



House of Commons
Committee on Standards

Mr Marcus Fysh

Fifth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Committee on Standards

The Committee on Standards is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

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Contents

Report	3
The Commissioner’s investigation	3
The Commissioner’s conclusions	4
Referral to the Committee on Standards	5
Overview: Mr Fysh’s interests and registration	5
Late Register entries	6
Non-registration of unpaid directorships	6
Extent of influence	6
Reasonableness	8
Select committee declarations	9
The benefits of declaration and registration	11
Mr Fysh’s comments on the Commissioner’s investigation	11
Member’s discretion	12
Lack of evidence	12
Commissioner’s judgement and objectivity	13
The Committee’s conclusions	14
Sanction	16
Annex: Table of Mr Marcus Fysh MP’s shareholdings and unpaid directorships	17
Appendix 1: Memorandum from the Parliamentary Commissioner for Standards—Mr Marcus Fysh MP	18
Appendix 2: Written evidence from Mr Marcus Fysh MP to the Committee submitted 12 May 2020	30
Appendix 3: Mr Marcus Fysh MP Register Entry as at 13 July 2015	37
Appendix 4: Mr Marcus Fysh MP Register Entry as at 8 June 2020	38
Appendix 5: Declaration to the European Scrutiny Committee at its first meeting on 11 March 2020—Mr Marcus Fysh MP	40
Formal minutes	41
Published oral and written evidence	42
List of Reports from the Committee during the current Parliament	43

Report

1. This Report arises from a complaint to the Parliamentary Commissioner for Standards that Mr Marcus Fysh MP's entry in the Register of Members' Financial Interests was inaccurate. As the allegation related to a failure to register interests, the Commissioner also considered whether there had been a failure to declare them: the inquiry was therefore extended to encompass Mr Fysh's declarations to the European Scrutiny and International Trade select committees of which he is a member. The Commissioner has supplied us with a memorandum relating to these matters, which we publish as an appendix to this report.¹

The Commissioner's investigation

2. On 21 September 2018 the magazine *Private Eye* published an article which claimed that Mr Marcus Fysh MP's Register of Members' Financial Interests entry relating to his shareholding in West Sea Investments Limited (formerly London Wessex Ltd.) was inaccurate.² On 26 September 2018 Ben Bradshaw MP wrote to the Commissioner asking her to investigate Mr Fysh for a possible breach of the rules on registering his interests. He enclosed the *Private Eye* article and an email he had received from a *Sunday Times* journalist which contained allegations about the activities of certain companies with which Mr Fysh was or had allegedly been associated.³

3. The 1 October 2018 edition of the Register contained some changes notified by Mr Fysh on 13 September 2018 relating to Mr Fysh's three previous registered shareholdings in: London Wessex Ltd, Wessex Investments Proprietary Ltd and London Wessex Brands Ltd.⁴ However, information on the Companies House website indicated that changes to these companies had taken place more than 28 days before they were registered. Paragraph 2 of Chapter 1 of the Guide to the Rules relating to the Conduct of Members (the Guide) states that Members should register within 28 days any change in their registrable interests.

4. The Commissioner opened an inquiry into Mr Fysh's registration of his financial interests on 24 October 2018. She told Mr Fysh that she would be investigating whether he should have updated sooner his entry in the Register concerning his holdings in the three companies listed in paragraph 3 above, and consider whether he had breached Paragraph 14 of the Code of Conduct for Members of Parliament in force at that time, which stated that:

Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public officer holders.⁵

5. The main aim of registration and declaration is described in paragraph 5 of the Introduction to the Guide to the Rules relating to the Conduct of Members (the Guide) as:

1 Referred to in footnote citations as "PCS memorandum"

2 PCS memorandum, para 2

3 PCS memorandum, para 1

4 PCS memorandum, para 3

5 The Code of Conduct together with The Guide to the Rules relating to the conduct of Members (Session 2017-19, HC 1882)

to provide information about any financial interest which might reasonably be thought by others to influence a Member's actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.⁶

6. During the course of the Commissioner's inquiry it became apparent that when he was elected Mr Fysh held unpaid directorships of five companies in the same group—Wessex Investment Proprietary Group, which later became Samfire Proprietary Ltd—which he had not registered. He had shareholdings in three of these companies; these shareholdings had been registered. The Commissioner therefore also considered whether Mr Fysh had breached paragraph 14 of the Rules of Conduct—specifically in terms of whether he should have registered his unpaid directorships under Category 8 of the Register, "Miscellaneous," which included:

Any other interest, if the Member considers that it might reasonably be thought by others to influence his or her actions or words as a Member in the same way as a financial interest. This might include an unpaid employment or directorship [...]⁷

7. Following this development, the Commissioner also considered whether Mr Fysh should have declared these roles when he joined the International Trade and European Scrutiny Select Committees, and therefore whether by not doing so he again breached paragraph 14 of the Code and paragraph 7 (c) of Chapter 2 of the Guide:

[...] at the Committee's first meeting. Members must provide details of any registered financial interests, and of any non-registerable interests which meet the test of relevance [...]⁸

The "test of relevance" is "whether those interests might reasonably be thought by others to influence his or her actions or words as a Member".⁹

The Commissioner's conclusions

8. The Commissioner concluded that Mr Fysh had breached paragraph 14 of the Code in three respects:

- a) Mr Fysh was late in registering changes to three companies in which he had shareholdings (paragraph 2 of Chapter 1 of the Guide);
- b) Mr Fysh should have registered his five unpaid directorships when he entered the House in 2015 and amended the Register entries for these directorships when changes occurred in 2018 (Category 8, paragraph 55(b) of Chapter 1 of the Guide); and
- c) Mr Fysh should have declared his and his brother's unpaid directorships to the International Trade and European Scrutiny committees when he joined them (paragraph 7(i) of Chapter 2 of the Guide).

6 The Code of Conduct, Introduction to the Guide to the Rules, para 5

7 Guide to the Rules relating to the Conduct of Members, Chapter 1, para 55b

8 Guide to the Rules relating to the Conduct of members, Chapter 2, para 7(c)

9 Guide to the Rules relating to the Conduct of members, Chapter 2, para 5

Referral to the Committee on Standards

9. The Commissioner wrote to Mr Fysh on 4 April 2019 to say that she was prepared to resolve the inquiry through the rectification procedure.¹⁰ Mr Fysh responded on 29 April 2019 to say that while he agreed with the Commissioner's first conclusion, he did not accept the second and third conclusions. This meant that the Commissioner was unable to resolve the complaint through the rectification procedure, and she accordingly referred the matter to us. The Commissioner's memorandum was sent to us on 24 October 2019. We have taken oral evidence in private from Mr Fysh, at his request, and also received written evidence from him.¹¹ We showed Mr Fysh's written evidence to the Commissioner, who submitted additional information, which we shared with Mr Fysh.¹² These documents, together with a letter from Mr Fysh to the previous Chair of the Committee,¹³ are published with our Report.

10. Full details of the Commissioner's inquiry and her findings are set out in her memorandum. Mr Fysh's position is set out in the appendices to the Commissioner's memorandum as well as his written and oral evidence to the Committee. We shall summarise their respective arguments briefly in each section before setting out our own conclusions. We will first deal with the matter of Mr Fysh's registration of interests and then his declarations to the select committees. It is worth noting that the three matters that are the focus of this inquiry are all clearly interlinked, and that they raise some common questions of principle.

Overview: Mr Fysh's interests and registration

11. An overview of Mr Fysh's interests and registration can be found in the Annex. When Mr Fysh entered the House in 2015, he was an unpaid director of five companies in the same group "Wessex Investments Proprietary Group": namely London Wessex Ltd, Wessex Investments Proprietary Ltd, London Wessex Brands Ltd, Makoonor Holdings Ltd and Alibante Developments Ltd. He had shareholdings in the first two of these companies and held shares in London Wessex Brands Ltd under option. London Wessex Ltd and London Wessex Brands Ltd were registered in England, Wessex Investments Proprietary Ltd was registered in Australia (where Mr Fysh used to live), and Makoonor Holdings Ltd and Alibante Developments Ltd were registered in Cyprus. There is more information on the companies in Items 8 and 9 of the written evidence appended to the Commissioner's memorandum. Following his first election as an MP in 2015 Mr Fysh registered his shareholdings but not his unpaid directorships; his 2015 register entry is reproduced in Appendix 3.

12. In 2018, there were several changes to three of the companies in which Mr Fysh has shareholdings:

- a) London Wessex Brands Ltd was dissolved;
- b) London Wessex Ltd had its name changed to West Sea Investments Ltd; and

10 Standing Order 150

11 Referred to in footnote citations as "MF written evidence"

12 Referred to in footnote citations as "PCS Letter to Chair 28 May 2020"

13 Referred to in footnote citations as "MF Letter to former Chair 12 February 2020"

- c) Wessex Investments Proprietary Ltd had its name changed to Samfire Proprietary Ltd.

Mr Fysh updated his Register entry, but not within the required 28 days. The changes were completed late by 140, 234 and 148 days respectively. He did not register this or his unpaid directorships. Mr Fysh's current register entry is reproduced in Appendix 4.

Late Register entries

13. Mr Fysh apologised to the Committee for registering late the changes made in 2018 to the companies in which he had shareholdings. In his written evidence, he states:

I updated the Register late for name changes of companies in my group and the dissolution of one of its subsidiaries in 2018, a clerical oversight during an exceptionally busy time for which I apologise to the Committee and have apologised to the Commissioner.¹⁴

Non-registration of unpaid directorships

14. Mr Fysh argues that he did not register his directorships because "I consider and have always considered my unremunerated directorships not to be things that others might reasonably think could influence my actions or words as a Member [...] they do not, never have and never would influence or bias what I do or say as a Member."¹⁵ There are two key elements to his argument: the extent of influence and the definition of reasonableness.

