

# Twenty first report to the Sixth Senedd under Standing Order 22.9

July 2025



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# About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:  
**[www.senedd.wales/SeneddStandards](http://www.senedd.wales/SeneddStandards)**

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## Current Committee membership:



**Committee Chair:  
Hannah Blythyn MS**  
Welsh Labour



**Mick Antoniw MS**  
Welsh Labour



**Tom Giffard MS**  
Welsh Conservatives



**Peredur Owen Griffiths MS**  
Plaid Cymru

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## Recommendations

**Recommendation 1.** The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found but no further action is should be taken. ....Page 10

**Recommendation 2.** The Committee recommends to the Llywydd that the Form be amended to require Members to provide a date on which the interest arose, was amended or ceased, and that both that this and the date on which the Register was updated should be published on the Register. If the Llywydd agrees, the Committee will update the Guidance accordingly ..... Page 13

# 1. Introduction

**1.** The terms of reference of the Standards of Conduct Committee (“the Committee”) are set out in Standing Order 22<sup>1</sup>. In accordance with the functions set out in Standing Order 22.2, the Committee must:

*“investigate, report on and, if appropriate, recommend action in respect of any complaint referred to it by the Commissioner for Standards.”<sup>2</sup>*

**2.** This report is made to the Senedd under Standing Order 22.9 and paragraph 8.23 of the Procedure for Dealing with Complaints against Members of the Senedd<sup>3</sup> (“the Procedure”) in relation to a complaint made against Eluned Morgan MS.

**3.** The report from the Commissioner for Standards (“the Commissioner”) on his investigation of the complaint is attached at Annex A. It sets out the details of the complaint and the findings of the Commissioner’s formal investigation.

**4.** This report sets out the details of the complaint and the Committee’s deliberations in arriving at its decision.

**5.** Hannah Blythyn MS declared a relevant interest in the consideration of this report as a Member of Unite. Tom Giffard MS declared a relevant interest in the consideration of this report as he knows the complainant.

**6.** A copy of this report has been provided to the Member concerned and the Complainant.

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<sup>1</sup> Standing Orders

<sup>2</sup> Standing Order 22.2(i)

<sup>3</sup> The Senedd’s Procedure for Dealing with Complaints Against Members of the Senedd

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## 2. Consideration of the Complaint

- 7.** The Commissioner considered a complaint in relation to Eluned Morgan MS (“the Member”) for failing to declare a relevant interest before taking part in the proceedings in the plenary session of the Senedd on 17 September 2024.
- 8.** The Commissioner’s report sets out that during a statement on Tata Steel, the Member made two references to Unite the Union, of which she is a Member and from whom she received £3,500 sponsorship.
- 9.** Standing Order 13.8A provides “Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member has or is expecting to have which is relevant to those proceedings and might reasonably be thought by others to influence the Member’s contribution.”
- 10.** Paragraph four of the Code of Conduct states:
- “In addition to this Code, Members must comply with the Standing Orders of the Senedd, including its Standing Orders relating to the declaration and registration of financial and other interests and membership of societies. Alleged breaches of these Standing Orders can be referred to the Senedd Commissioner for Standards for investigation. For this reason, the Code does not include a specific Rule on the declaration and registration of such interests.”*
- 11.** The Committee met on 9 and 17 June 2025 to consider the Commissioner’s report and reach its conclusion in respect of this complaint.
- 12.** The Committee took further evidence from the Commissioner on this complaint at its meeting of 17 June 2025.

### Investigation of a Minister

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- 13.** The Commissioner’s jurisdiction to investigate complaints depends on whether the complaint alleges failure to comply with a “relevant provision” as defined in section 6(1)(3) of the National Assembly for Wales Commissioner for Standards Measure 2009 (“the Measure”).

**14.** The Code of Conduct is a “relevant provision”, as are certain provisions of Standing Orders including those relating to the registration or declaration of a financial or other interests<sup>4</sup>.

