

Public Administration and Constitutional Affairs Committee

Oral evidence: Propriety of governance in light of Greensill, HC 212

Tuesday 12 July 2022

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; John McDonnell; David Mundell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; Beth Winter.

Questions 618 – 667

Witness

I: The Rt Hon Sir John Major KG CH, Prime Minister of Great Britain and Northern Ireland 1990-1997.

Examination of witness

Witness: Sir John Major.

Q618 **Chair:** Good morning and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee is continuing our inquiry into the propriety of governance in light of Greensill.

This morning we are delighted to be joined by Sir John Major, former Prime Minister of the United Kingdom from 1990 until 1997. Sir John was Prime Minister when much of the so-called Nolan landscape, as we know it today, that governs propriety and standards in public life was put in place. We are also looking forward to hearing his views on the continued relevance and durability of that system in the 21st century.

Good morning, Sir John. Would you like to introduce yourself for the record? I think you have an opening statement.

Sir John Major: I am John Major, Member of Parliament from 1979 to 2001, in Government from 1985 or thereabouts to 1997, and Prime Minister from 1990 to 1997.

Thank you for letting me make a brief opening statement, which I hope will be relevant to the discussions we subsequently have. It is now,



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unbelievably, 28 years since I set up the Committee on Standards in Public Life. Standards in public life are governed by two things: by the law on the one hand; and by convention.

In practice, but not law, conventions are unwritten laws. They cannot be ignored without damage. The problem is that they have been. The whole country knows the litany. The Government have broken the law. They unlawfully tried to prorogue Parliament, ignored a nationwide lockdown by breaking their own laws in Downing Street, and tried to change parliamentary rules to protect one of their own. That is not intended to be an exclusive list, and it is not, but the damage from that is widespread and beyond Parliament.

In the four countries of the United Kingdom, we take democracy for granted. We should not. If you look around the world, you will find it is in retreat in many countries and has been for 10 to 15 years or more. It looks like that is going to continue. The point is this: democracy is not inevitable. It can be undone step by step, action by action, and falsehood by falsehood. It needs to be protected at all times. If our law and our accepted conventions are ignored, it seems to me that we are on a very slippery slope that ends with pulling our constitution into shreds.

What has been done in the last three years has damaged our country, at home and overseas, and damaged the reputation of Parliament as well. The blame for these lapses must lie principally, but not only, with the Prime Minister. Many in his Cabinet are culpable too, and so are those outside the Cabinet who cheered him on. They were silent when they should have spoken out, and then they spoke out only when their silence became self-damaging.

All of this can be corrected. The task for Parliament, the Government and this Committee will be to restore constitutional standards and protect from any further slippage against them. That is a very important issue not just for now, but for the future. Bad habits, if they become ingrained, become precedent. Precedent can carry bad habits on for a very long time, and it should not be permitted to do so.

All of this is going to require some changes to the codes of conduct that have emerged during the Nolan and subsequent years. That is all I wish to say at the outset. I am happy to take your questions.

Q619 **Chair:** Thank you very much indeed. If I could begin, please, you have referred to the delicate balance of respect for the laws made in Parliament, an independent judiciary, acceptance of conventions in public life and self-restraint by the powerful, upon which British democracy rests. What mechanisms exist to maintain that balance?

Sir John Major: Self-restraint is, by definition, determined by the person themselves. It is self-restraint. There are no formal mechanisms to impose self-restraint upon Member of Parliaments, civil servants or, indeed, anyone else. It is very difficult to see how you could actually do



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that. Self-restraint was never a problem in the years that I was in politics and earlier than that. It is a problem that seems to have emerged recently. We will have to look at new ways of coping with it.

What helps self-restraint? Peer pressure undoubtedly helps it. The reaction to lapses of self-restraint will also be important. If somebody misbehaved in some way and there was a sharp reaction from their colleagues or from others, they might not be tempted to do it again. Traditionally, self-restraint has worked. It is difficult to see how you could have a parliamentary system that governed every action under statute law. Frankly, it could not be done. We are always going to have to live with self-restraint. That requires action by the individual people themselves.

Q620 **Chair:** On a similar theme, therefore, how real a constraint is convention on the actions of those in public life, particularly those in high office?

Sir John Major: It depends on what is done about it. I said that convention is unwritten laws. If someone breaches convention badly—let us assume it is a Minister, for the sake of convenience—the Prime Minister is in a position to take action, if he wishes to do so.

He can, at present, either take action under the rules as they stand, or he can say, “No, there is to be no investigation”. If there is an investigation, he can refuse to read the document, to appreciate the document or to take action under the document. The Prime Minister is always there as an arbiter. I am sure we will come back to the ministerial rules at a later stage.

Do not underestimate the importance also of peer pressure. If someone on this Committee behaved very badly, no doubt his friends and colleagues on the committee would point it out to him. Perhaps he or she would not do it again. Peer pressure has always mattered in a large gathering such as the House of Commons.

The danger with breaking conventions is very real. They may not be matters of formal statute law, but breaking them has a very real effect. It devalues public life; it destroys the trust of the public in Parliament, which is a loss that is very serious, if it becomes sustained; it damages public faith; it undermines Parliament; it unsettles the constitution.

As I attempted to say in my brief opening statement, it ultimately damages democracy itself. I am not saying we have reached that stage or anywhere near it. We are at the top of the slope. If we continued in the way we have been, we would be moving in that direction.

Q621 **Chair:** Is that personal restraint enough? Are proper institutional counterweights to prime ministerial power required?

Sir John Major: Traditionally, the answer to that has been no. With the greater focus there is on parliamentary behaviour by all sorts of institutions—by the public, by social media, and by the fact that often



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conspiracy theories can arise and there is a need to investigate them, if only to prove they are nonsense—it is probably desirable that the Prime Minister should have some additional help. I can outline that now or later.

It is also a desirable innovation, which was not there when we first introduced Nolan, to have an independent adviser to the Prime Minister. If that system is to work, it needs more teeth than it has had in the past.

Chair: We are going to explore that in some detail later on in the session. Thank you for that.

Q622 **Karin Smyth:** We heard from the Cabinet Secretary Simon Case that this Government believe they have a mandate to push boundaries. How far is it legitimate for elected Governments to test boundaries in policy areas?

Sir John Major: That sounds like a simple question; it is actually a very complex question. If I can take the broad position, Governments get their mandate, so-called, from the nation in a general election and from what was set out in their election manifesto. If no Government could go beyond their manifesto, we would be in serious difficulty, because things arise that are unforeseeable and need to be dealt with. There are occasions when a Government must exceed their manifesto, but that is where one gets into difficulties.

Exceeding the manifesto on policy matters is an accepted fact of life. It is unavoidable in the course of good government. If you exceed your mandate in terms of the convention of how you should behave as a Government or as an individual, you are in a slightly difficult position. A majority at the ballot box gives the Government power; it does not give the Government licence to do absolutely anything they wish to do. That is why we have laws; that is why we have conventions.

