

# EXECUTIVE COUNCIL

## RESTRICTED

**Title of Report:** Public Accounts Committee: subsidiary legislation  
**Paper No:** 16/10  
**Date:** 28 January 2010  
**Report of:** Legislative Drafter

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### 1.0 Purpose

The purpose of this paper is to seek Executive Council's approval for two orders to be made under the Public Accounts Committee in time for the Ordinance coming into force on 1 February 2010.

Executive Council has already approved (247/09) the level of the maximum fine provided for in one of the two orders.

### 2.0 Recommendations

Executive Council is recommended to approve the making of the orders in the form of the drafts annexed to this report.

### 3.0 Summary of Financial Implications

None

### 4.0 Background

4.1 At its meeting on 26 November 2009, Executive Council considered paper 247/09 and approved recommendations that the Public Accounts Committee Ordinance should be commenced on 1 February 2010 and that the maximum fine that may be imposed by the Committee should be level 6 on the standard scale (£7,500).

4.2 A notice bringing the Ordinance into force on 1 February 2010 was signed by HE the Governor on 11 December 2009 and published in the *Gazette* on 31 December 2009.

4.3 A draft order prescribing the maximum fine that may be imposed by the Committee (the Public Accounts Committee (Maximum Fine) Order) is annexed to this paper.

4.4 Although the members of the Public Accounts Committee have been appointed, it is a requirement under section 7(2) of the Ordinance that, before they can take part in the proceedings of the Public Accounts Committee, they must complete and furnish to the secretary of the Committee written particulars of their registrable interests in the prescribed form or such other form as the Governor may approve.

4.5 Section 3 of the Ordinance defines “registrable interest” (in relation to an appointed member) as “an interest of which the member would be required under the Standing Orders of the Legislative Assembly to furnish particulars to the Clerk of the Legislative Assembly, if he or she were a member of the Assembly”.

4.6 A draft order prescribing the form to be completed and furnished by appointed members of the Committee (which is based on the form already completed by Members of the Legislative Assembly) is annexed to this paper.

4.7 Section 31 of the Ordinance gives the Governor the power to make orders prescribing matters in relation to four specified aspects - two of these would be dealt with by the draft orders annexed to this paper.

4.8 Two further orders will have to be made in due course to complete the scheme of the legislation: these relate to the form of summons and warrant to be used by the Committee if required. These will be drafted as soon as possible but do not need to be in place by 1 February 2010.

## **5.0 Financial Implications**

None

## **6.0 Legal Implications**

No additional implications

## **7.0 Human Resources Implications**

None

**SUBSIDIARY LEGISLATION**

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**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

**Public Accounts Committee (Registrable Interests) Order 2010**

S. R. & O. No.      of 2010

*Made:      January 2010*

*Published:      January 2010*

*Coming into force: 1 February 2010*

I make this order under section 31(a) of the Public Accounts Committee Ordinance (No. 11 of 2009) on the advice of the Executive Council.

**1. Title**

This order is the Public Accounts Committee (Registrable Interests) Order 2010.

**2. Commencement**

This order comes into force on 1 February 2010.

**3. Prescribed form of particulars of registrable interests**

The form set out in the Schedule is prescribed as the form of particulars of registrable interests for the purposes of section 7 of the Public Accounts Committee Ordinance.

**SCHEDULE**

(article 3)

**Public Accounts Committee Ordinance**  
(section 7)

**Public Accounts Committee (Registrable Interests) Order**  
(article 3)

**PARTICULARS OF REGISTRABLE INTERESTS**

*Please read the following document, the enclosed copies of sections 3 and 7 of the Public Accounts Committee Ordinance and Standing Orders of the Legislative Assembly 18 and 18A together with the guidance notes in 18A(2) carefully before completing the notification.*

*This notification must be completed and returned to the secretary of the Committee within the period mentioned in the covering letter.*

In compliance with section 7 of the Public Accounts Committee Ordinance (No. 11 of 2009), I provide the following notification of my registrable interests:

1. Remunerated directorships and whether or not in companies incorporated in the Falkland Islands, including directorships which are unremunerated, but where remuneration is paid through another company in the same group.