**15.** Section 8 of the Measure precludes the Commissioner from expressing a view on matters relating to a Welsh Ministerial Code, including any provision relating to standards of conduct which is<sup>5</sup>, or which could be<sup>6</sup>, contained in a Welsh Ministerial Code. However, the Measure sets out such a provision on standards of conduct should be one:

*(iv) which seeks to apply standards of conduct different from or additional to those which apply to Members of the Senedd generally, and*

**16.** The current Welsh Ministerial Code<sup>7</sup> does not make any provision in relation to declarations of interest in Senedd proceedings and were it to seek to do so, the provision would only come within the prohibition on the Commissioner expressing a view on the Ministerial Code under section 8(1) to the extent that it sought to apply standards of conduct different from or additional to those applying to Members of the Senedd generally.

**17.** Given this, the Committee was content that this complaint was admissible for the Commissioner to investigate.

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<sup>4</sup> Section 6(1)(3)(a)(i) of the Measure

<sup>5</sup> Section 8 (1)(a) of the Measure

<sup>6</sup> Section 8 (1)(b) of the Measure

<sup>7</sup> Ministerial code | GOV.WALES

### 3. Committee's Consideration of its Decision

**19.** The Committee considered whether the Member was in breach of Standing Order 22.2(i).<sup>8</sup>

**20.** In considering whether a breach took place, the Committee reviewed the findings of the Commissioner as set out in his report.

**21.** The Member did not avail herself of the opportunity to make written or oral representations to the Committee.

#### The Committee's Decision

**22.** The Committee noted that the Member had a donation from Unite the Union on her register for the Sixth Senedd, and that Unite are a representative Trade Union at the Tata steelworks in Port Talbot.

**23.** The Committee noted that in responding to questions on her statement on Tata Steel, the Member made two references to Unite the Union, which the Commissioner described as 'passing'.

**24.** The Committee also noted the Commissioner's view that there was nothing to suggest that the Member's registered interests had any influence on her contribution to the proceedings.

**25.** Given the Commissioner's finding that 'There is nothing to suggest that the Member's registered interests had any influence on her contribution to the proceedings' the Committee sought further explanation from the Commissioner about how he reached the conclusion that others might reasonably think that the interest may have influenced the Member's contribution.

**26.** The Commissioner set out that the Standing Order requirement is that the relevant interest might be reasonably thought to have influenced the Member's contribution, and not whether it actually had done so. On this basis, the Commissioner concluded that someone could reasonably think that the Member's relevant interest might have influenced her contribution.

**27.** Having received the additional explanation, the Committee accepts the finding of the Commissioner that

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<sup>8</sup> Standing order 22.2(i)

... a member of the public, such as the Complainant, might reasonably think that the Member's membership of Unite the Union and her receipt, on an unknown date, of £3500 from it might influence her contribution to the proceedings.

**28.** Having considered the Commissioner's findings and conclusions, along with the supporting evidence provided, the Committee agreed that a breach has occurred.

The Committee finds that Eluned Morgan MS breached Standing Order 13.8(A) which constitutes a relevant provision of the Code of Conduct.

## **The Committee's recommendation**

**29.** The Committee considers any breach of the Code of Conduct or a relevant provision by any Member of the Senedd to be a serious matter. The reputation of the Senedd as an institution, and the public's trust and confidence in it, rely upon Members demonstrating integrity and leadership through their actions.

**30.** In reaching its decision the Committee noted the explanation provided by the Member as to why she did not consider her failure to declare to be a breach of a Standing Orders (specifically 13.8A). The Committee considers some of these points further in the next chapter.

**31.** The Committee agrees with the Commissioner's finding that although the references in question were "passing" there was a prospect of it being reasonably concluded that the Member's contribution was influenced by the donation and that a breach of Standing Orders (specifically 13.8A) had occurred. However, the Committee is satisfied that this was a breach due to inadvertence rather than an intentional disregard of the requirements around declaring relevant interests.

**32.** The Committee finds that the Member is in breach of a provision of Standing Orders within the jurisdiction of the Commissioner for Standards and the Committee. Having considered the Commissioner's findings of fact regarding the circumstances of the breach the Committee considers that no further action should be recommended on this occasion.