To the question on pushing the boundaries, there are occasions when it is desirable. They are relatively rare. In terms of personal issues, one should be quite cautious about pushing the boundaries. It is for that reason that I will suggest later a different system, which would involve both the Prime Minister and Parliament overseeing conduct. That would primarily be for the Prime Minister, I should say, but with the assistance of Parliament in a way that has not been tried before in dealing with issues of that sort.

Q623 **Karin Smyth:** You touched on the policy and the individual conduct. In terms of the policy, an area in which the boundaries have been pushed, as far as stating “breaking the law”, is with regards to the Northern Ireland protocol, for example. Would you put that in your “rare” category or would it be unique?

Sir John Major: No. If it is breaking the law, it ought not to happen. You cannot be a lawmaker and a lawbreaker. That is an absolutely flat line. If they are breaking the law, the Attorney-General should be in there saying, “This is not legal.”



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Either Parliament makes it legal, or it remains illegal and the Government ought not to do it. It really does not matter what the issue is. Parliament is supreme; Parliament can determine what the law is. It may see a reason for the Government to move in that direction, and it may change the law so it does so, but the Government can have no excuse, in my judgment, for breaking the law.

If the lawmakers are to break the law, why should not the lawbreakers plead justification if they break the law? That is an absolutely fundamental part of our constitution and our parliamentary procedure.

Q624 **Karin Smyth:** We are about to see the Northern Ireland protocol come back again on Wednesday for debate in Parliament. With the Government's majority it is likely to go through with an explicit aim to do just that. Where does Parliament go from there?

Sir John Major: Parliament ought to see unexpurgated the advice from the Law Officers as to whether it does break the law at home or internationally. If it does not, it is a matter for Parliament. If it does break the law, it is a Bill that ought not to be laid before the House of Commons.

Q625 **Karin Smyth:** The current Nolan landscape comprises of statutory roles, bodies established through Orders in Council and others that have an advisory role. Could you express your views on the strengths and weaknesses of that system?

Sir John Major: Things like the Ministerial Code ought to be statutory. The ethics adviser should be statutory. From memory, the Commissioner for Public Appointments is statutory, as are one or two others. I see no reason for them all not to be statutory.

The code of conduct principally follows from the Prime Minister, but it is a matter of importance to Parliament itself and Parliament's reputation. Parliament should have a greater role in this than it has hitherto had. You could start with the recommendations of the Evans committee, the recent report of the Committee on Standards in Public Life, which made what I thought were very wise recommendations in that respect.

Q626 **Beth Winter:** Where is the appropriate balance between voluntary compliance with established conventions around the conduct of Government and the need for external regulation of it?

Sir John Major: So much of that is a matter for judgment. No man can devise a law that says, "You can do this; you cannot do that," in all the circumstances that may arise. A lot of that depends upon the judgment of those seeking to bring forward policy.

It is a bit like an elephant. You cannot describe it, but you know it when you see it. It is the same where something is wrong with the way Parliament works and its conventions. You will see something and you will think to yourself, "That is wrong." Some things are done that are



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mistakes. They are not illegal. I am not suggesting they are illegal, but there are mistakes.

The Elections Bill that went through the House in the early spring—it is now law—has provisions in it that are mistaken in tone. The Electoral Commission is meant to be an independent body. In that Bill, the Government take the power to control policy and strategy, so immediately it is no longer independent. Of all parts of public life, the Electoral Commission, which affects the way elections are run nationally and locally, is a matter of concern to every political party in the country.

I do not know whether there was consultation about this change with every political party in the country, but I strongly suspect that there was not. On a constitutional issue like that, I would have thought it was a convention that you should consult with the other political parties that would be directly affected if the responsibilities of the Electoral Commission were changed. It was set up by Parliament. If it is to be changed, it should go back to Parliament. That is a simplistic way of putting it, but it is actually as straight as that, in my view.

There are two other provisions in it that certainly would upset me, were I still in Parliament, which I have not been for a long time. One is the decision to take away from the Electoral Commission the right to prosecute people who misbehave under electoral law and pass it to the police. Of course, the police are there to prosecute normal crime, but, with respect to the police, they are rather overwhelmed at the moment. It is a constant source of public concern that people who ought to be prosecuted are not prosecuted. Yet here was a situation where there was a body that could prosecute in a very niche area of public life that is very important to the conduct of our democracy. That independent body, set up by Parliament, is now having its power to prosecute taken away by Parliament.

There is one other issue that is much more contentious among many people, but I know what my view on it is. That is the recommendation in that particular Bill that anyone voting would need to produce a photographic identity. It is right to be concerned about fraud, but I have seen no inquiries to tell the public how much fraud there is, what the nature of the fraud is and whether it is a serious problem or a relatively minor irritant. We should have had that before we had this particular piece of legislation.

My concern about it is that it will restrain some people from voting. No doubt everybody here in this room has a passport and has a driving licence. They will have no difficulty. The Government have not introduced general identity cards. Everybody does not have a passport or a driving licence. Many elderly people do not. Many people who are sick do not. Maybe many people who are in care homes do not. On balance, if you look at the demographic of the electorate, it is probable that this



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particular measure would benefit the Conservative party at the expense of other political parties. That is improper.

There were three things in that particular Bill that I wish Parliament simply had not passed. When a Government have a very large majority, they either restrain themselves in that area or there is no restraint. It is when there is no restraint that convention becomes so important to Parliament and public alike.

Q627 **Beth Winter:** Focusing on the Electoral Commission, from what you have just said you clearly agree that the Elections Act is compromising its independence. In light of that, is a statutory basis sufficient to protect the independence of standards bodies over the longer term?

Sir John Major: Plainly not, no, because the Electoral Commission was set up as an independent body, and it has had its independence infringed by the majority party in the House of Commons without consultation. If it had been with consultation, I would have no conceivable objection to it because Parliament is supreme. It can change. Events can change; circumstances can change; Parliament can change. In a sensitive area like that, it was unwise to do it.

As far as the other independent bodies are concerned, if they are set up to be independent, there should be a very good reason for that to be changed. Independence is a very loose phrase. If you take local government, for example, it would be nice to say that local government, directly elected by the people with their own particular mandates, should be wholly independent, but we know it is not.

Every Government over the last however many years have passed responsibilities to local government without either the cash to meet those responsibilities or the approval for them to raise taxation, even if they are able in their particular area, in order to meet those liabilities. It is one of the root causes of the social care problem we have at the moment. Policy has been delegated without the means to meet that policy.

Local government is allegedly independent, but in practice it is not. It is difficult to see how it ever could be. That is another area where convention should be very careful about what is done and how local government is treated, in the absence of it being statutorily possible to deal with all the practical problems that they will face.

