



House of Commons
Committee on Standards

New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament

First Report of Session 2022–23

*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, except in relation to the conduct of individual cases under the Independent Complaints and Grievance Scheme; 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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Publications

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Contents

Introduction	3
Our decisions on specific proposals in our November 2021 report	5
The Seven Principles and their descriptors	5
Possible additional principle: 'Respect'	7
Unreasonable and excessive personal attacks	9
Conduct in the Chamber / ICGS and proceedings	11
Registration	14
Ministerial interests	16
Accessibility of the Register	19
Lobbying rules: contracts	20
Lobbying rules: 'serious wrong' exemption	21
Lobbying rules: initiation and participation	22
Members' outside interests	23
Limits on outside work	24
The functioning of the Code: the Ryder review and our response	26
Commissioning of Ryder review	26
Summary of Ryder review	27
Response to Ryder review	28
Proposed new document ("Procedural Protocol") for approval by the House	29
Role of the Committee	30
Role of the Commissioner	32
A formal appeals process in non-ICGS cases	33
Implications for recall procedures	36
Proceedings in the House: motions for sanction	37
Proceedings in the House: annual standards debate	38

Annex 1: Code of Conduct for Members (revised text)	40
Annex 2: Guide to the Rules relating to the Conduct of Members (revised text)	44
Annex 3: Proposed changes to the rules on registration (revised)	73
Annex 4: Illustrative examples of initiation and participation in the lobbying rules	75
Appendix: Opinion on the report by four lay members of the Committee	77
Formal minutes	79
Witnesses	81
Published written evidence	82
List of Reports from the Committee during the current Parliament	84

Introduction

1. The essence of Parliament is debate. Its elected Members dispute ideas, proposals, policies and expenditure as they seek to lead and govern the nation. They are enjoined to do so without fear or favour and they enjoy an absolute freedom of speech in parliamentary proceedings. With that privilege comes a set of responsibilities and expectations about how Members will behave and discharge their duties. By tradition, every Member is considered Honourable, unless and until proven otherwise. Every generation of MPs holds membership of the House in trust for the next generation. It can either burnish the House's reputation or tarnish it.
2. Standards in Parliament and the public service have been hotly debated through the centuries, as attitudes have changed. What was once thought acceptable—such as the royal use of prerogative to grant monopolies, or paying officials low salaries in the expectation that they would supplement these by selling their services to the highest bidder—would now rightly be regarded as bribery and corruption. But some of the House's rules have been in place in some form or other for many centuries, including the prohibition of paid lobbying. Recent events have seen no diminution in the public's interest in matters of parliamentary probity. Conflicting ideas about second jobs, about members' external interests and about the probity of individual MPs have given a sharp edge to these debates.
3. Against this background, the Standards Committee is required regularly to review the content and operation of the Code of Conduct and to propose any revisions it thinks necessary to the House. Ideally this should happen every parliament, but early general elections have intervened, which means that this will be the first full revision of the Code since 2015.
4. As we state in our revised version of the Code of Conduct, its purpose is to
 - a) build a common understanding of what behaviour and attitudes the House wishes to promote or considers unacceptable,
 - b) ensure the openness and accountability essential to the proper functioning of a representative democracy,
 - c) protect and enhance the reputation of the House of Commons, in order that the public can have justifiable confidence in it,
 - d) ensure all Members can and do speak and act without fear or favour, and
 - e) give clarity for Members and the public about the rules of conduct which underpin these standards, which are expected of all Members in undertaking their duties.¹
5. To achieve this, the Code's underlying values and principles should be readily understood, its rules should be clear and enforceable, and contained in a single coherent document. The Code, the Guide to the Rules and the process for adjudicating on any alleged breaches must both be fair and carry the confidence of the public. The whole system must be able to withstand public scrutiny and the passage of time. In November

1 See Annex 1.

2021 we published an initial set of proposals for a revised version of the Code of Conduct for Members of Parliament.² We have consulted on this and now put our final package of proposals before the House for its consideration.

