



SPÓRT ÉIREANN  
SPORT IRELAND

**Governance Code for Sport**

## **Register of Interest**

Guidance Note

## Disclaimer

Sport Ireland is making available a range of resources including guidance notes, policy documents and templates for selected areas aligned to the Governance Code for Sport which will support sport organisations, boards, management and staff in the development of relevant governance processes and procedures particular to their own organisation.

For the avoidance of doubt, the final decision on the nature, type, extent and format of approved governance policies, procedures and processes for each organisation is a matter for the board / highest governing structure of the organisation and the resources and material provided may assist the approval process.

This document is not, nor is it intended to be, a definitive statement of the law and it does not constitute legal advice. This document is not a substitute for professional advice from an appropriately qualified source and it is recommended that sport organisations consult their governing document or obtain their own independent legal advice where necessary.

Sport Ireland does not accept any responsibility or liability for any errors, inaccuracies or omissions in this document.

## Purpose

The purpose of the register is to provide up to date and accurate information about the interests of persons which might influence their judgement, decision making and actions, or which might be perceived by a reasonable member of the public as doing so when it comes to the matters of your organisation. A register of interests is aligned to Principle 5 of the Sport Code which addresses 'Behaving with integrity'. It is expected that integrity includes being honest, fair and independent, as well as understanding, declaring and managing conflicts of interest and conflicts of loyalties, and protecting and promoting the organisation's reputation. The person and their connections should be considered within this context.

## Connected Person

According to the Ethics in Public Office Acts 1995 and 2001, any question whether a person is connected with another shall be determined in accordance with the following provisions (any provision that one person is connected with another person being taken to mean also that that other person is connected with the first-mentioned person):

- (i) a person is connected with an individual if that person is a relative of the individual,
- (ii) a person, in his or her capacity as a trustee of a trust, is connected with an individual who or any of whose children or as respects whom any body corporate which he or she controls is a beneficiary of the trust,
- (iii) a person is connected with any person with whom he or she is in partnership, (iv) a company is connected with another person if that person has control of it or if that person and persons connected with that person together have control of it,
- (v) any two or more persons acting together to secure or exercise control of a company shall be treated in relation to that company as connected with one another and with any person acting on the directions of any of them to secure or exercise control of the company;

For the purposes of determining matters concerning ethics and conflicts of interests under any rule of law or enactment—

- (a) with respect to a person, a reference to a "connected person" or a "connected relative" of that person shall be construed as including the person's civil partner and the child of the person's civil partner who is ordinarily resident with the person and the civil partner, and
- (b) a declaration that must be made in relation to a spouse of a person shall also be made in relation to a civil partner of a person Section 97(1), Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

In the even you require further clarification on the status of an individual, please consult legal advice.

## Scope

This policy applies to all connected persons of your organisation. In accordance with best practice, a register of Board (and committee) members' interests will be established and maintained by the Company Secretary. This register will be accessible by members of the Board.

The Board is responsible for behaving in accordance with the highest standards of ethics and ensuring they operate in compliance with Conflicts of Interest procedures, Gift and Hospitality policy, Ethics obligations, the obligation to keep information confidential and other obligations as set out in the board member code of conduct.

## Register of Interests

A register of interest declaration is to be completed by all persons, annual or mid-year, and if new information/relationships/conditions/ circumstances necessitate. In addition to the register, any discussion at Board level may necessitate persons to consider their interests to specific agenda items, and they must notify the Chairperson/ Secretary/Board immediately before discussions commence. These should be declared, in addition to the register of interest form to ensure real time awareness of any conflicts of interest. Any uncertainty regarding a particular interest should be supported by advice (e.g. legal). If a Board member is in doubt as to whether or not they are in a position of (conflict of) interest, they should be prudent and err on the side of caution and openness and declare their possible interest immediately. The Company Secretary, in consultation with the Chairperson as appropriate, will be able to provide advice to any Board member who has a query about a declarable interest. Once an interest is declared, the Board may decide to:

- Permit full participation by the person.
- Permit participation by the person in the discussion but require abstention in the final decision.
- Require the person to leave the meeting before the discussion.

The person themselves may also decide to leave the meeting even when the Board consider that the declared interest is immaterial or not relevant to the item being discussed or the decision being made.

The minutes should reflect all activity in relation to interest declaration and outcomes in relation to the above process. The Board shall review the adequacy of the register of interest process on an annual basis.