Q628 **Beth Winter:** Reflecting on some of your earlier comments, in your introductory comments in particular you were very scathing about the current Government's breach of regulation and laws. You still seem to be saying that convention and judgments are workable in terms of dealing with them.

Sir John Major: I think they are workable.

Q629 **Beth Winter:** The Committee on Standards in Public Life has recommended that the other Nolan bodies should be placed on a



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statutory footing. Do you agree? As a supplementary to that, during your Administration, there was a lot of sleaze that occurred, hence your introduction of the Nolan principles and other bodies. We are now in a position where sleaze, corruption and law breaking are and have been excessive in the Government. Is that a case for putting these bodies on a statutory footing?

Sir John Major: I have no objection to putting them on a statutory footing. I think you should, but you are putting the body on a statutory footing. If it is an Act of Parliament that designates everything they should do, it is properly statutory.

If you are talking about the codes of conduct, you would put the code of conduct as an entity in statutory law, but you could not possibly put all the things that would arise under a code of conduct on a statutory basis. It would simply be too complex. You would miss the most extraordinary things out. That is why in areas like the codes you have to rely on the Civil Service, on Ministers or on Parliament for a degree of judgment as well as the fact that the judgment is exercised by a statutory body.

I am keen on making them statutory bodies. I just want to say you cannot legislate for every aspect of what that body may be faced with during its life. You are bound to be dealing with convention and individual judgments as you go ahead.

Q630 **Beth Winter:** It is not working, is it? It has not worked.

Sir John Major: No, it has not worked entirely. No, that is entirely true. It has not, which is why it is so important to get back to a situation where there is a proper understanding. Many people do not have one. There is not a full understanding among everybody that conventions are in practice unwritten laws. They are the principles upon which we should conduct public life. They could equally, as I say, be described as unwritten laws, and they should therefore be treated with great care. The fact is that I do not see how you could make them all statutory, so you have no choice but to rely on judgment.

You say it has not been working. I concur with you: it has not. We live in a different world from the easier and rather simpler world that existed 20 years ago. It is more complex. It is particularly more complex for people in public life because of social media and the 24-hours-a-day media, which was not so prevalent in those days. There is no avoiding the fact that those principles appear to have slipped and they need to be reinforced.

The report of the Committee on Standards in Public Life, for which I wrote the foreword, was a powerful document. To the best of my knowledge, the Government have only responded to it piecemeal in parliamentary debates. They have not formally responded to the last report of Lord Evans' committee and stated what they would do. From what has been said in the short debates—Opposition day debates or



whatever they were; I cannot quite remember—the smoke signal is that they are going to be very limited in how many of Lord Evans’ recommendations they accept. I think they should accept them all.

Q631 **Beth Winter:** What is your view on the establishment of a statutory ethics commission to regulate public life, as proposed by the Labour party?

Sir John Major: I do not really have one, to be honest. It is a matter of political judgment. It is one of those areas in political life, of which there are many, when the objectives of the political parties are the same but the means of meeting the same objective are different. You see it in all areas; you see it in economics and everywhere else. This is one.

The Conservative party has chosen a series of smaller specialist bodies. The Labour party is proposing an all-singing, all-dancing ethics body. I have not seen how that would work. I have no particular view about it either way. The important thing is that the ethics are followed and that the ethics are there. If I had to make a judgment, I would prefer the present situation, but I would not go to the wall attacking it.

Q632 **Beth Winter:** One of the key proposals is to take power away from the Prime Minister, as currently stands. It allows the investigation of Ministers without the Prime Minister’s approval. A lot of the people who have given evidence to us have raised concerns about the power the Prime Minister has over decision-making, sanctions, investigations, etc. This ethics commission would look to address that and improve the independence of such matters.

Sir John Major: Can I make a suggestion? I thought this would probably come later, but it can certainly come up in response to that question. Let us take the Ministerial Code, but you could apply this elsewhere as well. At the minute, the Prime Minister frames the Ministerial Code. It should be made a statutory obligation that he does so and that it is laid before Parliament within a measurably short period of time.

I would like to change what was said to the Evans committee by some very senior civil servants. I have known and respected them for many years, but I would take a slightly different view on it. Those codes, which affect everybody in Parliament, should also be approved in some way by Parliament. I will make a suggestion. There could be many suggestions; I am not suggesting this is the definitive one. It is a suggestion. This Committee may have other and better suggestions.

I would think a scheme such as I suggest could work. The Prime Minister frames the Ministerial Code as a statutory obligation. A senior committee of very senior Privy Counsellors approves it. It has joint ownership. It cannot have a whip moved against it by a majority party to stop it at any stage. It is determined by a senior committee of Privy Counsellors. Those Privy Counsellors, for example, would propose not one but two or three names for the ethics adviser, for example, and the Prime Minister is



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permitted to make a final choice from those two or three, who would have to go through a proper selection committee organised by the Privy Counsellors themselves.

That is very similar to the way in which bishops are chosen. I do not know whether it has changed, but certainly in the dark ages when I was in Downing Street, the Prime Minister was handed two names as to who the bishop should be, with a subtle recommendation. I do not think there was a single occasion when I did not accept the subtle recommendation, because I had no particular knowledge to appoint bishops myself. But it was a choice and we obeyed convention by giving the Prime Minister the final choice.

When the ethics adviser reports, he or she reports to the Prime Minister primarily, copied to the committee of senior Privy Counsellors. The committee of senior Privy Counsellors examine it and, if they wish, make their recommendation to the Prime Minister for him to consider, alongside his own thoughts. If the Prime Minister and the senior committee agree, the Prime Minister takes the action. If the Prime Minister disagrees, he must meet the senior Privy Counsellors to explain why he disagrees. They can accept his argument, in which case it goes ahead, or they can fail to agree, in which case the senior Privy Counsellors would seek a debate in Parliament for Members of Parliament to decide the issue.

That takes away an amount of power. It leaves the Prime Minister with a substantial amount of power, which has to be the case with the Ministerial Code in particular, but it does not leave him with absolutely untrammelled power without seeking advice and without seeking to convince. He could not in those circumstances just ignore the report. He could not just brush it aside without reason and say, "We are not going to take action." He would have to listen to advice on what the Commons, in the guise of the Privy Counsellors, thought appropriate. He would have to defend himself to that particular body if they disagreed about what was appropriate.

That is a system that could be thought about. I am sure others could improve upon it, but something along those lines would be desirable. If I may say so, it would also be helpful for the Prime Minister. The Prime Minister, with Ministers in particular, is asked to be judge and jury of his own colleagues. That can sometimes be extremely difficult. Propinquity works. They may be people he has known and worked with for 20 or 30 years.

It is quite helpful if he has a dispassionate view as well. If he decides quite properly to do nothing, he will be accused of a chumocracy or of not looking at it properly because it is a member of his Cabinet or of his party. You can take that away if you have a form of parliamentary involvement.