6. We received 55 written consultation responses from individuals and organisations.³ We have taken oral evidence from the Chair of the Committee on Standards in Public Life, the Parliamentary Commissioner for Standards (PCS), the Registrar of Members' Financial Interests, the Senior Investigations and Complaints Manager in the Office of PCS, the Leader of the House and the Paymaster-General, six other Members of Parliament, academics and journalists.⁴ In addition, our report was debated in the House on 2 February 2022.⁵

7. In our November 2021 report we announced that we intended to invite a senior judicial figure to carry out a review of fairness and natural justice in the House's standards system and to make recommendations. We subsequently appointed Rt Hon Sir Ernest Ryder, former Senior President of Tribunals for the United Kingdom and Lord Justice of Appeal, to carry out this review. Sir Ernest undertook the task with commendable speed and reported to us in February 2022. We published his review⁶ and have since received written comments, including from the Government and the Independent Expert Panel. We took oral evidence from Sir Ernest. The present report includes our response to Sir Ernest's review and his recommendations.

8. This report should be read in conjunction with our November 2021 report. It sets out our final decisions on proposals for a revised Code of Conduct, especially where these develop or modify the proposals in the earlier report, or where we have concluded that proposals should not be proceeded with. We have not repeated discussions or background information set out at length in the November 2021 report but have inserted cross-references to them where appropriate. For convenience, the present report follows the sequence of topics in the earlier report. Unless we specifically state otherwise, it should be assumed that our conclusions and recommendations in the earlier report still stand. We include as annexes to the present report a complete text of the proposed revised Code, together with that of a proposed new Guide to the Rules to accompany the Code. We propose to publish shortly, with a covering report, a draft Procedural Protocol to set out in one place and in plain English how the standards system works. Our intention is that these documents should be put before the House for consideration and, we hope, approval, at an early opportunity and as an integrated package.

9. We are grateful to everyone who assisted our inquiry. The process of reviewing the Code and Guide has been a lengthy one but we hope that our final proposals will find favour with the House as the basis for a future standards system which is fair to all involved, efficient and rational, and can command the confidence of Members and of the wider public.

2 Committee on Standards, [Fourth Report of Session 2021–22, Review of the Code of Conduct: proposals for consultation](#) (HC 270), published 29 November 2021 [hereafter cited as "Fourth Report"]

3 Listed under "Published written evidence"

4 Listed under "Witnesses"

5 [HC Deb 3 February 2022](#), cols 541–66

6 Committee on Standards, [Sixth Report of Session 2021–22, Review of fairness and natural justice in the House's standards system](#) (HC 1183), published 4 March 2022

Our decisions on specific proposals in our November 2021 report

The Seven Principles and their descriptors

10. The Code of Conduct is based on the Seven Principles of Public Life produced by the Committee on Standards in Public Life (CSPL) in 1995 and widely accepted across the public service. In our November 2021 report we concluded that the Code should continue to be based on the Seven Principles. We proposed that the descriptors attached to each of the Seven Principles be revised to reflect more closely how they apply to a Member's role, and we set out suggested text for these new descriptors.⁷

11. The consultation responses were broadly either supportive of or did not mention the new descriptors. The CSPL in its written submission noted that “bespoke descriptors will help explain how the principles apply directly to an MP's role and responsibilities”.⁸

12. However, the Government told us that it does not agree that the descriptors should be adjusted for their specific application to Members of Parliament:

The strength and value of the Principles is that they serve as an established standard of behaviour that apply to a range of public office holders. To adjust the descriptors only in the context of the Members' Code of Conduct could undermine the force and standing of the principles and the value of ensuring codes of conduct for public office holders remain aligned. We would be concerned that unnecessary attempts to over define the Principles—which are already widely understood—would endanger robust political debate in our institutions.⁹