**Recommendation 1.** The Committee recommends to the Senedd, in accordance with paragraph 8.22(a) of the Procedure, that a breach has been found but no further action is should be taken.

## 4. Lessons learnt from this complaint

**33.** It was a matter of regret for the Committee that the details of this complaint were released without authorisation to the media prior to the completion of the complaints process.

**34.** The need to declare relevant interests is a key part of parliamentary proceedings. It ensures transparency and openness in debates.

**35.** The requirement for declaring relevant interests is set out in Standing Orders. Standing Order 13.8 states<sup>9</sup>:

*Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member, has or is expecting to have which is relevant to those proceedings, and might reasonably be thought by others to influence the Member's contribution.*

**36.** The test for declaring is therefore twofold, firstly whether the interest is relevant to the proceedings, and then whether it might be reasonably be thought by others to influence the Member's contribution.

**37.** In this complaint, the Committee was clear that there was a relevant interest. However the Committee noted the Member highlighted a number of reasons for coming to the conclusion that the interest could not reasonably have been thought to influence the contribution, including:

- i. Acting at the time in her capacity as the First Minister;
- ii. Referring to other trade unions as well as Unite; and
- iii. The references to Unite were made in passing in a debate on a different subject.

**38.** The Committee accepts that these could be considered valid reasons for not considering this to have reasonably influenced the contribution.

**39.** As set out in paragraphs 20 – 22, the Committee sought clarification from the Commissioner about how he concluded this interest might have reasonably influenced the Member's contribution. The Committee accepts the

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<sup>9</sup> This report relates to a declaration made in plenary which is governed by Standing Order 13.8, there is an equivalent Standing Order for Committees which can be found at [Standing Order 17.24](#).

Commissioner's position that the use of the term 'might influence' requires a different interpretation to 'had influenced', given that 'might' does not require evidence of it actually having happened.

**40.** This is one of the first complaints related to the application of the Standing Orders relating to declaring interests, since the changes were made to requirements in 2014, and the first occasion on which this Committee has had to give consideration to its operation and interpretation.

**41.** The Committee considers that the effect of the second limb of the of the test for the need to make a declaration under SO13.8A, is there can be circumstances where although a Member or their family member, has or is expecting to have an interest which is relevant to those proceedings, it does not need to be declared, because it could not be reasonably thought by others to influence their contribution.

**42.** The Committee noted with interest that the House of Commons sets out guidance as to when an interest need not be declared, which provides useful clarity for MPs in this area:

*6. The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.*

*7. Members are not required to declare an interest:*

*a) if to do so would unduly impede the business of the House; for example, during oral Questions, when asking supplementary Questions, or when responding to a Ministerial statement; or*

*b) when voting, either in the House or in committee. But a Member who has a relevant registerable interest which has not yet been registered should seek to register it before the vote; or if this is not possible, as soon as possible afterwards; or*

*c) if that interest is a benefit is available to all Members, such as the parliamentary salary, or expenses met from parliamentary sources or from a scheme for parliamentary expenses*

*d) if it is a benefit provided by the Members own party (unless it is registerable under Category 2: Donations and other support for activities as a Member of Parliament);*

**43.** The Committee intends to consider whether the guidance for declarations could be amended to clarify situations when declarations are not required. As part of this consideration, the Committee will consult with the Llywydd and Committee Chairs on the potential impact any such changes may have on proceedings.

**44.** As referenced in the nineteenth report to the Sixth Senedd under Standing Order 22.9, the Committee is currently undertaking an inquiry into the registration and declaration of interests.

**45.** The Committee has already identified the need for dates to be included in the registration requirements, which is referenced in the Commissioner's report as part of this work. The Committee is recommending the following as part of this work:

**Recommendation 2.** The Committee recommends to the Llywydd that the Form be amended to require Members to provide a date on which the interest arose, was amended or ceased, and that both that this and the date on which the Register was updated should be published on the Register. If the Llywydd agrees, the Committee will update the Guidance accordingly

**46.** This recommendation will also be included in the forthcoming report.

**47.** The Committee will give further consideration of the other issues which have arisen through this complaint as part of the work on declarations.