For public perception of whether our Government—not just this Government but our Government generally—are run on a fair and



equitable basis, it would be a good idea to take away every option you can that enables people to cry corruption or self-interest.

Q633 **Beth Winter:** I would add that being the judge and jury is totally inappropriate and unacceptable for a variety of reasons. How far was there cross-party consensus on propriety issues in Government when you were in office, Sir John?

Sir John Major: It did not really arise much. There was much more cross-party consensus, if I can mention things other than propriety for a moment, on occasions when national security was involved. Throughout the first Gulf War, for example, I was in close touch with Mr Kinnock as leader of the Labour party and Mr Ashdown as leader of the Liberal party. They knew what my thoughts were. They knew what I was proposing to do. They knew how and when I was proposing to do it. We got complete cross-party support.

I thought that was very important. If you are sending young British men and women into a war where they may be killed, they have a right to know that public opinion and Parliament are entirely behind them. That cross-party consultation worked extremely well. I have to say that both Mr Kinnock and Mr Ashdown behaved entirely properly all the way through.

A second area where there was important cross-party consultation was on Northern Ireland. When I restarted the Northern Ireland peace process in the very early 1990s, it was not entirely popular within sections of my own party or of my own Cabinet. There were cross-party consultations with the Labour party, at first with John Smith. I remember John Smith very well. We sat in his room with a bottle of whisky and a glass in our hands, and I told him what I proposed. He sipped his whisky, smiled happily and said, "There are no votes in it, but it is the right thing to do and you will have our support".

That happened when there was a change in the Leader of the Opposition as well. I worked with Tony Blair. I could not bring it to a conclusion. Subsequently, to his great credit, Tony Blair, with the help of Jonathan Powell and others, did bring it to a conclusion. That was an area of cross-party support on a practical matter of policy for a very long time that actually worked. I could give others, but it would be tedious to do so.

On the question of ethics generally, I do not recall a great deal of cross-party support on that. It is almost in the nature of the beast. Our Parliament is almost set up to be antagonistic. There is one side and there is the other side, and they are two sword lengths apart. The Opposition supporters expect the Opposition to bash the Government and vice versa.

When there is a scandal, whichever Government are in power, it is by definition quite difficult to get full cross-party support on it. You can with a limited number of senior members, which would guide opinion on



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occasions, but generally it would not have been possible in the 1990s. It did not really exist at that stage.

Q634 **John McDonnell:** I can see that you have strained—we all have—to find a system that may work. Can I just take you back to the issue of the Privy Counsellors? Who appoints the senior privy councillors?

Sir John Major: It would have to be Parliament. It could not be the Prime Minister. It would have to be Parliament, in much the same way as Parliament votes for the Select Committee Chairs, I would assume.

Q635 **Ronnie Cowan:** Sir John, you were the Prime Minister who first formalised and published “Questions of Procedure for Ministers”, which has evolved into the Ministerial Code as we know it today. What prompted you to do that?

Sir John Major: I saw no reason for it to be kept secret. It seemed completely ludicrous. Not everyone agreed, but you had questions of procedure setting out how Ministers should behave, which is a legitimate matter of interest to everybody in the country, should they choose to take an interest.

For some mysterious reason, long locked in history, it was kept locked away and nobody knew what was in it except for the Prime Minister. If Ministers misbehaved only the Prime Minister knew they were doing it, very probably. It just seemed an unnecessary piece of secrecy. It was as simple as that, really.

Q636 **Ronnie Cowan:** As it has evolved to what it is today, do you believe it is now a constitution for the Cabinet?

Sir John Major: Technically it is not, because every element in it is not statute-based. That is what a purist would say. It is in practice a quasi-constitution, if I could call it that. If you break a convention, it is a pretty serious proposition in terms of its effect on Parliament and on events. I would regard it as a quasi-constitution—it is a semantic point, really—rather than a constitution proper.

Q637 **Ronnie Cowan:** You say it is important if it is broken. Is it as important now as it was back in the day? It seems to me that originally people breaking those rules or that guidance would be expected to fall on their swords. Nowadays it seems to be enough to stand up, make any sort of apology and carry on regardless.

Sir John Major: There is a let-out clause, or a let-out word, in the Ministerial Code, I am afraid. You are quite right. The convention was that people would resign if they lied to or misled the House of Commons.

Ronnie Cowan: Deliberately.

Sir John Major: Yes, but sometimes not entirely deliberately. I do not think Amber Rudd misled the House of Commons deliberately. She was misled by a mistake in her private office, if I remember correctly. I may



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have got that wrong. It was something like that, and yet she still felt she had to resign. She is a great loss to the House of Commons. It is a great shame she is no longer here.

If the breach of the convention is serious enough, it is right that people should resign, whether that be from Government, if they are in government—that is one case under the Ministerial Code—or if it is egregious enough, where it is a Member of Parliament, perhaps from Parliament itself.

There has been a minor change in the Ministerial Code. You will know more about this than I do, but let me see if I can remember it correctly. Until recently, the ethics adviser could only investigate if the Prime Minister said to him or her, “Please investigate”. Now the ethics adviser can ask the Prime Minister if he or she can investigate and the Prime Minister can say yes or no. If the Prime Minister says no, there is no investigation, so he still has a block. It is a tiny change; it is an inadequate change. Parliament should give the ethics adviser the right to investigate and to report to the Prime Minister and Parliament.

The standards were more rigorously enforced in the past, particularly the standards of accuracy at the Dispatch Box, if I may say so. This has not arisen in the last three years. It may be that a lot of genuine mistakes were made at the Dispatch Box over the last 20 years, but it seems to me, who occasionally watches Question Time, that there are rather a lot of occasional factual errors. I remember a time when, if a factual error was made at the Dispatch Box, the Cabinet Secretary would be in to see the Prime Minister to say, “An error has been made. It should be amended and changed.”

Ministerial questions and, more importantly, Prime Minister’s questions are unscripted and nobody knows what the question is going to be, so the chance of error is greater. If you looked back at them over quite a few years, you would find a lot of mistaken facts that were presented to the Commons as though they were facts when in fact they were not.

Q638 Ronnie Cowan: The opening line of my brief says, “The Prime Minister sits at the apex of the system of standards in the UK”. Do you believe that to be the case?

Sir John Major: I do. It was less true when I was there, to be frank, before we had Nolan. I was only there for a brief period after Nolan was established. It was 18 months or perhaps two years. Scandals, for want of a better word, popped up quite a bit, as they did in the subsequent Government and as they have in recent times.

When they popped up, they were incident-driven. Most of the so-called scandals were a purely personal misdemeanour, unconnected with the person’s conduct either as a Member of Parliament or as a Minister. I was pretty relaxed about those, though public pressure sometimes compelled action and the person concerned resigned. My role was relatively



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incident-driven. It was not as central as it is now. You have a series of codes.

