of any real estate held, other sources of income, shareholdings, Cryptocurrency, partnerships, offices held, trusts, blind trusts and estates, personal debt and other assets, gifts, travel, accommodation, entertainment, and hospitality.
- (2) The Clerk shall publish details of Members interests on the internet and Members shall update their declarations whenever there is a significant change.

Commissioner for Standards

- (1) The Speaker must, after each Assembly is elected or whenever the office becomes vacant, appoint a Commissioner for the life of that Assembly and the period of six months after each election.
 - (i) The Commissioner shall have a reputable character and be held in high standing;
 - (ii) The Commissioner shall exercise his/her functions in an impartial way

- (2) Before appointing a Commissioner, the Speaker must obtain the agreement of the Premier, the Leader of the Opposition and Independent Member(s).
- (3) The Commissioner may be dismissed only following a resolution of the House of Assembly resolving to require the Speaker to end the Commissioner's appointment—
 - (a) for misbehaviour; or
 - (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the Commissioner's functions.
- (4) The functions of the Commissioner are to:
 - (a) Investigate complaints about Members lodged via the Clerk to the Commissioner;
 - (b) Report to a Committee established for that purpose. The committee shall comprise of the Speaker as Chair, a Government Member, an Opposition Member and if considered necessary by the Speaker; an Independent Member and /or a person summoned by the Speaker.
- (5) Anyone may make a complaint to the Commissioner via the Clerk of the House of Assembly about a Member's compliance with the Members' Code of Conduct or the rules relating to the registration or declaration of interests.
- (6) If the Commissioner receives a complaint about a Member pursuant to paragraph (5) and the Commissioner believes on reasonable grounds that—
 - (a) there is sufficient evidence as to justify investigating the matter; and
 - (b) the complaint is not frivolous, vexatious or only for political advantage;the Commissioner may investigate the matter and report to the Committee.
- (7) In exercising the functions of Commissioner the following must be observed:

The Commissioner must not make a report to the Committee unless the Commissioner has—

 - (a) given a copy of the proposed report to the Member who is the subject of the complaint under investigation;
 - (b) the Member has had a reasonable time to provide comments on the proposed report; and
 - (c) the Commissioner has considered any comments provided by the Member.

The Commissioner must report on the operations of their office at the end of each legislative session of his/her findings to the Speaker and the Speaker must table any such report.

How breaches of the code will be dealt with

- (1) Any person may lodge a complaint to the Clerk about a Member's compliance with the Code of conduct for Members. If the Clerk receives a complaint he/she will forward it to the Commissioner of Standards.

Sanctions for Breaches

- (1) If after receiving a Commissioner's report, the Committee may recommend a sanction to be imposed upon the Member. Such sanctions could include:
 - A warning
 - A reprimand

- Admonishment
- Censure
- An apology
- Suspension

Use of resources / information

- (1) A Member should make only proper use of facilities, travel and other resources provided by House of Assembly to which they may have access and shall do so in a manner designed to make effective and efficient use of those resources and not for personal and political gain.
- (2) Members should not use information provided in the course of official duties that is not in the public domain to gain directly or indirectly a pecuniary advantage for themselves.

Conflicts of interest

- (1) In addition to the requirements in the Code establishing the operations of the Executive Council, Members shall actively avoid or prevent any conflict of interest, or the perception of a conflict, arising from their duties as a Member and their personal affairs and interests.
- (2) In addition to declaring their interests as provided above, Members shall disclose at a time and in a manner appropriate to the circumstances any financial or non-financial interest that they may hold, or which they may be reasonably perceived to hold (other than a member of the public or of a broad class of person, and any friendship, relationship or other circumstance which a reasonable observer, informed of that matter, might perceive as giving rise to a conflict of interest with the performance of a Member's duty as a Member.

Respect for citizens / colleagues / staff

- (1) Members should treat each other, the Parliament and parliamentary staff, and all citizens of Anguilla and others that they encounter with respect, dignity, and courtesy and avoid bullying and harassing behaviour.
- (2) Members should also observe proper standards of parliamentary conduct and observe respect for differences and fairness in their political dealings.

Review of code

- (1) The relevant committee of the House of Assembly shall review the code of conduct every 5 years, and shall report to the House on possible changes to the code.

Declaration of Member's Private Interests

This form must be completed and lodged with the Clerk of the House of Assembly:

Amendments to this form must be completed and lodged with the Clerk of the House of Assembly within 28 days of any change in interests which necessitates amendment of previously declared interests. For the purposes of the declaration, Member's immediate family would ordinarily comprise only the Member's spouse or partner and dependent children but may include other Members of his/her house or family when their interests are closely connected with the Member's.

Member's Name:

Item 1. Real Estate

The location of all real estate must be shown but street addresses are not required – suburb, town or region names may be used instead. Where real estate is only partly-owned, an annotation such as “joint tenant” or “tenant in common” should be included. Real estate held by a trust you have declared at Item 6 need be declared only under that item.