Extent of influence

15. During her inquiry, the Commissioner consulted the Registrar about Mr Fysh's unpaid directorships. The Registrar told her that, had Mr Fysh sought her advice, she would have "advised him to register the directorships under the Miscellaneous category of the Register".¹⁶ She said she would have "drawn his attention to the Nolan principle of openness" and also compared Mr Fysh's situation to the requirement in subparagraph 8(b) of the Chapter 1 of the Guide to Rules which states that Members must register an unpaid directorship if the company concerned belongs to a group in which the Member also holds a paid directorship. The Registrar stated that this is comparable because although Mr Fysh was not a paid director of any company within the group, he did hold financial interests in the form of shareholdings. Subparagraph 55(b) "Miscellaneous" of the Guide to the Rules also states that a Member should register "any other interest if the Member considers that it might reasonably be thought by others to influence his or her actions or words in the same way as a financial interest". The Guide continues: "This might include an unpaid employment or directorship of a company not currently trading".

16. Mr Fysh does not accept the Registrar's analogy. This is because he does not accept "that a Member's influence on a company leads to a conclusion that this might be thought to influence his or her actions or words as a Member".¹⁷ In his letter to the Commissioner on 19 June 2019, he argues that "directorship is different from the nature of ownership.

¹⁴ MF written evidence, Summary and Background, lines 7–11

¹⁵ Q1

¹⁶ PCS memorandum, Item 11, lines 12–13

¹⁷ MF written evidence, Response to report, para 28

Directors do not have the right to remuneration unless that is contracted [whereas] Owners may or may not become entitled to a dividend or be able to realise their investment.”¹⁸ He also asserts that the “potential financial consequence of unremunerated directorship by virtue of potential impact on the benefits of ownership” was already covered through his registration of his three shareholdings.¹⁹

17. The Committee explored the issue of future financial benefit further during the oral evidence session. Mr Fysh confirmed that while the companies are not currently trading, their total potential value is “in the small amounts of millions”²⁰ and that “he hopes that they will be worth something in the future”.²¹ He stated that “the way they are structured means that that would come through a payment of a dividend up into the top company, which has always been declared [i.e. Mr Fysh’s registration of his shareholding in Samfire Proprietary Ltd]”.²² Mr Fysh contends that Members do not need to register an unpaid role in a subsidiary company if they have shares in the company (which have been registered).

18. The Commissioner notes that “An entry in the Register showing that an MP has shares does not necessarily indicate that he or she has control or influence in the company”.²³ The Commissioner contends that Mr Fysh had “more control and influence than his shares by themselves would have suggested” and that “someone who is both a director and a shareholder is particularly influential”.²⁴ In a letter to the Commissioner on 8 July 2019, the Registrar outlined the extent of Mr Fysh’s involvement in the companies:

Some or all of these companies were established by him. In each case the Board of Directors was small; he was often the only individual director, or one of two individual directors, so that he played an important role in governance. [...]

Even though these companies were not actively trading, they have since 2015 required some director involvement, particularly in connection with the restructure.

[For example] West Sea Investments Ltd (formerly London Wessex Ltd). [...] Mr Fysh has been since 2 August 2017 the only director of this company and also a person with significant control. If an MP is both an unpaid director and a person with significant control I would normally advise registering the directorship.²⁵

19. The Commissioner concluded that “others might reasonably consider Mr Fysh’s unpaid directorships to influence him, and that he should have registered them”.²⁶ In her letter to the Chair on 28 May 2020, she explained that her “assessment took into account

18 PCS memorandum, Item 19

19 PCS memorandum, Item 19

20 Q10

21 Q19

22 Q19

23 PCS memorandum, para 44

24 PCS memorandum, para 44

25 PCS memorandum, Item 20

26 PCS memorandum, paras 44–5

that although the companies were not trading, Mr Fysh had carried out various tasks connected with the governance and financial management of the companies, as well as holding shares in them”.²⁷

Reasonableness

20. The Guide to the Rules does not say a Member should only register an interest if it is likely to influence them. Under the House’s rules as set out in the Guide, the test of whether to register or declare an interest is if “it might reasonably be thought by others to influence” them.²⁸ The Commissioner concluded that others might reasonably consider Mr Fysh’s unpaid directorships to influence him, based on the reasoning outlined above.

21. Mr Fysh disputes this, because he disagrees with the Commissioner’s application of reasonableness.²⁹ He argues that the Code of Conduct and Guide to the Rules do not define “reasonableness”.³⁰ He draws attention to the House of Lords Guide to its Code of Conduct which defines a “reasonable member of the public” as “an impartial and well-informed person, who judges all the relevant facts in an objective manner”.³¹ Mr Fysh argues that:

It is clear from this definition that acting reasonably in consideration of whether an interest might be relevant, in that it might influence the way a Member acts in his or her Parliamentary duties or activities, requires knowledge of all relevant facts, a good level of information and or experience of their context, and impartial and objective application of mind.³²

22. In his definition of “reasonableness”, Mr Fysh states that a “good level of information” is crucial to making a reasonable assessment of influence. In his written evidence, he states that the existence of his directorships was “openly accessible at all times through public registers.”³³ However, the Commissioner states that she “did not take into account that there were other sources of information about Mr Fysh’s financial interests because [her] remit, set out in paragraph 20 of the Code of Conduct for Members, is to consider allegations relating to “a member’s adherence to the rules of conduct under the Code” and the Code itself makes no reference to reliance on sources of information other than the Register”.³⁴

23. “Knowledge of all the relevant facts” is a key part of Mr Fysh’s arguments relating to what a “reasonable” assessment of his interests would be. In a meeting with the Commissioner and the Registrar on 26 March 2019, Mr Fysh said that he felt “the general lack of public understanding of the way international investment management work is undertaken had given opportunity for a politically motivated complaint to be made against him”.³⁵

27 PCS Letter to Chair 28 May 2020, page 3, lines 14–18

28 Guide to the Rules relating to the Code of Conduct of Members, Chapter 1, para 55 (b)

29 Q1

30 MF written evidence, Response to report, para 15

31 MF written evidence, Response to report, para 6

32 MF written evidence, Response to report, para 7

33 MF written evidence, Summary and Background, line 15

34 PCS letter to Chair 28 May 2020, page 2, lines 8–13

35 PCS memo, Appendix 1, item 12

24. In her memorandum, the Commissioner considers “what the ordinary person might think about Mr Fysh’s unpaid directorships”. She argues that they would reasonably conclude a degree of influence:

I think that if an MP had been a director of several companies before entering Parliament, if those companies were “the product of [his] career overseas in international investment”, and if he continued some of the directorships on an unpaid basis while in the House, those unpaid roles might reasonably be thought by others to influence his actions or words as an MP in the same way as a paid interest.³⁶

25. The Commissioner also highlights that Mr Fysh has argued both that it could not reasonably be thought that his interests might influence him, and also that the public have a limited understanding of investment management and therefore that his interests might look more influential than they are. The Commissioner argues that this “limited understanding” should be taken into account by providing information to the public.³⁷

26. The Committee on Standards has considered the application of “reasonableness” on previous occasions. The case of Mr Peter Lilley in 2015 has some relevance here.³⁸ In that case, our predecessors considered whether the test of reasonableness should be applied from the perspective of an “uninformed observer”. The Commissioner had concluded that Mr Lilley breached the Code by failing to declare a relevant financial interest. The interest was a non-executive directorship in a company which operated exclusively in Central Asia—Mr Lilley argued that this was not relevant to debates dealing with the UK energy market. The question was whether an ordinary person should reasonably have been expected to know that that the company operated only in central Asia and whether Mr Lilley should have clarified this via a declaration. The Committee commented that the test of reasonableness is “not about the objective nature of the interest in question, but about what an observer would presume from information in the public domain”³⁹ and added that interpretation might depend on “the level of understanding which should be required before an observer decided that it could ‘reasonably be thought’ that an interest influenced a speech”,⁴⁰ In this case, the Committee did not find Mr Lilley in breach because “We do not think it would be fair to Mr Lilley to find him in breach of a rule which was not clear at the time he considered the matter”.⁴¹ The rule has been clarified since then in the current Guide to the Rules.⁴²

Select committee declarations

27. Mr Fysh was a member of the International Trade Committee from October 2016 to November 2019 and has been a member of the European Scrutiny Committee since October

36 PCS memorandum, para 42

37 PCS memorandum, para 42

38 Committee on Standards, Fifth Report of Session 2014–15, Mr Peter Lilley (HC 951)

39 Committee on Standards, Fifth Report of Session 2014–15, HC 951, Mr Peter Lilley

40 Committee on Standards, Fifth Report of Session 2014–15, HC 951, Mr Peter Lilley, para 9

41 Committee on Standards, Fifth Report of Session 2014–15, HC 951, Mr Peter Lilley, para 6

42 Chapter 2, paragraph 3 of the Guide to the Rules states: The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the House and on other occasions, of any interest relevant to those proceedings or to the actions or words of a Member. The requirement to declare an interest complements the registration requirements and applies from the time the House first sits after the Member is elected and to almost every aspect of a Member’s parliamentary duties. It covers a broader range of interests than registration.

2017. He declared his shareholdings to both committees, but not his unpaid directorships or his brother's unpaid directorship.⁴³ He included some additional information in his declarations (in 2017–19 only):

He declared his interests to the International Trade Committee by submitting his register entry (which outlined his shareholdings), which was published with the addition of the following sentence:

Some of these companies have investments in the EU and Africa (interest declared at private meeting of the International Trade Committee, 13 September 2017).

The European Scrutiny Committee recorded that its members declared their interests as registered on 23 October 2017. Mr Fysh's entry was published with the addition of the following sentence:

Indirect interest in companies domiciled in Europe.

28. In his written evidence, Mr Fysh states that his arguments against making ad-hoc declarations to the select committees are the same as those for not registering his directorships:

my unremunerated directorships are not capable of having any influence on what I might say or do as a Member, have not done so and could not reasonably be perceived to be at risk of doing so, the relevance test was not met, and the Commissioner has not shown that it should have been judged to have been.

29. In her memorandum, the Commissioner notes that the Registrar said that she would have advised Mr Fysh to declare his directorships in companies registered outside the UK when joining the International Trade Committee. She said that the test of relevance is identical to that for registration:

[Mr Fysh] says that international trade could not influence his companies. But that is not the question. The question is whether on any particular occasion—such as while serving on the International Trade or European Scrutiny Committee—Mr Fysh's interests might reasonably be thought to influence his actions or words. I think they might.