Q639 **Ronnie Cowan:** So you did not feel the need to police your Cabinet. I am looking through the names in your first Cabinet: Douglas Hurd, Chris Patten, Ken Clarke and Michael Heseltine. Did you have to police those guys?

Sir John Major: No, of course I did not. No, no, no. I just wish we had a Michael Heseltine, a Ken Clarke and a Douglas Hurd around today. I would not even mind which party they were in. We could use big figures like that. No, I certainly did not.

I am not sure about the use of the word "police". That may give the wrong impression. It is certainly the job of the Prime Minister to try to uphold standards. Prime Ministers are human; there will be lapses, given the pressure under which Prime Ministers are placed, particularly these days. They should certainly monitor standards. That is another reason for the advent of the adviser, which was not in the original Nolan report I set up in 1995. The adviser did not appear until sometime in the early 2000s; it was about 2006 or 2007. It was a useful innovation. He could certainly monitor what was going on and point out to the Prime Minister if something was going wrong without that being left to chance.

Q640 **Ronnie Cowan:** Were there any party-political considerations that impacted the way you implemented the ministerial standards?

Sir John Major: In truth, I do not think so. I cannot recall any. I do not recall a single occasion when I sat down and thought, "Oh God, he is on my side. I cannot do anything about it."

Let me delineate the things that occurred in those periods. There were a series of personal misdemeanours, quite a few of them, and then on top of that there was one very serious thing and one thing from the 1980s.

The thing from the 1980s was arms to Iraq. All sorts of allegations were made about that. At the end of a three-year inquiry, during which the allegations were made so constantly that the public believed everything they were told, the Government were found not to have sold arms to Iraq at all, not to have misled Parliament and not to have misbehaved. By that time an enormous amount of damage had been done because of the length of the inquiry and what happened during it. That occurred, though, as I say, it was not improper, in the 1980s, not the 1990s, but it is added to the litany of 1990s so-called sleaze.

Then there was the thing that was very serious, which activated me to set up the Nolan committee, which was cash for questions. Two Members were receiving cash from business for asking questions. They were suspended from the Conservative party and the whip withdrawn on the same day, if I recall rightly. Then there was another issue where two other Members were being paid by a very prominent single businessman to ask questions in Parliament.



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When they were confronted, they were both junior Ministers. One of them admitted it and resigned immediately. The other one denied it and still does. In the absence of being able to find copper-bottomed proof, he stayed in Parliament, doing, I may say, immense harm to the Conservative party. He insisted that he was innocent and it was impossible to prove otherwise, so he stayed in post, which was extremely awkward.

That was the nature of the things that were happening. People tend to equate this sleaze period with the 1990s. I do not wish to be overly defensive about this, but, if you actually look at the number of incidents that occurred in the subsequent Government, they are not smaller. They did not have an arms to Iraq; they did not have a cash for questions; but in terms of the things that fall under what people generally call sleaze there were as many in subsequent Governments. They were new Governments that had the benefit of public doubt, whereas, because we were a Government that had been in power for a very long time—this was our fifth Parliament—the benefit of the doubt had long since gone.

As every Government finds, the older it gets, the more quarrelsome it gets, because there are too many ex-Ministers on the Back Benches who think they should still be Ministers and too many Back-Benchers on the Back Benches who think they should be Ministers and never have been. The discipline becomes correspondingly more difficult.

We had been in government for 11 years when I became Prime Minister in the midst of a recession with 14% interest rates, no growth and unemployment soaring. It was not the happiest of circumstances to have these particular elements added on. I would not wish it on anyone.

David Mundell: I hope I am not, Sir John, a bitter ex-Minister.

Sir John Major: You have moved upstage these days, joining a Select Committee. It is a new career.

Q641 **David Mundell:** Indeed, and there is no better one than this. Who is responsible for ensuring the Prime Minister complies with the Ministerial Code? Who should be responsible?

Sir John Major: Oh dear, that is the elephant in the room, of course. It is the great lacuna in the Nolan setup. The Prime Minister should be responsible for his own conduct, because he is judge and jury of it, but that leaves a problem when the judge is in the dock. It is a difficult proposition to solve.

To ensure that does not happen, the Prime Minister ought to be able to rely on advice from his colleagues in Cabinet, first from the Cabinet Secretary, who propinquity determines is going to be close to the Prime Minister, and from his principal private secretary at No. 10. They should be in a position to start advising him if he is moving into an area where



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he is going to infringe on the code. Either he listens or he does not. If he does not and he infringes the code, it is an extremely difficult proposition.

He is Prime Minister. People say he has infringed the code. Is he going to ask his ethics adviser, appointed by him, to investigate him or is he going to ask the Cabinet Secretary or a civil servant, who are answerable to him, to investigate him again? That is a very odd system. It is very unfair on the Cabinet Secretary or the civil servant to be asked to investigate their boss, which is why the appointment of an independent ethics committee—and he must be independent—is absolutely right. It is why the report should also go in some form—I suggested one form it might take—to Parliament as well as to the Prime Minister.

I would have thought, in terms of convention, the Prime Minister in those circumstances would have authorised an inquiry. The inquiry would go to the senior committee of privy counsellors. They would say, "Prime Minister, you have got this wrong and you have to answer for it". They can consider what needs to be done about that.

In terms of deceit at the Dispatch Box, which has always been a primary reason for the resignation of senior Ministers, sometimes unfairly in history but nonetheless a principal reason, we have a case at present that is going to a parliamentary group to determine whether in fact there was deceit at the Dispatch Box.

I said there is a great lacuna. The great lacuna is that nobody knows what to do if it is the Prime Minister who is said to have broken the code. Not only that, but, if you read the Ministerial Code, it says that a Minister shall resign if he knowingly breaks the code. How can you prove "knowingly"? I could say to you with a straight face, "I did not know there was a Thursday in the week". How can you prove that I did know?

You may say, "The balance of probabilities is that you did know", but you cannot prove I knew there was a Thursday in the week. Yet it is necessary to prove that someone knowingly misled the House of Commons for it to be an absolutely unavoidable convention for that person to resign. I leave you with that problem with pleasure.

Q642 David Mundell: Should the Prime Minister be responsible for the content of the Ministerial Code?

Sir John Major: He has to be. He appoints the Ministers. He is the Prime Minister. In practice, I doubt that very many Prime Ministers have sat down and written the code themselves. It will have been written for them after discussion, consultation and advice by the Civil Service. The Prime Minister approves it and it then becomes his code, as if he had written it. He has to be responsible for it in the first place.

The point of the arrangement I suggested was to provide a back-up, which in some ways would irritate a Prime Minister and in some ways would assist him. I noticed in the evidence given to your Committee



before that some very senior civil servants said it must be the Prime Minister who adjudicates on the code.

That is the classic answer to this question, but it does not answer the question of what happens if the Prime Minister is placed in a difficult position in adjudicating on a code matter. It certainly does not answer the question of what happens if the Prime Minister is the alleged miscreant. As much as I respect those senior civil servants, the traditional answer does not apply in the circumstances that have arisen recently.