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2. Remunerated employment, office or profession

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3. Clients in respect of whom the member holds a general retainer or in respect of whom he has in the last 12 months, or expects in the next 12 months, to provide services for payment where a member of the public might reasonably think that the member's conduct in or in relation to the business of the Public Accounts Committee might have been or might be influenced by the client's interests

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4. Sponsorships. Any form of sponsorship or financial or material support of a member which involves any payment, benefit or advantage whether to the member or any other person with whom the member is closely connected

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5. Gifts, benefits and hospitality

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6. Overseas visits relating to or arising out of membership of the Public Accounts Committee where the cost of any such visit has not been borne wholly by the member or out of the Falkland Islands public funds

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7. Any gifts or material benefits or advantages received by the member or the member's spouse from or on behalf of overseas Governments, organisations or persons

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8. Land or property of a substantial value or from which a substantial income is gained

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9. The names of companies or other bodies in which the member has, to his knowledge either with or on behalf of his spouse and children under the age of 18 years, a beneficial interest in shareholding of a nominal value greater than one percent of the issued share capital or less than one percent or more than £25000.00

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10. Any relevant interest not covered by one of the main categories which falls within the purpose of the Register (which is to provide information on any pecuniary benefit which a member receives and which might reasonably be thought by others to influence his or her actions, speeches or votes in the Public Accounts Committee **OR** which the member considers might be thought by others to influence his or her actions in a similar manner, even though the member receives no financial benefit

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Name of Member \_\_\_\_\_

Signature of Member \_\_\_\_\_

Date \_\_\_\_\_

Made January 2010

A.E. Huckle,  
*Governor.*

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EXPLANATORY NOTE  
*(not forming part of the order)*

Under section 7(2) of the Public Accounts Committee Ordinance (No.11 of 2009), it is a requirement that, before taking part in the proceedings of the Public Accounts Committee, members appointed to the Committee must complete and furnish to the secretary of the Committee written particulars of their registrable interests in the prescribed form or such other form as the Governor may approve.

Section 3 of the Ordinance defines “registrable interest” (in relation to an appointed member) as “an interest of which the member would be required under the Standing Orders of the Legislative Assembly to furnish particulars to the Clerk of the Legislative Assembly, if he or she were a member of the Assembly”.

Section 31 gives the Governor power to prescribe by order the form of particulars of registrable interests for the purposes of section 7.

This order prescribes the form of particulars of registrable interests to be completed by appointed members of the Public Accounts Committee before taking part in the proceedings of the Committee.

**SUBSIDIARY LEGISLATION**

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**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

**Public Accounts Committee (Maximum Fine) Order 2010**

S. R. & O. No.      of 2010

*Made:      January 2010*

*Published:      January 2010*

*Coming into force: 1 February 2010*

I make this order under section 31(d) of the Public Accounts Committee Ordinance (No. 11 of 2009) on the advice of the Executive Council.

**1. Title**

This order is the Public Accounts Committee (Maximum Fine) Order 2010.

**2. Commencement**

This order comes into force on 1 February 2010.

**3. Interpretation**

In this order, “Committee” means the Public Accounts Committee established by section 81(1) of the Constitution.

**4. Maximum fine under section 30 of the Public Accounts Committee Ordinance**

(1) This article prescribes the maximum fine that the Committee may impose under section 30 of the Public Accounts Committee Ordinance.

(2) The maximum fine that the Committee may impose is level 6 on the standard scale.

Made      January 2010

A.E. Huckle,  
*Governor.*

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EXPLANATORY NOTE  
*(not forming part of the order)*

Sections 19(4), 20(4), 23(4) and 24 of the Public Accounts Committee Ordinance (No.11 of 2009) provide for the circumstances in which a person is liable to a fine under section 30 of the Ordinance.

Section 31(d) of the Ordinance gives the Governor power to prescribe by order the maximum fine that the Committee may impose under section 30.

This order prescribes that the maximum fine the Committee may impose is level 6 on the standard scale of fines (currently, £7,500).