# Annex A – Report from the acting Commissioner for Standards

## **REPORT** **by** **SENEDD COMMISSIONER FOR STANDARDS** **of the investigation of a complaint against** **Eluned Morgan MS**

### *Introduction*

1. On 18 February 2025 [REDACTED] (“the Complainant”) submitted a complaint alleging that during a plenary session of the Senedd on 17 September 2024 Eluned Morgan MS (“the Member”) had failed to declare a relevant interest before taking part in the proceedings.<sup>1</sup>
2. I have considered the complaint in accordance with the [Procedure for Dealing with Complaints against Members of the Senedd](#) (“the Procedure”).
3. As required by paragraph 7.4(e) of that Procedure the complaint, the representations made about the Findings of Fact and all the evidence I relied upon in forming my opinion are at Annex A. Links to the documents are provided in the footnotes.
4. The complaint document contained two complaints against another Member and a second complaint against the Member all of which I found to be inadmissible. Text relating to these three inadmissible complaints has been redacted.
5. On 20 February I informed both parties of my decision that the complaint was admissible and that I had started my investigation of it.

### *The investigation*

6. During my investigation I obtained information from the Member, Unite the Union and from the Register of Members Interests (“the Register”). Having considered all the information I drafted the Findings of Fact and allowed both parties seven days in which to submit written corrections or representations about them. I allowed the Member an extension of that period. The Complainant submitted no corrections or representations. The Member accepted the factual accuracy of the Findings but made representations regarding them which are considered below.<sup>2</sup>

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<sup>1</sup> [Complaint \(redacted\)](#)

<sup>2</sup> [Letter Member – Commissioner sent 16 May 2025](#)



### *Findings of Fact*

7. I found the following facts established –

- i. The Record of Proceedings for 17 September 2024 is an accurate record of what the Member said during proceedings on Statement by the First Minister: Government priorities and Statement by the First Minister: Tata Steel;<sup>3</sup>
- ii. The Member did not declare any interest before taking part in those proceedings;
- iii. During those proceedings the Member said *“I want to pay tribute to the trade unions as well, who have fought and fought and fought for the jobs in relation to steel in Wales. It is very difficult for them, I'm sure, to accept this, but they have been working incredibly hard to get the best deal possible. I know that Community union and GMB are currently balloting their members on the details of the memorandum of understanding, and I know that the ballots closed yesterday, on 16 September. So, we'll see what that's got to say. And I know that Unite the Union are not balloting their members on the MOU.”*
- iv. On that date Unite the Union had approximately 1052 members at the Tata Steelworks at Port Talbot;<sup>4</sup>
- v. On that date the Member was a member of Unite the Union; and
- vi. On that date the Register of Member's Interests showed that the Member had, on an unspecified date, received *“Support to finance postage and printing of internal selection leaflet - £3,500 sponsorship from Unite the Union.”*<sup>5</sup>

Both parties accepted the factual accuracy of these Findings.

### *Consideration*

8. Standing Order 13.8A provides *“Before taking part in any plenary proceedings, a Member must declare any interest, financial or otherwise, that the Member, or to their knowledge, a family member has or is expecting to have which is relevant to those proceedings and might reasonably be thought by others to influence the Member's contribution.”*
9. Section 6(3)(a) of the Measure provides that any provision of Standing Orders relating to *“the registration or declaration of financial or other interests”* is a relevant provision.