Q643 Lloyd Russell-Moyle: Going back to your time as Prime Minister, what institutional support did you receive on "Questions of Procedure for Ministers"? Would you have benefited from an independent adviser?

Sir John Major: Yes, I probably would. It is always good idea to get independent advice, if you can. Advice is never wasted. Alternative views are never wasted. If nothing else, it sharpens your mind as to why you do not wish to follow that particular procedure.

Yes, it would have been a good idea to have an independent adviser but for a particular reason. If there had been an independent adviser with the right to investigate, I would not have had to ask the Cabinet Secretary and he perhaps, in circumstances, would not have asked a Sue Gray lookalike to have to investigate the actions of a Minister for whom they might have worked or might work in future. That does place them in an invidious position.

An independent adviser would have done that investigation and would have done it with the certainty of independence, hopefully being approved by Parliament. He or she would have been in a different position to report absolutely frankly upon what had happened. That would be a cleaner system and would avoid the uncomfortable position in which it must put a Cabinet Secretary or, as I say, a Sue Gray figure.

Q644 Lloyd Russell-Moyle: You have outlined your view about this Privy Council role. In terms of the role of the independent adviser in that make-up, is it your view that they should be free to investigate the Prime Minister themselves without asking the Prime Minister?

Sir John Major: Yes, of course. He is independent. The answer is in the title.

Q645 Lloyd Russell-Moyle: Should they be advising on what the sanctions for breaches should be? We know now the sanctions have been widened out beyond just resignation.

Sir John Major: If I can take the widening out part, that was a recommendation of the Evans committee, if I remember rightly. That is right. Every breach of the code is not necessarily a capital offence. For example, a Minister has to set out a declaration of all his interests. That is quite complex sometimes. Something that seemed quite irrelevant may



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turn out to be politically relevant because of something that arises, and then he or she is accused of having hidden it. That is a relatively minor breach of the rules. It deserves to be corrected and it deserves a minor sanction. It does not necessarily deserve them resigning.

Not every breach of the ministerial rules makes it appropriate for the Minister to resign. The idea of having a subset of sanctions is a good idea. The proviso to that is that the subset of sanctions is not then used for serious offences. The question of resignation or dismissal still has to be there at the apex of the penalties to be paid. A recommendation would probably be quite helpful as to what particular sanction should be levied. The Prime Minister does not have to accept it, but the advice is never wasted.

The advice should be private. You should not publicise that bit of advice. That is just asking for artificial rows all the time, and that does nobody any good. It would be appropriate to ask the independent adviser what he or she thinks.

Q646 Lloyd Russell-Moyle: Can I infer from this that you are saying the independent adviser's general advice on whether this breach has happened should continue to be made public but, if they were to advise on the sanction, that bit should be in confidence?

Sir John Major: Yes, that is where I would personally go.

Q647 Lloyd Russell-Moyle: Would that include the Prime Minister, if the Prime Minister were to be investigated?

Sir John Major: The Prime Minister is *primus inter pares*. He is the most senior Minister. There is no reason why the Prime Minister should be treated differently from the Foreign Secretary, the Chancellor of the Exchequer or the Home Secretary. The answer is yes. One of the problems, as we have just uncovered, is the lacuna in the Ministerial Code about the position of the Prime Minister.

It may be that there will not for a very long time be a circumstance in which the Prime Minister is involved as a potential miscreant. That has not generally been the case in the past. Maybe occasionally it should have been and was not. I do not know, but I doubt that will arise very often. When it does arise, it has to be dealt with. We do not make laws, in our country, for everybody except one person. It is a bad principle to seek to do so. I am really not trying to be beastly to the present Prime Minister. This is looking forward at what needs to be done. We do not make laws for one person or excluding any particular class of people, and nor should we.

Q648 Lloyd Russell-Moyle: Is there a reverse to that? If the system is set up so that the Prime Minister makes the final decision and the issue is the Prime Minister, should another person make that final decision? Should at least the report be cc'd to the whole of the Cabinet? Are we a Cabinet Government or a prime ministerial Government?



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Sir John Major: We are not a presidential system. Sometimes one may be forgiven for thinking we are a presidential system. The Prime Minister is said to have won the election on their own. It was said about me in 1992; it was not true. The Conservative party, the Labour party and the Liberal party are the parties up for election, and people are elected as Conservative or Labour, as you know. They are not just voting for one person.

Q649 **Lloyd Russell-Moyle:** In the circumstance of the Prime Minister potentially receiving a report about himself, you have said that—

Sir John Major: The logic of that was that he would seek the advice of the committee of privy counsellors. If he does not take it, that is fine. He might have a very good reason for saying, “No, this is unjust”, “It is partisan” or whatever, in which case it would go to the House of Commons and no doubt the Prime Minister, having a majority in the House, would probably find himself safe, but not necessarily.

Q650 **Lloyd Russell-Moyle:** And the Cabinet itself, as the Prime Minister is one among equals, does not have a role in that particularly.

Sir John Major: He is first among equals in the Cabinet. My concern with the Cabinet is that it is incumbent upon the Cabinet. It is for the Prime Minister to ensure not only that there are proper principles in the code, but that the principles are upheld. That is a responsibility for senior Ministers as well. I do not suggest you statutorily lay that responsibility on them, but if you are senior Ministers and you are concerned about what happens in Parliament and public you ought to be interested in how the codes of ethics work.

Q651 **Tom Randall:** Following on with the work of independent advisers, the last two independent advisers have resigned. Do you think that should be a matter of concern?

Sir John Major: Yes. As it happens, I knew both of them very well. I worked with Alex Allan in the Treasury when I was Chief Secretary and when I was Chancellor, and Alex Allen was my principal private secretary in No. 10 throughout my period in office. As for Christopher Geidt, when I was invited to chair the Queen Elizabeth Diamond Jubilee Trust about 12 years ago, Christopher Geidt sat on my committee until it was finally disbanded 18 months or so ago. I have worked with both Alex Allan and Christopher Geidt for over 10 years apiece.

I know it is always the done thing to be gracious about people you have worked with—well, mostly—but I say without any reservation at all that they are both filled with integrity. They are very high-quality civil servants. They do not reach judgments lightly, and they are scrupulously fair. If they have reached a judgment that action should be taken, it is quite unwise to dismiss it in any cavalier fashion.

If I had been in a position where they had made recommendations to me and I did not agree with them, I would certainly have called them in and



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discussed it with them for a very long time to see whether, at the end of that discussion, I thought I was right or I thought they were right, but by and large my instinct would have been, "I appointed these men to do a job. They are the best men I could find to do the job. They have given me a recommendation. I need a very good reason indeed to turn it down".

It is a little like an umpire's reference in cricket when it goes to VAR. It takes a great deal to overturn the view of the umpire on the field. In this case the umpire on the field is the ethics adviser.