13. The Chair of the CSPL, Lord Evans of Weardale, took a different view. He told us in oral evidence that:

We strongly support the idea that although the seven principles remain central and important for standards issues right across the public realm, they need to be interpreted for particular institutions and organisations. Different organisations would want to emphasise different aspects of the standards, or draw out other elements that are important for them. We see this, for instance, with the civil service code, which broadly takes the same sort of direction as the seven principles, but identifies specific priorities and principles that are relevant to the civil service. We have absolutely no problem at all with the principles being interpreted for a particular environment.¹⁰

14. In addition to its overall opposition to customising the descriptors, the Government flagged up particular concern about one of the proposed revisions, commenting that the revised descriptor on Openness “has lost the important qualification on the public interest”. The current descriptor reads: “Holders of public office should [...] restrict

7 Fourth Report, para 32 and Box 2; see also Annex 2 to that Report.

8 CCC 0006, para 1.1

9 CCC 0032

10 Q4

information only when the wider public interest clearly demands”. The proposed new descriptor would read: “Members [...] should not withhold any relevant information unless there are clear and lawful reasons for doing so”.¹¹ The Government argues that “[t]he consideration of whether it will be in the public interest to place information into the public domain always involves a careful balancing exercise, weighing up the need for transparency and openness against other important and long standing, and often competing, principles (such as the need to protect legal confidentiality and Cabinet papers for reasons of collective responsibility) and legislation (such as the Data Protection Act)”.¹²

15. The 1922 Committee accepted the principle of new descriptors but offered alternative wording for four of the seven descriptors, those on Selflessness, Integrity, Objectivity and Accountability.¹³

16. We have given careful consideration to the representations made to us. We note the Government’s opposition to customising the descriptors attached to the Seven Principles but note also that the CSPL, which is the guardian of the Seven Principles, supports the idea of customising the descriptors and has raised no objections to our proposed wording. We therefore maintain our commitment to customising the descriptors.

17. We have considered a number of possible changes to our suggested text for the new descriptors.

18. We note the Government’s concerns about the descriptor on Openness. However, we also note that our proposed new text (set out in Paragraph 14 above) is derived from the CSPL’s own rewording of its original descriptor, which was substituted for the previous version in 2013, and that the new descriptor’s reference to “clear and lawful reasons” for withholding information by no means excludes taking the wider public interest into consideration as one of those reasons. We therefore conclude that the Government’s concern is misplaced, and we retain our proposed wording for the Openness descriptor as it mirrors that of the current CSPL descriptor.

19. We note the 1922 Committee’s suggestions for altering the wording of four of the proposed new descriptors. They advocate replacing our suggested wording for the Selflessness descriptor with that used by the Welsh Parliament/Senedd Cymru, and that for the Integrity and Accountability descriptors with the CSPL’s current descriptors for those principles. In addition, they wish to delete from the proposed new Objectivity descriptor the words “they [i.e. Members] should avoid discrimination or bias”.¹⁴ We welcome the 1922 Committee’s suggestions but observe that the suggested wording set out in our November 2021 report was already the product of a long process of review of possible alternatives, including those put forward by the 1922 Committee, and we remain of the view that our proposed wording is appropriate.

20. We set out in the following section of this report our decision to alter the proposed wording of the new Leadership descriptor, as an alternative to our original proposal for an eighth, ‘Respect’, principle.¹⁵

11 Fourth Report, Annex 2

12 CCC 0032

13 CCC 0027

14 CCC 0027; see also Fourth Report, Annex 2.

15 See paras 30–31 below.

21. **With the exception of the change to the Leadership descriptor set out below, we do not propose any changes to the text of the new descriptors which accompanied our previous report. The final version of that proposed text is incorporated in the new Code set out in Annex 1.**