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<sup>3</sup> [Record of Proceedings 17 September 2024](#)

<sup>4</sup> [Letter Unite the Union – Commissioner 3 April 2025](#)

<sup>5</sup> [Extract Register of Members' Interests 17 September 2024](#)

10. In her responses of 24 March<sup>6</sup>, 28 April<sup>7</sup> and 16 May 2025<sup>8</sup> the Member denied that she had breached that Standing Order and asserted that –
- At the relevant time she was acting in her capacity as the First Minister;
  - It would not be reasonable to assume that her declared interest in Unite might influence her contribution to the proceedings;
  - The proceedings were about Tata Steel rather than trade unions;
  - She had referred to other trade unions as well as Unite;
  - Her references to Unite were made in passing in a debate on a different subject;
  - Because the entry in the Register about the £3500 appeared immediately below an entry relating to the 2021 Senedd elections she assumed it would be inferred that the donation of £3500 pre-dated that election;
  - There was no vote or resolution at the end of that debate;
  - Employment and trade union issues were frequently debated and the facts of the present matter were not sufficiently different to require her to declare her interests;
  - Requiring Members to declare an interest in similar circumstances would inhibit debate in the Senedd.
10. There is no doubt that at the relevant time the Member was acting exclusively in her capacity as the First Minister. Whilst paragraph 7(ii) of the Code of Conduct provides that the Code does not apply to Members whilst acting exclusively in their ministerial capacity, Standing Order 13.8A contains no equivalent provision. The Standing Order applies equally to Members and to ministers.
11. It is correct that the debate was about the future of the steel industry and that the Member made only two passing references to Unite the Union. There is nothing to suggest that the Member's registered interests had any influence on her contribution to the proceedings. However, the issue is not whether they had any influence but whether her interests might reasonably be thought by others to influence her contribution.
12. The fact that there was no vote or resolution at the end of the debate is irrelevant. The text of Standing Order 13.8A is clear and contains nothing to the effect that it does not apply to proceedings that do not end with a vote or resolution.

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<sup>6</sup> [Letter Member – Commissioner 24 March 2025](#)

<sup>7</sup> [Response – Member – Commissioner 28 April 2025](#)

<sup>8</sup> [Letter Member – Commissioner sent 16 May 2025](#)

13. I am unable to accept the proposition that a member of the public with little or no knowledge of the Register should be expected to make any assumption as to when the £3500 was paid.
14. I do not accept the Member's assertion that the circumstances were not sufficiently different from debates on employment and trade union issues to require her to declare her interests. As the Member has accepted, the debate was about the future of the steel industry at Port Talbot and of those employed there. The Member was a member of Unite the Union who had more than one thousand members working there. She had on a date not specified in the Register, received £3500 from that union.
15. Nor do I accept that requiring Members to declare an interest in these circumstances would inhibit debate in the Senedd. All that would be required of Members would be a few words explaining their interest before participating in the proceedings.
16. Having considered all the circumstances I am satisfied that a member of the public, such as the Complainant, might reasonably think that the Member's membership of Unite the Union and her receipt, on an unknown date, of £3500 from it might influence her contribution to the proceedings

### *Opinion*

17. It is my opinion that the Member had a relevant interest, namely her membership of Unite the Union and her receipt of £3500 from it, which she should have declared before taking part in the plenary proceedings on 17 September 2024. By failing to do so the Member failed to comply with Standing Order 13.8A and so breached a relevant provision.

### *Matter of general principle*

18. It is unsatisfactory that many entries in the Register show neither the date on which the interest came into being nor the date on which it was registered.
19. The Member suggested that others would find it helpful if guidance was given on the length of time that a registerable interest should remain on the Register. I doubt that it is possible to give such guidance as the length of time will depend on all the circumstances. For example, it might well be appropriate for receipt of a donation or gift of say £100,000 to remain on the Register for many years whereas a donation of a few hundred pounds might be removed much sooner. The need to have an interest registered comes to an end only when it could no longer reasonably be thought by others that it might influence a Member's contribution to proceedings. Where there is any doubt, Members should register and declare an interest.

20. I recommend that during its Inquiry into the Registration and Declaration of Interests the Committee considers these matters.

Douglas Bain CBE TD  
Senedd Commissioner for Standards

28 May 2025

## **Appendix A – Documents relied upon**

1. Complaint (redacted)
2. Letter Member – Commissioner sent 16 May 2025
3. Record of proceedings 17 September 2024
4. Letter Unite the Union – Commissioner 3 April 2025
5. Extract Register of Members' Interests
6. Letter Member – Commissioner 24 March 2025
7. Response – Member – Commissioner 28 April 2025