Tom Randall: In your view, it is possible for a Prime Minister to disregard the advice from an independent adviser.

Sir John Major: Of course it is. A Prime Minister has a right to disregard it. You cannot compel the Prime Minister to accept it; nor would it necessarily be desirable to do so. If the Prime Minister does fail to accept it, under the proposition I put, he would then have to discuss the matter with the senior Privy Councillors, so there would be a further strand if the Prime Minister just said no.

Q652 **Tom Randall:** Do you think that these two resignations are a sign that the system is working or is not working, as it stands?

Sir John Major: It is working in the sense that the ethics advisers thought their word was not being taken as seriously as it should have been when they were appointed, so they have resigned to show that it is not working. It is working, because they illustrated the fact that it was not working, and that is as it should be, but they also resigned because in their judgment it was not working.

Sorry, that is very convoluted. I hope what I was trying to convey is clear. The system is not working, but the fact that it is not working was signalled by the fact that they both resigned. That is perhaps a more straightforward, less serpentine way of putting it.

Q653 **John McDonnell:** You were in the House about 22 years. I have been here for 25. The reason we are involved in this discussion is that things have happened in the last three years that none of us, even with our experience, thought ever could, would or should have happened. I am interested in the mechanism you have set forward with regard to the Privy Councillors, particularly with a clarification of Parliament's role. We are going to have to draw upon all different aspects and measures of the state to enable us to ensure that we can restore confidence in the integrity of our system. One element of that is the role of the Civil Service. How far do you think it is the responsibility of the Civil Service to ensure ethical standards are maintained?

Sir John Major: There is more than one element to this. It is the responsibility of the Cabinet Secretary to ensure that ethical standards are upheld in the Civil Service. He is primarily head of the Civil Service. He may be a particular aide to the Prime Minister. Propinquity may make



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them very close. They may be friends, but the Cabinet Secretary is there, as head of the Civil Service, to ensure that the Civil Service carries out the legitimate demands of Ministers and that, if the Civil Service misbehaves, he takes action to keep it in line.

It then gets slightly muddier, because undoubtedly a Prime Minister would be likely to turn to the advice of the Civil Service, sometimes on policy, certainly on propriety, and on things such as whether something they are doing is good value for money. There are areas where the Cabinet Secretary is undoubtedly an adviser to the Prime Minister.

I put this purely hypothetical thought before you. It would be anticipated that, if the Prime Minister was misbehaving, it would be entirely proper for the Cabinet Secretary to say to him, "If this sort of thing was being done within the Civil Service, I would be obliged to stamp down on it. You ought not to do it". Having given that advice, I do not think that the Cabinet Secretary has any choice other than to resign if the Prime Minister takes no notice of it.

My answer to your question is that his principal responsibility, beyond a shadow of a doubt, is to the Civil Service and his role as head of it, but he has a subsidiary responsibility to advise the Prime Minister and, if the Prime Minister takes no note of his advice, to consider whether he stays in post. That would depend on the seriousness of it. One does not resign over everything one disagrees with, or you would have people resigning every five minutes, so it would have to be something really serious.

Then, of course, if it was something such as breaking the law, the Cabinet Secretary is caught in a cleft stick, because the person who should advise upon whether the Government are breaking the law is the Attorney-General. If the Attorney-General has produced advice that they are not breaking the law, the Cabinet Secretary has no locus in saying, "Yes, he is". It is an extremely complex position for the Cabinet Secretary and I have some sympathy.

It is complicated by another factor. It is probably impossible for the Cabinet Secretary and the Prime Minister not to be thrown together a great deal on a daily basis. You do form a working relationship with someone you are close to every day. That is difficult; that genuinely is difficult. We ought not to overlook that difficulty for the Cabinet Secretary. What he sees would be a man doing his job, working the most extraordinary hours, facing the most extraordinary pressures, who may make mistakes. Given the overall sighting of a Prime Minister by a Cabinet Secretary, I can understand why there would be a relationship where he would cut more slack for the Prime Minister than he might for other people.

Q654 John McDonnell: When we spoke to the current Cabinet Secretary, he said he was spending 30% of his time on issues of propriety of Government.



Sir John Major: Of Government, not the Civil Service?

Q655 **John McDonnell:** Of Government. At the same time, he is acting as the confidante of the Prime Minister and fulfilling the role of head of the Civil Service. Are those two roles compatible?

Sir John Major: If he is spending 30% of his time on ensuring that ethics are correct within the Government, there is a serious problem. I cannot conceive how he could possibly be spending 30% of his time on that, particularly since there is an ethics adviser and—I do not know—20 or 30 people who work in an ethics department in the Cabinet Office. I would dearly like to know exactly upon what he is spending 30% of his time, because if 30% of his time is spent on that Parliament has a right to know exactly what it is that is taking so much of his time. I am astonished at that figure.

Q656 **John McDonnell:** On the question of this role of confidante as against head of the Civil Service, is it possible to play the two roles?

Sir John Major: It always has been. Past history tells us that Cabinet Secretaries have been close to Prime Ministers before. In my own experience they can be both close and, if I may put it in this old-fashioned way, proper. They can be friendly and can work to help the Prime Minister where it is appropriate for them to do so, but they are also proper as to what demands can be made.

Someone told me a story that may be apocryphal, but it makes the point. When David Cameron was Prime Minister there was a suggestion of bombing Libya, and there was a discussion in which, apocryphally, the Prime Minister was said to be asked, "Is it proper to do it? How many ways are there to do it?" Somebody began to reply, "There are two ways, Prime Minister", and the Cabinet Secretary, who was Gus O'Donnell, intervened and said, "No, there is only one way, and that is the legal way". That is the role of Cabinet Secretaries.

Q657 **John McDonnell:** There is an issue here, though, and this is without personalising or criticising any individual. What happens if neither the Prime Minister nor the Cabinet Secretary is behaving properly?

Sir John Major: I truly am not in a position to judge that. I can see the problem. I am shaken by the 30% point. I must have missed that when I read the evidence of other people, because I did read Simon Case's evidence. I am reluctant to answer that question, because I do not think I know enough about what that 30% was, and that is clearly a critical point. I am sorry to duck it. It is the first one I have pushed round the post, as it were. If I were to answer that in the affirmative, it would cause a great deal of difficulty for a man whom I have no wish and no reason to cause difficulty. If I said no, I might be quite wrong in that answer. I am sorry to be evasive.

John McDonnell: No problem.



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Q658 **Karin Smyth:** On a similar point, you read the evidence of Mr Case before us. At the beginning you listed a number of issues that have led to the situation we are in. One of the things that the Cabinet Secretary paused, hesitated and said he was shocked about was the Sue Gray report into the Downing Street parties and the behaviour of people in Downing Street. Given the proximity that the Cabinet Secretary has with the Prime Minister, do you think that is credible?