Principal Place of Residence:

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Other Real Estate:

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 2: Other Income

You must show here the source of income such as that derived from other employment, from investment or from distribution by a trust. In this Item, “other income” does not include your parliamentary salary or allowances. Actual amounts of income are not required to be provided.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 3: Shareholdings

You must list here the names and any other required details of all companies in which shares including Cryptocurrency are held, whether solely or jointly with others. Numbers and values of shares held are not required to be provided.

Publicly listed companies, private companies or subsidiary companies (name of company only required):

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 4: Partnerships

You must list here the name of each partnership of which you are, or a member of your immediate family is, a member. For each partnership, you must provide a statement of the objects and activities of the partnership. It is not necessary to name each other member of a partnership but you must provide an exact or estimated percentage share of the interest held in the partnership by you or a member of your immediate family.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 5: Offices Held

You must list here offices held in any corporation, partnership, association or other body (including a trade union, professional or business association).

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 6: Trusts (other than a blind trust)

You must list here any trust under which a beneficial interest is held by you or a member of your immediate family, or in which you or a member of your immediate family is a trustee and another member of your (immediate or extended) family holds a beneficial interest.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 7: Blind Trusts

You must list here any blind trust under which you or a member of your immediate family holds a beneficial interest. For each such trust, you must provide a description of the blind trust and the name and address of the person who manages the blind trust.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 8: Estates

You must list here any estate in which you or a member of your immediate family are appointed as an executor and hold a beneficial interest. For each such estate, you must list the name of the estate and a description of the beneficial interest.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 9: Personal Debt

You must list here a description of the debt (for example, mortgage, hire-purchase, overdraft, personal loan) and the name of the creditor. You do not need to show amounts owed.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 10: Other Assets

You must list here assets held over the value of dollars XCD \$10,000.00 that are not listed in any other category on this form (such as savings or investment accounts, debentures, bonds, superannuation accounts etc., for which the name of the bank or other institution is to be provided). Investments mean any investment including placement of monies, which attract interest or other benefits. You do not need to list ordinary household effects or motor vehicles used for private purposes.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 11: Gifts

You must list here any gift you have received while a Member other than:

- unsolicited and unconditional gifts received in a purely personal capacity from family members or personal friends;
- other gifts received as a Member with a value of less than XCD \$1,000.00 each or, where multiple gifts are received from the same person or organisation or group of related persons or organisations, with a combined value less than XCD \$2,000.00 in a financial year.

You must also list gifts of that value received by a member of your immediate family because of your position as a Member – that is, other than gifts received by them in a purely personal capacity.

Gifts in the form of hospitality, entertainment, travel or accommodation do not need to be listed here but must be listed under Item 12.

Discounts, rebates or similar received in connection with the supply of goods or services do not need to be listed if they are provided in the ordinary course of the supplier’s business and are generally available on the same terms to other members of the public.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 12: Travel, Accommodation, Entertainment and Hospitality

You must list here any free or concessional travel you have undertaken where the cost or part of the cost was met other than by the House of Assembly – that is, including by any other person, organisation, business or interest group or a foreign government or its representative. You do not need to list travel entitlements received by you or your immediate family for parliamentary travel or as a member of an official parliamentary delegation. In each case you must list the purpose of the travel. Complimentary membership of airline lounges should also be shown.

You must also list free or concessional accommodation, entertainment or hospitality you have accepted, whether or not provided in association with travel, where the cost or part of the cost was met other than by the House of Assembly – that is, including by any other person, organisation, business or interest group or a foreign government or its representative – but only where the value of any individual item exceeds XCD \$ 1,000.00 or, where multiple items are received from the same person or organisation or group of related persons or organisations, with a combined value in excess of XCD \$ 2,000.00 in a financial year.

You must also list free or concessional travel, accommodation, entertainment or hospitality received by a member of your immediate family because of your position as a Member – that is, other than items received by them in a purely personal capacity.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 13: Memberships

You must list here all organisations of which you are a member, including unions, political organisations, business groups, community organisations, lobby groups and sporting or other clubs.

You may also list, if you think it appropriate, memberships of such organisations held by members of your immediate family.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Item 14: Other Disclosure

You may include under this item any other fact or circumstance which you believe it is appropriate to disclose for the purpose of avoiding or resolving an actual or perceived conflict of interests with your duties as a Member.

| | |
|------------------|---|
| • Member | • |
| • Spouse/Partner | • |
| • Child | • |

Signature: _____

Name: _____

Date: _____ / _____ / _____



Amendment to Member's Declaration of Private Interests

For each change, addition or deletion, show the corresponding Item number of the Declaration of Member's Private Interests form and details of the change, addition or deletion.

The following amendments have occurred since my most recent declaration:

Additions:

| • | • Item | • Details |
|------------------|--------|-----------|
| • Member | • | • |
| • Spouse/Partner | • | • |
| • Child | • | • |

Deletions:

| • | • Item | • Details |
|------------------|--------|-----------|
| • Member | • | • |
| • Spouse/Partner | • | • |
| • Child | • | • |

Signature: _____

Name: _____

Date: _____ / _____ / _____