30. During the course of the evidence session, Mr Fysh told the Committee that he has now updated his declaration to the European Scrutiny Committee to reflect that his wholly owned investment company has EU subsidiaries in Cyprus, for investment into the EU and India.⁴⁴ He has also added a number of other details, including the fact that his wife grew up in Germany, his sister-in-law has become German and his father-in-law is Swedish (amongst other details). See Appendix 5 for his full declaration. He argued that “none of these matters could reasonably be said to in any way influence what I might say or do as an MP or as a member of the Committee” but he did so to take a “belt and braces approach”.⁴⁵

43 See International Trade Committee formal minutes 2016–17 and 2017–19, and European Scrutiny Committee formal minutes 2017–19

44 Q37

45 Q40

The benefits of declaration and registration

31. The Commissioner’s memorandum states the benefits of declaration in relation to select committees:

The House’s system of select committees enables MPs to bring relevant experience and expertise to bear on a particular policy area. It is not unknown for MPs serving on a select committee to have specialist financial or other interests in areas related to the committee’s remit. I consider it particularly important for MPs to be open about their interests in the context of the committee. In some cases that may involve an MP explaining an interest which others might believe likely to influence him or her—even if the MP regards that belief as mistaken.⁴⁶

32. During the evidence session, the Committee questioned Mr Fysh on this point. He stated that he was “not aware of having brought any particular expertise or background experience to any particular questions or thoughts that we might have had.”⁴⁷ He also outlined his concerns that registration and declaration could mean “people might reasonably consider these things to have an influence [...] but they absolutely don’t and couldn’t and wouldn’t.”⁴⁸

33. One of the principles underpinning paragraph 14 of the Code is that of openness. The Introduction to the Guide to the Rules states that “The aim of this [registering and declaring interests] is openness. Neither registration nor declaration imply any wrongdoing”.⁴⁹ In the Peter Lilley case (the details of which are outlined above), the Committee concluded that:

We do not think the requirement to declare interests ought solely to be directed at conflicts of interest. Its purpose should include ensuring those participating in debates, and those listening, are aware of matters which may be reasonably perceived to be directly related to the views expressed. We consider that a Member should ensure that his or her Register entry is as informative as possible.⁵⁰

Mr Fysh’s comments on the Commissioner’s investigation

34. Mr Fysh raised some key aspects of the Commissioner’s investigation where he felt he had been treated unfairly. He argued that the Commissioner provided no evidence that he had been influenced by his interests, and that the Registrar and Commissioner had not made their judgements objectively. Both of these issues are underpinned by his argument that, during this investigation, the Commissioner disregarded his right to discretion over whether or not he should register and/or declare his interests.

46 PCS memorandum, para 50

47 Q24

48 Q48

49 Guide to the Rules relating to the Conduct of Members, Introduction, para 5

50 Committee on Standards, Fifth Report of Session 2014–15, HC 951, Mr Peter Lilley, para 8

Member's discretion

35. The Guide to the Rules states that “Members must register [...] Any other interest, if the Member considers that it might reasonably be thought to influence his or her actions or words as a Member in the same way as a financial interest.”⁵¹

36. Mr Fysh states that “[...] it is clear from the code of conduct that discretion is given to the Member over the declaration of certain things such as unpaid directorships.”⁵² During the evidence session, he said that he felt during the Commissioner’s investigation, “the Registrar’s opinion effectively removed the discretion explicitly and logically given to members to interpret whether a registration under the “Miscellaneous” category or a declaration of interest should be made”.⁵³

37. In her memorandum, the Commissioner states that “the Registrar’s advice amounts to good counsel, but it is not in itself binding”; it is for the Commissioner to decide “whether Mr Fysh broke the rules when he did not take the actions she would have recommended”.⁵⁴ She confirms that Members have discretion over whether or not to declare and/or register an interest but comments that once the Member has made a decision on “whether others would reasonably think that the interest influenced him or her”, if she then opens an inquiry, it follows that the scope of the investigation may include that decision.⁵⁵ She also suggests that Mr Fysh’s assertion that the judgements about registration and declaration were for him to make implies that “he disputes my right to determine these matters”.⁵⁶

38. In the oral evidence session, Mr Fysh stated:

She [the Commissioner] has a right to say what she wants to say, but that does not mean it is correct in either its appreciation of the legal and normative context or indeed the explicit guidance given in the rules. In this case, I think she is just not correct in making this assumption and she has not provided any objective justification for her position.⁵⁷

Lack of evidence

39. Mr Fysh disputes the Commissioner’s conclusions because she did not “suggest let alone demonstrate any way in which my words or actions in Parliament have been influenced by an interest”.⁵⁸ He draws comparison with the House of Lords definition of reasonable which, he argues, enables “objective justification”⁵⁹ and he also suggests that “the standards system of the House of Commons would benefit from being consistent with it” otherwise “the House of Commons risks being seen as preferring arbitrary decision making”.⁶⁰

51 Guide to the Rules relating to the Conduct of Members, Chapter 1, para 55(b)

52 Letter from Mr Fysh to Chair, 12 February 2020

53 Q1

54 PCS memorandum, para 41

55 PCS memo, para 39

56 PCS memorandum, para 56

57 Q46

58 MF written evidence, Response to report, para 9 – also paras 20, 25, 31

59 Q1

60 Ibid

40. In the evidence session, he cited the “reasonable observer test, as settled in common law” which “established the test of whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias when considering whether someone, in this case a judge, might be influenced or biased by something”.⁶¹ He used this to argue that the Commissioner’s position “that only her assessment of what others might reasonably think about the degree to which words or actions might be influence should matter” is “inconsistent with the aforementioned reasonable observer test” because she did not provide “an adequate understanding or recognition of the circumstances”.⁶² He suggested to the Committee that this would set a precedent:

[...] If the Commissioner’s position were adopted, a precedent would be set that these legal and standards consideration norms do not apply in the House of Commons, and that innuendo, rather than evidence and knowledge is in fact what matters to it.”⁶³

41. In her letter to the Chair on 28 May 2020, the Commissioner stated:

Mr Fysh states that neither I nor the Registrar have suggested that his words or actions in Parliament have been influenced by any of his interests. That is correct. Not having suggested it, I saw no need to adduce evidence in my memorandum that it had happened.

Mr Fysh goes on to suggest that a lack of evidence on this point undermines my assessment of what others might reasonably think. I had explained in paragraphs 42–45 of my memorandum the basis for that assessment. If I had found evidence that Mr Fysh’s words or actions as a Member had actually been influenced by his interests, that would have been a far more serious matter.⁶⁴

Commissioner’s judgement and objectivity

42. In his written evidence, Mr Fysh asserts that a lack of evidence meant that “the Commissioner’s case rests entirely on her and the Registrar’s assertions and contrary interpretation [of the Code]”.⁶⁵ He says that “The Commissioner has set too much store by the unsubstantiated opinion of the Registrar as to influence on a Member’s action or words”.⁶⁶ He asks the Committee to consider the Commissioner’s assessment of the case on light of “such fallacies being adopted, shifting rationales, subjective views being accepted and a complete lack of factual evidence”.⁶⁷

43. In her comments on this written evidence in her letter to the Chair on 28 May 2020, the Commissioner responds to this by emphasising that she explained her rationale for her judgements in her memorandum and offers corresponding paragraph references.⁶⁸

61 Ibid

62 Ibid

63 Q1

64 PCS letter to Chair 29 May 2020, page 3, lines 32–40

65 MF written evidence, Summary and background, page 5

66 MF written evidence, Response to report, para 26

67 MF written evidence Response to report, para 31

68 See page 3 of Letter from PCS to Chair 28 May 2020

44. The Committee asked Mr Fysh for clarification on these assertions in the evidence session. He responded:

She [the Commissioner] completely elides the point about Member discretion. That has been my experience all along. She has never really been willing to hear the other side of this and has never, ever gone beyond apprehension of what she thinks things mean, rather than looking for an objective assessment of those things. [...] I still respect her and the office—of course I do—but it is important we get these things right.⁶⁹

The Committee's conclusions

45. We have considered Mr Fysh's arguments carefully, but we uphold the Commissioner's findings, for reasons we set out below.

46. We find that Mr Fysh breached paragraph 14 of the Code of Conduct when he did not register the changes made in 2018 to the companies in which he had shareholdings. This breach is acknowledged by Mr Fysh.

47. We find that Mr Fysh breached paragraph 14 of the Code of Conduct when he did not register his unpaid directorships.

48. As set out in the Guide, Members must produce their Register entry at the first meeting of a select committee. Mr Fysh's Register entry should have included his unpaid directorships. It therefore follows that Mr Fysh breached paragraph 14 of the Code of Conduct when he did not declare his unpaid directorships and his brother's unpaid directorship to the European Scrutiny Committee and International Trade Committee.

49. There are a number of factors that make Mr Fysh's unpaid directorships relevant to these committees: Mr Fysh had a career overseas in international investment prior to becoming an MP, and these companies are a result of that; Samfire Proprietary Ltd is registered in Australia; and Makoonor Holdings Ltd and Alibante Developments Ltd were registered in Cyprus. In addition, his companies have assets in the "small numbers of millions" and could represent significant value for Mr Fysh when they are active. Mr Fysh continues to play a significant role in these companies by virtue of being both a director and a shareholder.

50. We therefore disagree with Mr Fysh's contention that his unpaid directorships could not be reasonably thought to influence him.

51. We also disagree with his assessment of the rules. The Guide to the Rules specifically states that "neither registration nor declaration imply wrongdoing" and should not imply a conflict of interest. In many cases experience and expertise obtained outside Parliament is an asset, especially on a select committee. But the corollary is that the public have a right to know the full extent of a Member's interests, both financial and non-financial. That includes unpaid directorships.

52. The test—for the Member and for the Commissioner—is not therefore whether an undue influence has been exercised by a financial or non-financial interest, as Mr

Fysh implies. It is rather, as the Guide says, ‘that it might reasonably be thought by others to influence his or her actions or words as a Member’. Mr Fysh’s argument that the Commissioner did not provide evidence that he had been so influenced is therefore irrelevant.

