



THE GIBRALTAR PARLIAMENT

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# **The Code of Conduct**

for

Members

of

The Gibraltar Parliament

# Contents

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## **The Code of Conduct for Members of The Gibraltar Parliament**

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# The Code of Conduct for Members of The Gibraltar Parliament

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## I. Purpose of the Code

1. The purpose of this Code of Conduct is to:
  - (a) build a common understanding of what behavior and attitudes the Gibraltar Parliament wishes to promote or considers unacceptable;
  - (b) ensure the openness and accountability essential to the proper functioning of a representative democracy like Gibraltar;
  - (c) protect and enhance the reputation of the Gibraltar Parliament, in order that the public can have justifiable confidence in it;
  - (d) ensure all Members can and do speak and act without fear or favour; and
  - (e) give clarity for Members and the public about the rules of conduct which underpin these standards, which are expected of all Members in undertaking their duties.

## II. Scope of the Code

2. The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives. The obligations set out in this Code are complementary to the procedural and other rules of the Gibraltar Parliament, the Oath or Affirmation of allegiance to the Crown, the rulings of the Chair and the Ministerial Code. In addition, no Member is above the law.
3. The Gibraltar Parliament may appoint an Independent Expert Panel, with the relevant experience, to investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code and the rules relating to upholding the Code. The Independent Expert Panel is not able to investigate alleged breaches of the Seven Principles of Public Life in themselves, but will take the Principles into account when considering allegations of breaches of the rules.

## III. Duties of Members

4. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the Parliament, Members have a duty to be faithful and bear true allegiance to His Majesty the King, his heirs and successors, according to law.
5. Members have a duty to uphold the law, including the general law against discrimination.
6. Members have a general duty to act in the interests of Gibraltar as a whole.
7. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources.

## **IV. General Principles of Conduct**

8. The Code of Conduct for Members of the Gibraltar Parliament is inspired and informed by the Seven Principles of Public Life. The Principles apply across the public services.

### **The Seven Principles of Public Life**

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence without discrimination or bias.

#### **Accountability**

Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## V. Rules of Conduct

9. Members must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect.
10. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
11. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the Gibraltar Parliament, or to any Committee of the House, is contrary to law of Parliament.
12. Members must conduct themselves properly and rigorously when lobbying for or against a particular point of view on any matter and should seek guidance from the Speaker or the Clerk when unsure.
13. Members must fulfil conscientiously the requirements of the Parliament in respect of the registration of interests in the Register of Members' Financial Interests. New Members must register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before the election within one month of their election, and Members must register any change in those registrable interests within 28 days.
14. Members must always be open and frank in declaring any relevant interest in any proceeding of the Parliament or its Committees, and in any communications with Ministers, Members, public officials or public office holders.
15. Members must only use information which they have received in confidence in the course of their parliamentary activities in connection with those activities, and never for other purposes.
16. Excepting modest and reasonable personal use, Members must ensure that the use of facilities and services provided to them by the Gibraltar Parliament, including, where applicable, an office, is in support of their parliamentary activities, and is in accordance with all relevant rules.
17. Members must not provide, or agree to provide, paid parliamentary advice, including undertaking, or agreeing to undertake services as a Parliamentary strategist, adviser or consultant.
18. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the Gibraltar Parliament as a whole, or of its Members generally.

## VI. Rules relating to upholding the Code

19. The application of this Code shall be a matter for the Gibraltar Parliament and any Committee that may be appointed for such purposes.

20. Members must co-operate at all times with the Speaker, the Clerk or any Independent Expert Panel in the conduct of any investigation and with any Committee of the Gibraltar Parliament in any subsequent consideration of a case.

21. Members must not disclose details in relation to:

- (i) any investigation by an Independent Expert Panel except when required by law to do so, or authorised by an Independent Expert Panel; nor
- (ii) the proceedings of a Parliamentary Committee or an Independent Expert Panel in relation to a complaint unless required by law to do so, or authorised by the Independent Expert Panel or a Committee respectively.

22. Members must not lobby a member of a relevant Committee, the Independent Expert Panel, the Speaker, the Clerk or their staff, in a manner calculated or intended to influence their consideration of whether a breach of the Code of Conduct has occurred, or in relation to the imposition of a sanction.

23. Members must not seek to influence, encourage, induce or attempt to induce, a person making a complaint in an investigation to withdraw or amend their complaint, or any witness or other person participating in a complaint to withdraw or alter their evidence.

24. Members must comply with any sanction imposed by the Independent Expert Panel.

25. Members must comply with any sanction imposed by the relevant Committee, of by the Gibraltar Parliament, relating to withdrawal of services or facilities from a Member.

26. The interpretation of this Code of Conduct shall have regard, where relevant, to the The Code of Conduct of the House of Commons.

27. This Code of Conduct shall be subject to annual review by the Gibraltar Parliament.