Sir John Major: It pushes the elastic a long way, I must say. The two people who run Downing Street are the Cabinet Secretary and the Prime Minister. It is not all that big. There were fewer than 100 people there in the time that Margaret Thatcher was there and the time I was there. I believe it has grown slightly since then, but, even so, it is quite difficult to accept that there were as many things happening in lockdown as the Sue Gray report set out with people being utterly unaware that that was the case. It shows a remarkable disinterest of one's working habitat, if that indeed is the case.

Q659 **Jackie Doyle-Price:** Sir John, this inquiry is called "propriety of governance in the light of Greensill". It is perhaps a reminder of just how much has happened in terms of behaviour since we commenced this inquiry. I just want to ask some questions from your perspective as a former Prime Minister. Could you tell us what restrictions, if any, were placed on your future activity when you left office?

Sir John Major: Not many. There were no formal interviews, as I recall. I am sure I spoke informally to the principal private secretary and to the Prime Minister about what happened afterwards. As far as I recall, there were only two things. First, I should not take a job for a period. I forget whether it was six months or a year. I think it was six months. Secondly, I should agree that, if I wrote memoirs, they should be submitted to the Cabinet Office to make sure that I had not got anything in them that infringed national security or anything else that was indelicate. I do not think anything else was required of me then. There is nothing that I can recall.

Q660 **Jackie Doyle-Price:** The system was essentially working on the basis that ex-Prime Ministers ought to know how to behave and to judge for themselves what is and is not appropriate.

Sir John Major: Yes. No doubt if I had done something stupid they would have been in touch, but thankfully they were not. I am sure if I had done something stupid, such as writing a newspaper article that infringed on something to do with security, they would have been in touch and said, "Well, you have done this. Don't do it again. This is the impact". I am sure that would have been the case. Fortunately they did not. It was very relaxed. There was no special advice at the time other than those generalist conversations.

Q661 **Jackie Doyle-Price:** If I look back on the events surrounding Greensill, David Cameron has paid a big cost with his reputation, which he can put



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no value on. Ultimately, if you have a system that relies on judgment and behaviour, that is actually quite a big sanction for someone who has been Prime Minister of the United Kingdom.

Sir John Major: I can only say to you that when I left Downing Street I was clear: I was 54, so plainly I was going to do something else. In any event, I still had an overdraft and a mortgage, so I plainly had to do something else. I also had teenage children. No, they were beyond teenage, but children nonetheless. Do not ever believe that, when they get out of their teenage years, they cease to be expensive.

There were two things I was clear that I should not do, and did not do. One was open my prime ministerial address book, and the other was lobby. Although I have had a number of jobs over the years, I can honestly say to you that I have not lobbied and I have not opened my address book. That was self-interest, really. Frankly, as Prime Minister you do not have the faintest idea of all the things your Government have impacted upon. You do not know whether your Government have provided some large sum of money to a company to help it develop something. That would be done way down in departmental level. But, if you suddenly went to that company, got a job and were paid for it, you would quite rightly be accused of pretty shabby behaviour and feathering your own nest. It is best just not to do it. It does not pay off the mortgage quite as quickly as you might, but it is the safest thing to do, so that was the position I took.

Q662 **Jackie Doyle-Price:** What is interesting is that you have advised the Committee that you really did not face that many restrictions and it was down to your own judgment. When the issues came out about David Cameron, his defence was, "Well, it was all within the rules". From my perspective, I often think that rules actually give an excuse; being compliant with the rules is a good cover for doing things that are not necessarily right. Do you think it is better to have a system where less is more?

Sir John Major: Well, it can be. In essence, that is one reason why I was banging on about individual judgment and conventions, because if you started writing everything down you would get all sorts of problems about whether something was in the rules. The classic defence we have heard in Parliament on a number of occasions over quite a long time is, "I was advised to do this. It was in the rules".

There was a lot of that at the time of MPs' expenses, for example, and very possibly what was said was true, but it did not pass the smell test. Conventions embrace the smell test as well. I know nothing about Greensill at all and nothing about what David did or did not do. I would not wish to comment on any of that, but the point about conventions is that it does involve those individual judgments as to what you think is appropriate.

Q663 **Jackie Doyle-Price:** One thing that outgoing Ministers have to do is take



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the advice of the Advisory Committee on Business Appointments, ACOBA. In recent years, we have had a number of occasions where departing Ministers have received advice from ACOBA, which they have then chosen to ignore, and as they are no longer in office there is no sanction. However, on occasion those ex-Ministers have become Ministers again. What do you think that tells the public about the rules versus the smell test?

Sir John Major: An odour emerges in those particular circumstances. It would be perfectly reasonable for a former Minister to be barred from going into an area or a company with whom his Department had been in close touch, and he could theoretically, if not actually, have had some influence over the matter for quite a significant period of time. I do not think Ministers would have a logical reason to object to that. Is ACOBA statutory? It is certainly advised that it should be, is it not?

Q664 **Jackie Doyle-Price:** It is not statutory. Looking at the wider picture, there is a question as to whether that should have a programme of sanctions beyond just advice that is then taken or not. In fact, not all the advice it gives is published.

Sir John Major: I had not anticipated questions about it and I have not really thought about it. I do not want to offer an ad hoc opinion that I may regret later.

Q665 **Jackie Doyle-Price:** Just coming back to you, you have talked about the fact that, notwithstanding the fact that you still had to earn a living, you took great consideration in terms of what you did do. Were there a number of things where you just thought, "No, that is not for me"? Do you think in hindsight you would operate differently now compared to then?

Sir John Major: No, I do not. No, I certainly do not think I would operate differently. Indeed, I know I would not operate differently. The answer to your question is yes. There were some offers that I declined to accept.

Q666 **Jackie Doyle-Price:** I am guessing that as a former Prime Minister you are not short of offers. What is the standard of proof?

Sir John Major: The offers recede as the years advance.

Jackie Doyle-Price: Did you ever take advice from anyone when considering whether something was worth taking on?

Sir John Major: Only from the people close to me. I do not think there was an occasion where I had to go back to the Government and ask them. They were mostly clear cut.

Q667 **Jackie Doyle-Price:** When you did ask the Government, that was literally just when you were writing memoirs or reflections on time in office.



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Sir John Major: I did submit my memoirs to the Government for them to look at. I do not recall there was anything that concerned them, so I thought I perhaps ought to take them back and write them again. I do not think there was any particular concern with them, and I have not had occasion to go back to the Government subsequently. It is now 25 years since I was Prime Minister, so I am no longer privy to the sort of things that the Cabinet Office would be worried about.

Chair: Sir John, it falls to me to thank you very much indeed for your attendance this morning. We have found it invaluable to have your thoughts on these topics placed on the record, given how few people have occupied your position and the insight you bring to it. We are very grateful indeed. As I say to all witnesses, if there is anything else that you wish to let us know about, feel free to write. Thank you very much indeed for your attendance today.