53. Nor is the test, as Mr Fysh asserts, the ‘reasonableness’ test that applies in the House of Lords. The two Houses have different requirements, reflecting their different roles, composition and powers. The House of Commons has set a high bar for its elected members and the public expects the fullest degree of transparency possible. Consequently, although the requirement to declare and register non-financial interests allows the Member a degree of discretion, we would always urge a Member to err on the side of transparency. Companies House is not a substitute for the House of Commons Register, which aims to bring together in a single place all a Member’s interests for the convenience of the public. If Members have any doubt about the application of the rules, they should seek and follow advice from the Registrar.

54. In accordance with our usual practice, we have considered whether there are any aggravating or mitigating factors in relation to these breaches.

55. We regard the following to be mitigating factors:

- Mr Fysh has acknowledged that he should have updated his Register entry when changes were made to the companies in which he had shareholdings in 2018, and that he breached the Code when he did not do so. He has apologised to the Committee.
- We do not believe that Mr Fysh has acted in bad faith. He exercised his right as a Member of the House to express disagreement with the Commissioner’s interpretation of the rules and bring the matter before the Committee.
- The test of relevance, as outlined in the Guide, is a matter of interpretation. The substance, and indeed the intricacies, of the debate between Mr Fysh and the Commissioner reflect the fact that these are matters which require judgement calls. Members have discretion to make a judgement on whether they believe an unpaid role would be deemed “relevant” by a reasonable member of the public. Equally, the Commissioner has the right to assess this discretion.
- Mr Fysh registered his shareholdings and, by doing so, showed a willingness to make his main financial interests known. As Samfire Proprietary Ltd is the holding company, its accounts would show the value of its holdings in the other companies in the group.

56. We regard the following to be aggravating factors:

- Mr Fysh’s deprecatory and, at points, patronising tone towards the Commissioner and the Registrar was unacceptable, as were his unfounded questions about their objectivity. At times, he appeared to question the Commissioner’s right to adjudicate on these matters, thereby falling short of

full cooperation. The Commissioner and Registrar are Officers of the House carrying out duties given to them by the House and should be afforded the appropriate level of respect from Members.

- This includes full and willing engagement with the Commissioner's investigation. There were unnecessary delays to the Commissioner's inquiry because Mr Fysh did not respond to requests in a timely manner. The inquiry began nearly two years ago. There were some unavoidable delays arising from the Dissolution of Parliament for the general election in 2019, Mr Fysh's illness in March 2020 and the hiatus in committee activity caused by the unexpected coronavirus lockdown. However, the appendix to the Commissioner's memorandum shows that Mr Fysh missed four deadlines for responding to the Commissioner's initial letter opening the inquiry, as well as his delays in responding to the Registrar in May 2019. We expect all Members to cooperate fully with the Commissioner at all times.

Sanction

57. We have concluded that Mr Fysh breached paragraph 14 of the House of Commons Code of Conduct, albeit with no imputation of bad faith.

58. Taking into account the various factors set out in the previous two paragraphs, we conclude that Mr Fysh should meet the minimum standards of rectification allowed for in the Guide to the Rules, which requires (in paragraph 15 of Chapter 4 relating to the Commissioner's resolution of inquiries) :

- a) For non-registration, a belated entry in the current Register in bold italic type with an appropriate explanatory note for 12 months; and
- b) Apology by way of point of order for failures to make declarations.

59. *We recommend that corrections to the Register outlining Mr Fysh's four unpaid directorships which have continued since he entered the House in 2015 should appear in bold italic type for the next 12 months (as above) and that Mr Fysh should make an apology on the floor of the House for both the non-registrations and non-declarations by means of a personal statement. Mr Fysh should also apologise in writing to the Commissioner and the Registrar; the text of that apology should be agreed in advance by the Chair of the Committee.*

Annex: Table of Mr Marcus Fysh MP's shareholdings and unpaid directorships

The table below collates information from the Commissioner's memorandum (which sourced information from Mr Fysh and Companies House).⁷⁰ It shows the shareholdings and directorships held by Mr Fysh and details about registration and declaration. All companies belonged to the same group: Wessex Investments Proprietary Group.

Company	London Wessex Ltd	Wessex Investment Proprietary Ltd	London Wessex Brands Ltd	Makoonor Holdings Ltd	Alibante Development Ltd
Country of registration	England	Australia	England	Cyprus	Cyprus
Shareholdings	Mr Fysh's wife had a shareholding which was under option to Mr Fysh.	Yes	Yes	No	No
	Registered (2015)	Registered (2015)	Registered (2015)	N/A	N/A
	Declared to committees	Declared to committees	Declared to committees	N/A	N/A
Director role	Unpaid directorship	Unpaid directorship	Unpaid directorship	Unpaid directorship	Unpaid directorship
	Not registered	Not registered	Not registered	Not registered	Not registered
	Not declared to committees	Not declared to committees	Not declared to committees	Not declared to committees	Not declared to committees
2018 restructure	Became West Sea Investments Ltd (Jan 2018)	Became Samfire Proprietary Ltd (April 2018) Mr Fysh's brother becomes an unpaid director of the company	Dissolved (April 2018)	N/A	N/A
	Registered late (13 September 2018)	Registered late (13 September 2018)	Registered late (13 September 2018)	N/A	N/A
	Declared to committees (once register had been updated)	Declared to committees (once register had been updated)	Declared to committees (once register had been updated)	N/A	N/A

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards—Mr Marcus Fysh MP

Summary

This memorandum reports on the inquiry that I opened on 26 September 2018 into the alleged late registration of interests. I received an allegation that Mr Marcus Fysh MP had not updated his register entries within the required 28 days. The register items concerned three companies in which Mr Fysh had shares. Mr Fysh agrees that he was late in updating the Register when one of these companies was dissolved and the other two changed their names.

Mr Fysh does not however agree that he should have recorded in the Register of Members' Financial Interests that he was an unpaid director of these three companies and of two others, both registered in Cyprus. And he does not agree that he should have declared these roles when he joined the International Trade and European Scrutiny Select Committees. He believes that it is within his discretion to decide whether others might reasonably consider these directorships to influence his actions or words as an MP, and therefore whether he needs to register and declare these interests.

I would normally have resolved an inquiry of this sort through the rectification procedure available to me under Standing Order No 150. Since Mr Fysh does not accept that he broke the rules in relation to his directorships, I am unable to do so in this case. The Select Committee will need to determine the outcome.

24 October 2019

The allegation

1. On 26 September 2018 Ben Bradshaw MP sent to me an article published in *Private Eye* and an email which he had received from a *Sunday Times* journalist. These contained allegations about the activities of certain companies with which Mr Marcus Fysh MP was or had allegedly been associated. Mr Bradshaw asked if I could confirm that Mr Fysh's Register entry was accurate.
2. The *Private Eye* article, from issue 1479, dated 21 September 2018, suggested that Mr Fysh's Register entry was inaccurate in relation to his shareholding in West Sea Investments Ltd, which was shown under its previous name of London Wessex Ltd.
3. A fresh edition of the Register of Members' Financial Interests is published every two weeks during sitting periods. The 1 October edition contained some changes notified by Mr Fysh on 13 September 2018. These related to Mr Fysh's three shareholdings: in West Sea Investments Ltd (which had been mentioned in the *Eye* article), in Samfire Proprietary Ltd and in London Wessex Brands Ltd.⁷¹

71 Mr Fysh's wife had a shareholding in this company, and her shares were under option to him.

4. MPs are required to notify my office of changes to their registrable interests within 28 days. After consulting the Companies House website I saw that the changes to two of these companies had taken place more than 28 days before they were registered. I therefore decided to open an investigation focussing on whether Mr Fysh had breached paragraph 14 of the Code of Conduct, relating to the registration of interests. My investigation focussed on the register entries relating to these three companies.

Rules of the House

5. The Code of Conduct for Members of Parliament approved by the House on 19 July 2018 says in paragraph 14:

Members shall fulfil conscientiously the requirements of the House in respect of registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders.

6. The same wording formed paragraph 13 of the 2015 Code.

7. The main aim of registering and declaring financial interests is described in paragraph 5 of the Introduction to the Guide to the Rules relating to the conduct of Members (the Guide) as:

...to provide information about any financial interest which might reasonably be thought by others to influence a Member's actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.

8. Paragraph 2 of Chapter 1 of the Guide states:

The House requires new Members, within one month of their election, to register their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election. After that, Members are required to register within 28 days any change in those registrable interests.

9. Three categories in the Register are relevant to this inquiry. MPs must register as follows:

- paid directorships, under the heading of employment and earnings (Category 1), and
- shareholdings, under Category 7, and
- unpaid roles, under the miscellaneous heading (Category 8), if they might reasonably be thought by others to influence their actions or words as an MP in the same way as a financial interest.

10. I have reproduced below the rules on registering shareholdings and on registering non-financial interests.

Category 7: Shareholdings

THRESHOLD FOR REGISTRATION

51. Members must register, subject to the paragraphs below, any holdings which:

- i) amount to more than 15% of the issued share capital of that company, or more than 15% of a partnership;
- ii) are valued at more than £70,000.

...

Category 8: Miscellaneous

REQUIREMENTS FOR REGISTRATION

55. Under this category Members must register:

...

- b) Any other interest, if the Member considers that it might reasonably be thought by others to influence his or her actions or words as a Member in the same way as a financial interest. This might include an unpaid employment or directorship, or directorship of a company not currently trading, non-practising membership of a profession, or a fund established to defray legal costs arising out of the Member's work, but from which no benefit has yet been received.

11. During this inquiry I have had to consider whether Mr Fysh should at any point have made a declaration (ad hoc disclosure) of these directorships. The House has separate and additional rules on declaration of interests. These are set out in Chapter 2 of the Guide to the Rules. Paragraph 2 of that chapter explains:

2. The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the House and on other occasions, of any interest relevant to those proceedings or to the actions or words of a Member. The requirement to declare an interest complements the registration requirements and applies from the time the House first sits after the Member is elected and to almost every aspect of a Member's parliamentary duties. It covers a broader range of interests than registration.

...