22. **The principles set out in the Code, and their associated descriptors, are important because they provide an ethical basis for Members' conduct. However, it should be emphasised that the principles and descriptors in themselves are not enforceable. Under the House's existing standards system no Member can be investigated by the Commissioner or sanctioned simply for a breach of one of the principles, as opposed to a breach of the rules as laid down expressly in the Code. Under our proposals this will remain the case. Nevertheless, we expect all Members to reflect on the principles and embody them in the way they carry out their parliamentary duties.**

23. **We remain committed to holding a further inquiry, as proposed in our November 2021 report, into how the Code and its values could be more effectively communicated to Members. This will reflect on suggestions given to the Committee by our advisers about how Members could be more closely engaged with the Code and its underlying purpose. It will also consider the provision of adequate and appropriate training.**

Possible additional principle: 'Respect'

24. In our November 2021 report we proposed to introduce an additional principle into the Code:

Respect: Members should abide by the Parliamentary Behaviour Code and should demonstrate anti-discriminatory attitudes and behaviours through the promotion of anti-racism, inclusion and diversity.¹⁶

25. The Committee noted that the current Code already includes a statement that Members are expected to observe the principles set out in the Parliamentary Behaviour Code, of respect, professionalism, understanding others' perspectives, courtesy, and acceptance of responsibility, as set out in the Resolution of the House of 19 July 2018.¹⁷ The Committee argued that "formalising this expectation as a separate principle will underline the House's commitment to the Behaviour Code and the Independent Complaints and Grievance Scheme".¹⁸

26. Many of the consultation responses criticised this proposal. Some of the criticism was exaggerated. There were misapprehensions that if the new principle were adopted, Members could be subject to disciplinary proceedings for breaching it. That is not the case. As we have made clear, the principles set out in the Code, as opposed to the separate and more tightly defined rules, are not in themselves enforceable.

27. Two further criticisms were advanced in some consultation responses. One was that it would be misguided to muddle the clarity of the Seven Principles of Public Life by adding an eighth principle for application within Parliament. One Member argued that "the Seven Principles benefit from widespread recognition and acceptance and adding

16 Fourth Report, para 34

17 Fourth Report, para 33

18 Fourth Report, para 33

additional Principles is likely to undermine that”.¹⁹ The Government opposed the addition of an eighth principle “over and above the existing provisions on showing dignity, courtesy and respect”.²⁰

28. Another criticism was that the existence of a call to “demonstrate anti-discriminatory attitudes and behaviours through the promotion of anti-racism, inclusion and diversity”, even if not enforceable, might have a chilling effect on freedom of speech within Parliament, for instance, by discouraging Members from taking part in debates on gender identity, and thus would amount to regulating Members’ views and opinions.²¹ The Government commented that “[e]ven if a Member’s views or opinions are not in scope of the standards process, such a provision risks generating partisan complaints that could ultimately discourage Members’ free speech on highly contentious matters of public policy”.²²

29. After the publication of our November 2021 report, the CSPL announced that, following a recent review of the Seven Principles of Public Life, it had decided to add a provision on respect under the principle of Leadership, adding the clause that holders of public office should “treat others with respect”.²³

30. We are persuaded by the arguments that it would be confusing to add an eighth principle of ‘Respect’ to the existing Seven Principles and that it would risk undermining the centrality of the Seven Principles. We have no desire to curtail freedom of speech, as the ability of MPs to speak without fear or favour is an essential aspect of a free democracy. However, we do not believe that if the Seven Principles were to include an aspiration that Members demonstrate anti-discriminatory attitudes and behaviours, it would pose a threat to freedom of speech within Parliament, as we see such an aspiration as a matter of common human decency, which will be open to subjective interpretation. As we have noted, neither this nor any other part of the Principles will be an enforceable rule which Members could be sanctioned for breaching. In short, this is an aspirational principle, not a rule, and it would be regrettable if the House were expressly to reject such an aspiration.