## Conflict of Interest

It is acknowledged that Members contribute their expertise and their unique insights to the Boards/organisational decisions. In making such contributions, the member is not acting in a representative capacity but as part of the collective Board and is required to respect and safeguard the collective decision of the Board on any matter. In the carrying out of their duties, members need to be aware of real or perceived conflicts of interest and conflicts of loyalty

Key aspects of the interest register should include disclosure of any conflicts of interest, conflicts of loyalty, and expected behaviours. Each board and committee member should sign and acknowledge the obligations on them as outlined in the code of conduct.

A conflict of interest occurs when a Board member' private, business, or professional interests (including that of a relative, partner or connected party) can influence or compete with his/her duties as a Board member of the organisation in a manner which may unduly influence the proper fulfilment of his/her fiduciary duty towards the organisation.

## Conflict of Loyalty

A conflict of loyalty arises where a board member may be involved in board decisions and maybe (or perceived to be) potentially influenced by considerations other than the best interests of the organisation. This might happen when the board member has come onto the Board as a nominee of a particular group, and this situation may cause the board member to think that they should act primarily in the interests of the grouping that nominated them as distinct from the interests of the organisation. The following is recommended:

- Board members will always act in the interests solely of your organisation as their board member, rather than acting in the interests of any grouping whom they otherwise represent.

- Board members will declare any conflict of loyalty or any circumstance that might be viewed by others as a conflict of loyalty as soon as it arises.
- Board members will submit to the judgment of the Board and do as it requires regarding potential conflicts of loyalty.
- Conflicts of loyalty may be sufficiently serious to amount to conflicts of interest.

The process for recording declarations of conflicts of interest/loyalty for Board members extends to any Committee members (see nominations committee note). Each member of the Committee will take personal responsibility to declare any potential conflict of interest/loyalty arising in relation to any items on the agenda for Committee meetings. The Committee will specify its procedures where a conflict of interest/loyalty arises in the context of a particular agenda item, including a requirement that the relevant member brings the potential conflict of interest/loyalty to the attention of the Chairperson and, where necessary,

- Permit full participation by the person.
- Permit participation by the person in the discussion but require abstention in the final decision.
- Require the person to leave the meeting before the discussion.

The person themselves may also decide to leave the meeting even when the Committee or Chairperson consider that the declared interest is immaterial or not relevant to the item being discussed or the decision being made.

Similar arrangements should apply in relation to meeting documentation, with documentation relating to the item not being made available to the member. This should be noted in the minutes of the meeting.

## APPENDIX SAMPLE REGISTER OF INTEREST - FORM

### Personal details

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date Completed: \_\_\_\_\_

### Directorships

Name of Organisation: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Details of Directorship: \_\_\_\_\_

Other information you believe maybe relevant:

### Beneficial Interests in Companies

Details of any financial or material support that you receive from an organisation and any ownership interests.

Name of Organisation: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Details of Interest: \_\_\_\_\_

Other information you believe maybe relevant:

### Other Employment Details (for employees?)

Details of any other employment.

Name of Organisation: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Details of Activity: \_\_\_\_\_

Other information you believe maybe relevant:

### Other Remunerated Positions

Details of any other remunerated positions held.

Name of Organisation: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Details of Activity: \_\_\_\_\_

Other information you believe maybe relevant:

### Other Remunerated Positions

Any contract to which the person concerned was a party or was in any other way, directly or indirectly engaged in activity with this organisation.

**Name of Organisation:** \_\_\_\_\_

**Nature of Business:** \_\_\_\_\_

**Description of contract for supply of goods or services:** \_\_\_\_\_

**Other information you believe maybe relevant:**

### Member of formal groups including voluntary positions

**Name of Organisation:** \_\_\_\_\_

**Nature of Business:** \_\_\_\_\_

**Details of Interest:** \_\_\_\_\_

**Other information you believe maybe relevant:**

### Business, social or professional relationship with individuals/businesses who may have business relationships with your organisation or any associated entities.

**Name of Organisation:** \_\_\_\_\_

**Nature of Business:** \_\_\_\_\_

**Details of Interest:** \_\_\_\_\_

**Other information you believe maybe relevant:**

### Political Office

Details of any political office held, if applicable

### Other Relevant activity

Details of any other interests/matters you feel should be identified which might affect you in the carrying out of your duties. These interest/matters as considered relevant are as perceived by a reasonable member of the public.

## Obligations

1. This form, duly signed by you, should be completed and returned not later than [insert relevant date here]
2. Declaration may include the following language:

I HEREBY CERTIFY THAT THIS FORM CONTAINS A CORRECT RETURN OF EVERY INTEREST.



SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

## Review

This Register of Interest Policy is approved by the Board and reviewed by the Board regularly / annually. All individual replies are confidential.