REQUIREMENTS FOR DECLARATION

4. Members are required, subject to the paragraphs below, to declare any financial interests which satisfy the test of relevance, including:

...

- f) any registered non-financial interests.

Members may also declare, if they think it appropriate, non-financial interests which are not registered but which they consider meet the test of relevance.

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

12. The chapter lists the occasions when declaration is required, including in Select Committee. The paragraph relevant to this inquiry is as follows:

7. Subject to paragraphs 1 to 6 of this chapter, Members must declare a relevant interest:

...

In Select Committees:

i) at the Committee's first meeting. Members must provide details of any registered financial interests, and of any non-registrable interests which meet the test of relevance. These are circulated under the authority of the Chair (if elected by the House) or in other cases the senior Member before the Committee's first meeting. Members who do not attend the Committee's first meeting must make their declaration at the beginning of the first meeting they do attend...

My inquiry

13. I wrote to Mr Fysh on 24 October 2018 to say that I had decided to open an investigation. I wrote also to Mr Bradshaw. I asked Mr Fysh whether he was aware of the requirement to register changes within 28 days and whether he considered that he should have updated the Register sooner. I also asked him a number of questions about his holdings in West Sea Investments Ltd, London Wessex Brands Ltd and Samfire Proprietary Ltd, and his roles of director of these companies. I asked Mr Fysh to reply by 7 November 2018.

14. After two extensions to this deadline, on 4 December 2018 Mr Fysh replied to my letter of 24 October 2018. He said

I do not believe I have breached the rules in the Code and since becoming an MP I have always sought to adhere to its principles. None of my external interests are relevant to my work as a parliamentarian and having previously been a licensed senior professional in a financial services firm in the UK with substantial fiduciary responsibilities I am well aware of and conscientious about the need to avoid conflicts of interest. I am satisfied that I have never had any sort of conflict of interest in my work, public or private, and that it could not reasonably be thought that any of my interests would influence what I do as a Member of Parliament.

15. Mr Fysh said that the only change in his interests since entering Parliament had been the dissolution of London Wessex Brands Ltd and the name changes for other companies in the group. He said that the notice of dissolution was late in coming to him "*which was why the interest was de-registered and the companies with similar names had their name*

changes recorded on the parliamentary register somewhat later in the year when I became aware of it. At all times the related information was public and open, and there was no change in the substance of the ongoing interests.” He said that since entering Parliament he has been a director of Samfire Proprietary Ltd and that no company had paid him as a director since he entered Parliament. He was satisfied that his Register entry was accurate.

16. On 17 December 2018 I wrote to ask Mr Fysh for answers to my outstanding questions. I also drew his attention to the guidance on registering unpaid directorships in the Miscellaneous category of the Register and asked him if he had considered registering these directorships there. Mr Fysh replied on 2 January 2019 saying

...I considered all matters regarding directorships after my election prior to registration of my interests, and have done so regularly since when reviewing the way my interests are registered. In addition to not being remunerated these were and are not directorships which consume time in executive management, they have not been relevant to my work as a Member of Parliament, and I have at all times considered that they could not reasonably be thought to be so.

17. I wrote to him again on 17 January 2019 enclosing a table setting out his shareholdings in the three companies which I was investigating, and their predecessors. I asked him for further information about these, in view of the name changes, and about his directorships of these and any other companies. Mr Fysh replied on 31 January 2019. He told me that he had been a director of these companies since he entered Parliament, and also of the portfolio companies Makoonor Holdings Ltd and Alibante Developments Ltd. These companies also belonged to the Samfire Proprietary Group. He added “*None of the above represent unusual structuring or financial arrangements for investment companies and are the product of my career overseas in international investment prior to becoming an MP.*”

18. I then sought the advice of the Registrar of Members’ Financial Interests on 4 February 2019. The Registrar replied on 18 February 2019. She told me that if Mr Fysh had sought her advice when he was first elected in 2015, she would have advised him to register his unpaid directorships under the Miscellaneous heading. (In 2015 the Registry team arranged individual briefings for every new MP, so that they could have the benefit of advice before they registered their interests. Although a briefing was booked for Mr Fysh, he did not attend. This meant that he prepared his first Register entry without the benefit of advice. A further meeting had to be arranged for him at a later stage).

19. The Registrar drew my attention to the wording in paragraph 55 (b) of the Guide to the Rules which deals with registering unpaid directorships. She said that even though there is no explicit guidance on his situation, she would have advised him to register these directorships under the Miscellaneous category of the Register. She would have drawn his attention to the Nolan principle of openness and to the rules requiring an MP to register unpaid directorships if he or she is paid as a director of a company in the same group. She suggested that Mr Fysh’s shareholdings amounted to a financial interest of another sort in other companies in the same group. She agreed that Mr Fysh had been late in notifying the changes to his companies which were registered on 13 September 2018.

20. The Registrar also said that, if asked, she would also have advised Mr Fysh to disclose his directorships to International Trade Committee.⁷² I forwarded her reply to Mr Fysh on 27 February 2019.

21. I met Mr Fysh, with the Registrar, on 26 March 2019. I asked whether he thought he ought to have registered his unpaid directorships. Mr Fysh said that he saw no connection between his private affairs and his public role and no need to register these directorships. The Registrar also asked if Mr Fysh had considered a possible need to declare (make ad hoc disclosures of) his interests in his companies. Mr Fysh said he had made full declarations when joining the European Scrutiny Committee and the International Trade Committee. He said again that he believed there was no connection between his private and public affairs. He said that the select committees of which he was a member have never considered anything which would require him to declare an interest. He commented on what he felt was the lack of public understanding of the way international investment management is carried out.⁷³

22. Following the meeting I obtained published copies of the records of Mr Fysh's declarations when joining the International Trade Committee and the European Scrutiny Committee in 2017. Mr Fysh declared his interests to the International Trade Committee by submitting his register entry, which was published with the addition of the following sentence:

Some of these companies have investments in the EU and Africa (interest declared at private meeting of the International Trade Committee, 13 September 2017)

23. The European Scrutiny Committee recorded that its members had declared their interests as registered on 23 October 2017. Against Mr Fysh's name the following words also appeared:

Indirect interest in companies domiciled in Europe.

24. I noted that, according to the minutes, Mr Fysh had not declared unpaid directorships to either Committee upon joining them. Nor did he declare his brother's directorship of Samfire Proprietary Ltd. I have since ascertained that he also did not declare these unpaid interests to the International Trade Committee when he joined it in November 2016, in the previous Parliament.

25. After reflecting on this and on Mr Fysh's comments at the meeting I wrote to him on 4 April 2019 to say that I was prepared to resolve the inquiry through the rectification procedure available to me under Standing Order no 150. I said that I was minded to accept the Registrar's advice that he had been late in updating the Register to reflect the changes to his companies in 2018; that he ought to have registered his unpaid directorships and that he ought to have declared these to the two select committees. I asked him for details of any shares or directorships which his wife or any other family member held in the

72 The Registrar added that if Mr Fysh's companies had identifiable interests in arms or defence, she would also have advised him to make an appropriate declaration to the Committee on Arms Export Controls.

73 Mr Fysh later said that he felt that the record of the meeting did not fully record all that was said, and supplied some further material which he felt should be included.

companies of which he is director, and of any other occasions when he ought to have declared an interest, as well as his answer to my proposal to conclude this matter through the rectification procedure.

26. Mr Fysh replied on 29 April saying that while he was “*happy with the rectification process with regard to the inadvertent late registration of name changes*”, there “*seems to be a disconnect between the guidelines [on registrations and ad hoc declarations] and the way in which rules might be enforced.*” He said that the rules give discretion to the MP, and if that discretion was to be taken away there should be a clear rationale. Mr Fysh asked for more time to consider his response and to seek advice, in particular on the Registrar’s response which he said seemed “*to contain important inconsistencies*”. He said he could not think of another occasion when he ought to have declared an interest but did not.

27. I wrote to Mr Fysh on 20 May 2019 to say that since he did not accept all my findings I could not conclude my inquiry by means of the rectification procedure. I said I was preparing a memorandum for the Committee on Standards so that they could adjudicate. Mr Fysh replied on 4 June saying that he had prepared his thoughts on some of the areas in which the guidelines and the Registrar’s interpretation of them are inconsistent, adding “*I am happy now to take those to the Committee on Standards if that is what you would like.*” He said that he did not accept the minutes of the meeting of 26 March, and that some points in the notes were not a fair reflection of the discussion. I replied to Mr Fysh on 12 June, asking him to forward these thoughts.

28. Mr Fysh’s replied on 19 June. His comments may be summarised as follows. He believes that it is a matter for an MP’s discretion whether to register an unpaid directorship. It is to be registered only if the MP considers it relevant. In relation to the rules on ad hoc declarations, even if the principle of openness could be held to override the MP’s discretion, this could only be if there was an actual conflict with the public interest or some benefit arising to the MP.

29. Mr Fysh did not accept the Registrar’s analogy with the rules requiring MPs to register unpaid directorships when they are paid as a director by another company in the same group. Mr Fysh pointed out that a financial interest arising from a directorship is different from that arising from a shareholding. He appeared to argue that even if an MP was an unpaid director, if he or she has registered a financial interest in the form of a shareholding it would be wrong to say his or her interest in the company had not been disclosed. He said that he believed that there are many parliamentarians who have interests, or who have close family interests which are relevant but not declared. As examples he gave those with EU pension entitlements or close family who are EU citizens.

30. I shared Mr Fysh’s thoughts with the Registrar, who sent further advice on 8 July. The Registrar gave further reasons why she would have advised Mr Fysh to register his unpaid directorships. Some or all of the companies were established by him; in each case the Board of Directors was small; he was often the only individual director, or one of two individual directors, so that he played an important role in governance. Even though the companies were not actively trading, they have over recent years required some director involvement which Mr Fysh appears to have provided. In her view others might reasonably have considered these to influence him in the same way as a paid interest.

31. In relation to declarations (ad hoc disclosures) the Registrar drew attention to the test, set out in the Guide to the Rules, for when an interest should be declared. The House expects such disclosures on almost any occasion when others might reasonably consider the interest to influence a Member's actions or words. She considered that Mr Fysh ought to have specifically drawn attention to his three directorships of companies registered outside the UK when he joined the International Trade Committee, even though they were not involved in international trade.

32. On 15 July I copied that advice to Mr Fysh, noting that I intended to incorporate her comments into my memorandum for the Committee.

The evidence

33. During this inquiry I considered

- Mr Fysh's Register entries, past and present
- Information from Companies House in relation to Mr Fysh's UK registered companies
- Information from the registers of companies in Australia and Cyprus, in relation to Samfire Proprietary Ltd, Alibante Developments Ltd and Makoonor Holdings Ltd
- Evidence from Mr Fysh, in the form of letters and emails, and at our meeting on 26 March 2019
- Written evidence from the Registrar of Members' Financial Interests

Statement of facts

34. When he entered the House in 2015 Mr Fysh was an unpaid director of five companies: London Wessex Ltd; Wessex Investments Proprietary Ltd; London Wessex Brands Ltd; Makoonor Holdings Ltd and Alibante Developments Ltd. He had shareholdings in the first two of these companies, and held shares in London Wessex Brands Ltd under option. He registered his shareholdings but not the directorships. All the companies belonged to the same group, the Wessex Investments Proprietary group. London Wessex Ltd and London Wessex Brands Ltd were registered in England, and Wessex Investments Proprietary Ltd in Australia. Makoonor Holdings Ltd and Alibante Developments Ltd were registered in Cyprus.

35. In 2018 Mr Fysh restructured the group. He dissolved London Wessex Brands Ltd. London Wessex Ltd became West Sea Investments Ltd and Wessex Investments Proprietary Ltd became Samfire Proprietary Ltd. Mr Fysh's brother became an unpaid director of the latter. Mr Fysh notified these changes to the Registrar on 13 September 2018. All the notifications were late.

36. Mr Fysh did not register any of his unpaid directorships.

37. Mr Fysh did not disclose his unpaid directorships to the International Trade Committee in 2016 or in 2017; and he did not disclose these to the European Scrutiny

Committee when he joined it in 2017. He declared the shareholdings which he had already registered. He told the International Trade Committee that some of his three companies had investments in the EU and Africa, and he told the European Scrutiny Committee that he had an indirect interest in companies domiciled in Europe.

Analysis

Late register entries

38. Mr Fysh has acknowledged that he should have registered sooner the dissolution of London Wessex Brands Ltd and the name changes for London Wessex Ltd and Wessex Investments Proprietary Ltd. These changes took place on, respectively, 26 April 2018, 22 January 2018 and 18 April 2018. These changes were registered, respectively, 140 days, 234 days and 148 days late.

Did Mr Fysh break the House's rules when he did not register his unpaid directorships?

39. Mr Fysh says that it is for an MP to decide whether or not to register a non-financial interest, such as an unpaid directorship. That is correct, but only up to a point. The Guide to the Rules says

55. Under this category Members must register:

...

b) Any other interest, if the Member considers that it might reasonably be thought by others to influence his or her actions or words as a Member in the same way as a financial interest. This might include an unpaid employment or directorship, or directorship of a company not currently trading, non-practising membership of a profession, or a fund established to defray legal costs arising out of the Member's work, but from which no benefit has yet been received.

40. The MP has to decide whether others would reasonably think that the interest influenced him or her; and if so he or she is required to register the interest. If I open an inquiry, the scope of my investigation may include that decision.

41. The Registrar has said that she would have advised Mr Fysh to register his five unpaid directorships had he told her about them when they first met in 2015. Mr Fysh does not agree that he needed to do this. The Registrar's advice amounts to good counsel, but it is not in itself binding. I have had to decide whether Mr Fysh broke the rules when he did not take the actions she would have recommended. The Committee on Standards will also wish to consider these questions.

42. I have therefore asked myself what the ordinary person might think about Mr Fysh's unpaid directorships. Mr Fysh has said that he believes that it could not reasonably be thought that his interests might influence him. At other times he has commented on what he regards as the public's limited understanding of investment management, the area in which he worked before he became an MP. In my view he has not taken enough account of

this limited understanding. I think that if an MP had been a director of several companies before entering Parliament, if those companies were “*the product of [his] career overseas in international investment*”, and if he continued some of the directorships on an unpaid basis while in the House, those unpaid roles might reasonably be thought by others to influence his actions or words as an MP in the same way as a paid interest.

43. Paragraph 55 (b) of the Guide to the Rules above specifically prompts the MP to consider registering “*an unpaid employment or directorship, or directorship of a company not currently trading*”. Mr Fysh told me at our meeting that his unpaid directorships were of companies not currently trading. He had a close connection with these companies: the directorships arose from his previous career, and he was either the sole individual director or one of two such directors. In 2017 he had shares in three companies (later reduced to two⁷⁴). Companies House records for London Wessex Brands Ltd and West Sea Investments Ltd shows that since his election he has undertaken various tasks connected with the governance and financial management of those companies. If the House expects MPs to register some directorships of companies not currently trading, I find it hard to envisage circumstances where there would be stronger arguments for registering than there were in this case. Mr Fysh in his email of 3 October has suggested that there should be explicit guidance on registering unpaid directorships.

44. In my view, the ordinary person, as well as considering that Mr Fysh’s directorships might influence him, might consider his register entry incomplete without them. He registered three shareholdings when he entered Parliament, but he did not register any directorships at all. MPs have to register shares if they have more than 15% of the shares in a company. An entry in the Register showing that an MP has shares does not necessarily indicate that he or she has control or influence in the company. In 2015 however Mr Fysh was one of a small number of directors of these companies. He had more control and influence than his shares by themselves would have suggested. And he was also a director of two companies which were not mentioned in the Register at all.

45. I understand from Mr Fysh’s letter of 19 June 2019 that he believes that by registering shares in three companies he had given notice of his financial interest in them. However, as he himself has said, a directorship gives rise to a different kind of interest to that which arises from a shareholding. I would add that someone who is both a director and shareholder is particularly influential.

46. In short, I believe that others might reasonably consider Mr Fysh’s unpaid directorships to influence him, and that he should have registered them.

Did Mr Fysh break the House’s rules when he did not declare his directorships of Makoonor Holdings Ltd, Alibante Developments Ltd and Wessex Investments Proprietary Ltd (now Samfire Proprietary Ltd) on joining the International Trade and European Scrutiny Committees?

47. I have also considered whether Mr Fysh was required to make an ad hoc disclosure of his directorships, particularly when joining a select committee. Mr Fysh serves on four

select committees. When we met on 26 March he said that he had made all necessary declarations when joining the International Trade and European Scrutiny Committees.⁷⁵ I have therefore reviewed the declarations he made.

48. Paragraph 4 of the Guide to the Rules requires an MP to declare any registered non-financial interests, when relevant. The definition of relevance is the same as it is for registration: an interest is relevant if others might reasonably consider it to influence the MP's actions or words. But the context is important; when an MP is considering whether to declare an interest, I would expect him to ask himself how others might view what he was saying or doing at the time.

49. The Registrar has said that she would have advised Mr Fysh to declare his directorships in companies registered outside the UK when joining the International Trade Committee. Mr Fysh disagrees. He says that international trade could not influence his companies. But that is not the question. The question is whether on any particular occasion—such as while serving on the International Trade or European Scrutiny Committee—Mr Fysh's interests might reasonably be thought to influence his actions or words. I think they might.

50. The House's system of select committees enables MPs to bring relevant experience and expertise to bear on a particular policy area. It is not unknown for MPs serving on a select committee to have specialist financial or other interests in areas related to the committee's remit. I consider it particularly important for such MPs to be open about their interests in the context of the committee. In some cases that may involve an MP explaining an interest which others might believe likely to influence him or her—even if the MP regards that belief as mistaken.

51. The Standards Committee helpfully advised on the wider purpose of declaration following my predecessor's inquiry into Mr Peter Lilley.⁷⁶ While they were referring to interests which an MP had already registered, and while an earlier set of rules applied in that case, the principle is the same. The Committee said

We do not think the requirement to declare interests ought solely to be directed at conflicts of interest. Its purpose should include ensuring that those participating in debate, and those listening, are aware of matters which may be reasonably perceived to be directly related to the views expressed. We consider that a Member should ensure that his or her Register entry is as informative as possible. However full the Register entry may be, there will always be occasions on which it will imply that an interest is more relevant than in fact it is; in that case, the Member should either simply declare the interest, or explain the true position. We agree with the Commissioner on this.

52. It is customary for MPs, when joining a select committee, to declare their interests by submitting a printout of their register entry plus details of any additional interests, such as non-financial interests or those of family members. Mr Fysh made his declarations in

75 The other committees were the Committee on Arms Export controls and the Public and Constitutional Affairs Committee. I have not considered in detail whether Mr Fysh ought to have made a declaration to these as I considered that his companies were unlikely to be relevant.

76 Select Committee on Standards, Fifth Report of 2014–15, HC 91

this manner. So if he had registered his unpaid directorships these would automatically have been included in his declaration to the International Trade and European Scrutiny Committees, without further action on his part.

53. I agree with the Registrar that Mr Fysh should have disclosed his directorships to the International Trade Committee. I also believe that he should have disclosed them, and particularly his two directorships of Cyprus-registered companies, to the European Scrutiny Committee.

Conclusion

54. I conclude, and Mr Fysh agrees, that he was late in registering the dissolution of London Wessex Brands Ltd and the name changes for London Wessex Ltd and Wessex Investments Proprietary Ltd. These updates were registered on 13 September 2018. They were late by, respectively, 140 days, 234 days and 148 days.

55. I conclude that, under paragraph 14 of the rules of conduct and paragraph 55(b) of chapter 1 of the Guide to the Rules, Mr Fysh was required to register his five unpaid directorships when he entered the House in 2015, and to amend the Register entries for these directorships when he restructured the group in 2018. In my view he broke those rules when he did not. Mr Fysh suggests in his email of 3 October that there should be explicit guidance on registering unpaid directorships. He does not agree that he broke the rules.

56. I also conclude that, under paragraph 14 of the rules of conduct and paragraph 7 (c) of Chapter 2 of the Guide to the Rules, Mr Fysh should have declared his and his brother's unpaid directorships to the International Trade Committee and the European Scrutiny Committee when he joined them, and that he broke those rules when he did not. Mr Fysh does not agree. He believes that the judgements about registration (and about ad hoc declaration) were for him to make. By implication he disputes my right to determine these matters.

57. If Mr Fysh had already registered his unpaid directorships in 2015 they would have been included in the Register entry provided to these two committees, as part of his initial declaration, when he joined them. The only additional action needed at that stage would have been to declare his brother's role.

58. If the Standards Committee does not agree that Mr Fysh's unpaid directorships should have been registered it will need to consider separately, under the rules on declaring unregistered non-financial interests, whether he should have declared them separately to these two select committees.

Kathryn Stone OBE

Parliamentary Commissioner for Standards

24 October 2019

Appendix 2: Written evidence from Mr Marcus Fysh MP to the Committee submitted 12 May 2020

Summary and Background

The Commissioner was asked to look into the accuracy of my Commons Register of Financial Interests. This was at the request of a Member who had been asked to instigate such an investigation by various politically motivated party members and contacts.

I welcome this chance to put my position to the Committee and hope it can be part of a constructive process of updating guidance to help all participants in the Standards process including the Commissioner and Registrar.

I updated the Register late for name changes of companies in my group and the dissolution of one of its subsidiaries in 2018, a clerical oversight during an exceptionally busy time for which I apologise to the Committee and have apologised to the Commissioner. This does not detract from the fact that the interests in them remained disclosed and other registers which recorded the changes displayed them publicly and were at all times openly accessible.

The Commissioner also asked about directorships which I had never registered, the existence of which were also openly accessible at all times through public registers. I have not put them in the Commons Register of Financial Interests and have not declared because they were and are unremunerated and of no financial consequence, they have never been relevant to my words or actions as a Member, and I have never considered them to be so, these conditions being explicitly referred to in writing in the Rules and Guidance as ones in which registration is not required and in which ad hoc declaration is also not required.

The financial interests in the related companies have always been declared by me on the Commons Register of Interests, either where they might arise directly or via their holding company as is required in the Rules and Guidance for Members.

The test of relevance to my words or actions as a Member for the directorships in question has never been met, and the Commissioner and Registrar have not adduced any evidence of such. In such circumstances I was unable to agree with the Commissioner that I should admit a breach of the requirements as under the Guide to the Rules in respect of the unremunerated directorships and unable to agree that I should apologise retrospectively for such by way of a rectification procedure.

I think it is important to confidence in the integrity of the Standards system in Parliament and to the convenience and safety of Members not to be pursued by unfair allegations that the Rules and Guidance for Members as written should be honoured in the interpretation. If they are to be interpreted differently then the Committee should consider altering the way they are written before asking Members to interpret them in that way.

I hope therefore my insistence on this matter coming before the Committee may be of some use to it in considering whether the Guide to the Rules should be updated if the intent for them is different to what has been written down repeatedly since the modern standards system was introduced in the early 1970s.

In any event I believe it would be unfair to ask for retrospective declaration and apology in respect of unremunerated directorships in this case when the Guide to the Rules and Select Committee standing orders currently exclude a requirement for declaration in these circumstances and when the Commissioner's case rests entirely on her and the Registrar's assertions and contrary interpretation without evidence of any actual relevance or consequence.

Response to Report

1. A Member's Interests must be registered and or declared when they are "relevant" to the Member's activities in Parliament. The duty is described in the House of Commons Code of Conduct Part V:

"14. Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. They shall always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders [my emphasis]."

2. The condition of relevance for the requirement with respect to Registration of Interests is picked up in Paragraph 6 of the Guide to the Rules:

"6. Registration requires Members to place information about relevant financial interests in the Register of Members' Financial Interests" [my emphasis].

3. The condition of relevance is central to the requirement for disclosure of interests established by the resolution of the House of Commons of 22 May 1974 which set standards expectations for Parliament in the modern era, and the concept is referred to and described seventeen times, in Section 2 paragraphs 20 72, 74, 77, 80, 81, 82, 84, 86 and 87—effectively in each mention of need or method for disclosure of interests—in the House of Commons Guide to the Rules as prepared on 16 April 2012 and carried to date on Parliament's web site.

4. This concept is elaborated in the most recent version of the House of Commons *Guide to the Rules* within the overall aim to see registered any financial interest

"which might **reasonably** be thought by others to influence a Member's actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament" [my emphasis],

as per paragraph 5 of the Introduction to the Guide to the Rules.

5. The concept of the “reasonableness” of others who might observe and or sit in judgment of decisions whether or not to register interests is crucially important. There are two aspects to this which the Committee needs in my humble submission to consider.

6. The first is how to define the reasonableness of others looking at any particular situation. The Code of Conduct and Guide to the Rules are silent on this, however the House of Lords Guide to the Code of Conduct does define this specifically in the context of its requirement for Registration of Interests by Members, in paragraphs 34 to 37 on page 13, the excerpts of which that are pertinent follow:

“34. Under the Code, members are required to register in the Register of Lords’ Interests all relevant interests. []

“35. The purpose of the Register is to assist in openness and accountability by enabling members to make clear what are the interests that might be thought by a reasonable member of the public to influence their actions, speeches or votes in Parliament, or actions taken in their capacity as members of the House of Lords..[]

“36. Relevant interests may be financial or non-financial. The key consideration in determining relevance in respect of both registration and declaration of an interest is that the interest might be thought by a reasonable member of the public to influence the way in which a member of the House of Lords discharges his or her parliamentary duties. In the case of registration, this means the member’s parliamentary duties in general; in the case of declaration, his or her duties in respect of the particular matter under discussion.

“37. A ‘reasonable member of the public’ is taken to mean an impartial and well informed person, who judges all the relevant facts in an objective manner.”

7. It is clear from this definition that acting reasonably in consideration of whether an interest might be relevant, in that it might influence the way a Member acts in his or her Parliamentary duties or activities, requires knowledge of all relevant facts, a good level of information and or experience of their context, and impartial and objective application of mind.

8. The second aspect of “reasonableness” which the Committee might like to consider is whether the Registrar and Parliamentary Commissioner for Standards have erred in their assessment of the present matter and may themselves have departed from this concept of reasonableness, leading to a need for further guidance from the Committee.

9. The Commissioner and Registrar have not suggested let alone demonstrated any way in which my words or actions in Parliament have been influenced by any interest, nor any way in which they might have been or might be. They have not adduced any evidence of such.

10. This lack of evidence of such means it is nothing more than their assertion that my judgement of such was wrong and should be revised retrospectively, overriding

the discretion that is explicitly given to Members in such matters, as with respect to registration set out under Category 1 (Employment) in the House of Commons *Guide to the Rules*, page 13 paragraph 8,

“Members should not register under this category:

“b) Unremunerated directorships (unless associated with, or a subsidiary of, a company or group of which the Member is a remunerated director);¹⁴

“c) Directorships of companies not currently trading;¹⁵

“¹⁴ Members may register these if they consider them relevant, under Category 8: Miscellaneous.

“¹⁵ Members may register these if they consider them relevant, under Category 8: Miscellaneous.”

11. The directorships in question have never been relevant to my work in Parliament and could not reasonably as per the definitions above be thought by others to influence it in any way.

12. Moreover the Commissioner’s rationale, opinion only that it is, is inconsistent with the House of Lords’ definition of reasonableness. This is because it is based as the Commissioner says in paragraph 42 of her Report on what she thinks someone with low understanding of the facts, their context and relevance might think, rather than someone well-informed with full knowledge and an impartial and objective mind.

13. I must with regret and only because it is relevant to the substance of this matter state that the Commissioner appears to me not to have demonstrated objectivity in her statement in her report’s paragraph 43 line 7 in which she says “I find it hard to envisage circumstances where there would be stronger arguments for registering than there were in this case”.

14. Firstly she fails to draw the distinction between a case like this one where there is in fact no influence on the Member’s actions, nor any evidence or suggestion of such, and a case where there may have been some, any or a lot.

15. Secondly the Commissioner has not communicated even any conception of the latter, when there are in fact any number of potential situations of greater actual influence.

16. These failings in my opinion demonstrate that the Commissioner’s reasoning in this matter is erroneous and should be set aside by the Committee.

17. There are other reasons the Committee might here draw conclusions of error and or unreasonableness on the part of the Commissioner, with regard to the series of positions taken by the Registrar and Commissioner in this matter, their obscurity, deficiencies and inconsistencies, and the illogical conclusions Registrar and Commissioner have drawn.

18. I particularly wish to draw the attention of the Committee to my letter to the Commissioner of 12th June 2019 starting at line 27 of page 46 of the Commissioner’s Report, the arguments of which I reiterate, and alongside which the rest of this Response should be read.

19. The “analogy” the Registrar sought to draw the first time she was asked to advise the Commissioner, between a financial interest as a paid director in a group company on the one hand and by way of having a shareholding in the group company on the other, with a view to declaration of an unremunerated directorship of another group company, was otiose in view of the fact that the financial interest by way of the group shareholding was in this case in fact declared.

20. Not only was this interpretation and argument obscure, admittedly not made on the basis of explicit guidance in the Guide to the Rules, and in fact contrary to its straightforward interpretation, it was the only argument raised as to why the Registrar might have advised a registration of the unremunerated directorships. It also was not backed up with any suggestion or evidence of ways in which it might have been considered able to influence my actions or words as a Member.

21. On 4th April 2019 when the Commissioner made her judgement that a breach relating to registration of unremunerated directorships had occurred and that the rectification procedure by apology could be used if said breach were admitted, the above position of the Registrar was the only argument that she had considered.

22. Following my decision not to accept the Commissioner’s terms of rectification and my letter of 12th June 2019 outlining my reasons, the Commissioner asked the Registrar for advice again.

23. The Registrar wrote to the Commissioner on 8th July 2019 and advanced a different argument, that being a director and a person therefore with a degree of influence over or involvement with the companies meant others might think that position might influence my actions or words as a Member. Again no suggestion or evidence as to how or in what way that might arise or occur was adduced.

24. The Commissioner in her Report at paragraph 30 has confirmed that the Registrar “gave further reasons” in that later communication, showing that they were not part of her previous consideration. She also confirmed that it was “in her view” (the Registrar’s) that the relevance test may have been met.

25. At no point has the Commissioner asked for, suggested, or adduced any evidence as to ways the unremunerated directorships might actually influence or have actually influenced my actions or words as a Member, nor has the Registrar offered any opinion on such. The Registrar has merely asserted that they may.

26. In my view the handling of this case has too readily dismissed the fact that the actual financial interests have been declared. The Commissioner has also set too much store by the unsubstantiated opinion of the Registrar as to influence on a Member’s actions or words.

27. The Commissioner admits in her Report’s paragraph 41 that counsel of the Registrar is “not in itself binding” on the Member in the Member’s decision as to whether a declaration should be made.

28. Moreover the Registrar's position contains the logical fallacy that a Member's influence on a company leads to a conclusion that this might be thought to influence his or her actions or words as a Member. This fallacy is adopted and expanded upon by the Commissioner in paragraph 42 of her Report.

29. As to the Commissioner's paragraphs 47 onwards, in which the issue of ad hoc declarations in Select Committees is raised, my view remains the same, namely that my unremunerated directorships are not capable of having any influence on what I might say or do as a Member, have not done so and could not reasonably be perceived to be at risk of doing so, the relevance test was not met, and the Commissioner has not shown that it should have been judged to have been.

30. It is noteworthy that the Commissioner has felt the need to introduce a supplementary rationale in her Report with regard to her previous breach decision on ad hoc declarations, citing a "wider purpose" as expressed by the Standards Committee in her citation in paragraph 51 of her Report. The citation is however fatal to her contention of breach because it states their "purpose" as in fact being to make those participating "aware of matters which may be reasonably perceived to be **directly related** [my emphasis] to the views expressed." There has been no mention whatsoever of any views expressed let alone any to which anything might "directly relate" and no interest of mine has ever been related, let alone "directly".

31. Such fallacies being adopted, shifting rationales, subjective views being accepted and a complete lack of factual evidence do not suggest there has been a sufficiently objective, well informed thought process as should be required in the observer portion of the relevance test for findings of breach to be applied in respect of unremunerated directorships in this case.

32. This is especially so in the light of the explicit guidance for Member discretion in the decision whether to declare which the Guide to the Rules contains and which the Commissioner admits is the Member's in paragraph 40 of her Report.

33. If such discretions are to be overridden in cases like this there has to be a better, fairer thought process behind it, retrospective declarations should not be insisted upon, and the Guide to the Rules should first be changed to make it clear that the Member's judgement may not count even if no suggestion of actual influence or credible potential for such has been made or stood up.

34. It is not that the Commissioner does not have jurisdiction in this matter, as she has inaccurately stated is my contention, it is rather that, without evidence and without applying the reasonable observer test in a way that others would recognise as fair, overturning Member discretion to find breach is not a well found or correct decision.

Conclusion

1. Apology to the House should be given for the late declaration of Samfire / Wessex Investments group company name changes and the dissolution of one of the group's subsidiary companies, an oversight for which apology has already been made to the Commissioner and Committee.

2. Findings of breach of requirements as under the Guide to the Rules for the Commons Registration of Financial Interests and Select Committee standing orders in respect of unremunerated directorships in this case should not be upheld, and a request for retrospective declaration should not be made.

Appendix 3: Mr Marcus Fysh MP Register Entry as at 13 July 2015

Fysh, Marcus (Yeovil)

1. Employment and earnings

Councillor, Somerset County Council, County Hall, The Crescent, Taunton TA1

4DY. Receive £10,354 per annum, until May 2017. Hours: up to 30 hrs per month.

(Registered 07 June 2015)

2. (a) Support linked to an MP but received by a local party organisation or indirectly via a central party organisation

Name of donor: United and Cecil

Address of donor: Beckfield, Crouch Lane, Winkfield SL4 4TN

Amount of donation or nature and value if donation in kind: £5,000

Donor status: unincorporated association

(Registered 07 June 2015)

7. (i) Shareholdings: over 15% of issued share capital

London Wessex Ltd: investment and research. (Registered 07 June 2015)

London Wessex Brands Ltd: brand development, wholesale, retail and manufacturing. (Registered 07 June 2015)

Wessex Investments Proprietary Ltd; investment. (Registered 07 June 2015)

Appendix 4: Mr Marcus Fysh MP Register Entry as at 8 June 2020

Fysh, Mr Marcus (Yeovil)

2. (b) Any other support not included in Category 2(a)

Name of donor: Hopkins Estates Ltd

Address of donor: The Tythings Commercial Centre, Southgate Road, Wincanton, Somerset BA9 9RZ

Amount of donation, or nature and value if donation in kind: £2,000

Date received: 15 November 2019

Date accepted: 15 November 2019

Donor status: company, registration 01312512

(Registered 16 December 2019)

4. Visits outside the UK

Name of donor: Saudi Arabia Ministry of Foreign Affairs

Address of donor: PO Box 55937, Riyadh 11544

Estimate of the probable value (or amount of any donation): flights and hotel accommodation to a value of £7,608.02

Destination of visit: Riyadh and Abqaiq, Saudi Arabia

Dates of visit: 22–24 September 2019

Purpose of visit: Parliamentary fact finding visit to Saudi Aramco facilities attacked on 14 September 2019, and to receive briefings on latest regional situation.

(Registered 09 October 2019)

5. Gifts and benefits from sources outside the UK

Name of donor: Davos Kosters Bergbahnen AG

Address of donor: Bramabuelstrasse 11, CH – 7270 Davos Platz

Amount of donation, or nature and value if donation in kind: For the British/Swiss Parliamentary Ski Week, two free adult ski passes and discount on one child's ski

pass, total value £593

Date received: 17–23 February 2020

Data accepted: 17 February 2020

Donor status: company, registration number CHE-105.769.522.

(Registered 27 May 2020)

7. (i) Shareholdings: over 15% of issued share capital

West Sea Investments Ltd (formerly London Wessex Ltd): investment and research. (Registered 07 June 2015; updated 13 September 2018)

Samfire Proprietary Ltd (formerly Wessex Investments Proprietary Ltd); investment. (Registered 07 June 2015; updated 13 September 2018)

Appendix 5: Declaration to the European Scrutiny Committee at its first meeting on 11 March 2020—Mr Marcus Fysh MP

My parents own a house in France which our family visits.

I studied French from the age of 8 to 16.

My wife grew up in Germany, she is fluent in German and we have close German friends who we visit in Germany.

My sister in law has become German, her fiancée is German, she lives in Germany and we visit them there.

My father in law is Swedish and he visits Sweden.

I have a bank account denominated in euros in an EU jurisdiction.

My wholly owned investment company as mentioned in my register of interests and in which I have a financial interest has EU subsidiaries in Cyprus for investment into the EU and India.

None of these matters could reasonably be said in any way to influence what I might say or do as an MP or as a member of the Committee.

Formal minutes

Tuesday 16 June 2020

Virtual meeting

Members present:

Chris Bryant, in the Chair

Tammy Banks	Mark Fletcher
Jane Burgess	Sir Bernard Jenkin
Andy Carter	Dr Arun Midha
Alberto Costa	Paul Thorogood
Rita Dexter	

Draft report (*Mr Marcus Fysh*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 56 read and agreed to.

Annex agreed to.

Five papers were appended to the Report.

Resolved, That the Report be the Fifth Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

Ordered, That the Chair make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

[The Committee adjourned.]

Published oral and written evidence

The evidence listed below will be published on the Committee's website: www.parliament.uk/standards.

Oral evidence

Mr Marcus Fysh MP, 2 June 2020

Written evidence

- 1 Letter from Mr Ben Bradshaw MP to the Commissioner, 26 September 2019
- 2 Letter from the Commissioner to Mr Marcus Fysh MP, 24 October 2018
- 3 Letter from the Commissioner to Mr Marcus Fysh MP, 7 November 2018
- 4 Letter from the Commissioner to Mr Marcus Fysh MP, 28 November 2018
- 5 Letter from Mr Marcus Fysh MP to the Commissioner, 4 December 2018
- 6 Letter from the Commissioner to Mr Marcus Fysh MP, 17 December 2018
- 7 Letter from Mr Marcus Fysh MP to the Commissioner, 2 January 2019
- 8 Letter from the Commissioner to Mr Marcus Fysh MP, 17 January 2019
- 9 Letter from Mr Marcus Fysh MP to the Commissioner, 31 January 2019
- 10 Letter from the Parliamentary Commissioner for Standards to the Registrar of Members' Financial Interests, 4 February 2019
- 11 Letter from the Registrar to the Commissioner, 18 February 2019
- 12 Note of the meeting with Mr Marcus Fysh MP, 12:20pm 26 March 2019
- 13 Addendum to meeting minutes
- 14 Letter from the Commissioner to Mr Marcus Fysh MP, 4 April 2019
- 15 Letter from Mr Marcus Fysh MP to the Commissioner, 29 April 2019
- 16 Letter from the Commissioner to Mr Marcus Fysh MP, 20 May 2019
- 17 Letter from Mr Marcus Fysh MP to the Commissioner, 4 June 2019
- 18 Letter from the Commissioner to Mr Marcus Fysh MP, 12 June 2019
- 19 Letter from Mr Marcus Fysh MP to the Commissioner, 19 June 2019
- 20 Letter from the Registrar to the Commissioner, 8 July 2019
- 21 Letter from the Commissioner to Mr Marcus Fysh MP, 15 July 2019
- 22 Letter from the Commissioner to Mr Fysh, 20 August 2019
- 23 Letter from Mr Fysh to the Commissioner, received 5 September 2019
- 24 Email from Mr Fysh to the Commissioner, 3 October 2019
- 25 Letter from Mr Fysh to the Chair of the Committee 12 February 2020
- 26 Comments from the Commissioner on Mr Fysh's written evidence 28 May 2020

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page of the Committee's website](#). The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2019–21

First Report	Kate Osamor	HC 210
Second Report	Stephen Pound	HC 209
Third Report	Greg Hands	HC 211
Fourth Report	Conor Burns	HC 212