31. We recommend that, rather than ‘Respect’ being added as an eighth principle as we originally proposed, the revised descriptor for the Leadership principle should read as follows:

Members are elected as leaders, who can only be effective when they inspire trust by setting a good example. They should exhibit these principles in their own behaviour and treat others with respect. Without compromising the right of free speech for Members, they should actively promote and robustly support the principles, abide by the Parliamentary Behaviour Code, and exemplify anti-discriminatory attitudes in their own behaviour in relation to the protected characteristics in the Equality Act 2010. They should refrain from any action which would bring Parliament or its Members into disrepute.

19 CCC 0049 (Rt Hon Jeremy Wright QC MP)

20 CCC 0032

21 See, for instance, CCC 0011 (Free Speech Union) and CCC 0028 (anonymous MP)

22 CCC 0032

23 CCC 0006, para 1.2

Unreasonable and excessive personal attacks

32. Our November 2021 report proposed no change to the current exemption of a Member’s views and opinion from investigation under the Code. It commented that:

Free speech within the law is a human right. Broadly speaking, Members should be free to exercise it in the same way and to the same extent as anyone else in the United Kingdom. Ultimately the electorate has the power to remove an MP if their opinions are offensive. We conclude that a Member’s views and opinions should continue to be excluded from investigation under the Code.²⁴

33. However, we proposed a new rule which would ban Members from making “unreasonable and excessive personal attacks in any medium”:

We, like the Commissioner, are concerned that the new world of communications created by social media has created a situation in which personal attacks and abusive content directed at individuals can be widely disseminated in a way which may not break the law but which, in extreme cases, can be regarded as disreputable.

We therefore support the addition to the Code of a rule similar to those adopted by the Welsh Senedd and the Northern Ireland Assembly, making it an investigable breach of the Code for a Member to subject anyone to unreasonable and excessive personal attack in any medium. This would bring the House into line with the devolved bodies and be a proportionate means of addressing unacceptable behaviour, whilst preventing any risk of the expression of a Member’s views or opinions from becoming subject to an investigation.²⁵

34. In our consultation responses there was a great deal of comment on this proposal. The Government referred to Article IX of the Bill of Rights 1689 which protects freedom of speech in Parliament, and added “this fundamental provision is essential in protecting the rights of Members in both Houses to raise issues of public concern in Parliament. Members should be able to freely express their views without fear that they will be subject to an investigation under the Code.” They continued:

Whilst it is the responsibility of all Members to conduct themselves in a way that does not bring the House into disrepute, further strictures in the rules would serve inadvertently to have a chilling effect on debate outside of Parliament, be it in person or online. We therefore oppose this [...] proposal.²⁶

35. Other responses, particularly those from Members, expressed similar concerns that the new provision might have a chilling effect on freedom of speech. There was concern as to how the new rule would be interpreted, whether it would apply within the Chamber and in committees, and how high the bar for engaging the rule would be.

24 Fourth Report, para 56

25 Fourth Report, paras 57–58

26 CCC 0032

36. We have carefully considered the representations made to us. It is important to note that Article IX of the Bill of Rights 1689 is not directly relevant here, because it protects free speech in Parliament from external legal challenge; it does not restrict the right of each House of Parliament to discipline its own members as it sees fit. Notwithstanding this, free speech in Parliament is indeed, as the Government notes, a cardinal principle of our constitution; it is precious and must be protected. The existing Code rightly excludes conduct in the Chamber from matters which the Commissioner can investigate, and we are happy to clarify that our new rule, if adopted, will not apply to parliamentary proceedings, either in the Chamber or in committees. Members' conduct in the Chamber is a matter for the Speaker, not for the Code or the Commissioner.

37. The proposed new rule is principally directed against abusive use of social media, though the reference to "any medium" would allow complaints to be brought in respect of comments in private correspondence with the person attacked or in the media. The bar for engaging the rule is deliberately set very high: for a Member to be found in breach, it will be necessary to establish that a verbal attack by them on another person was (a) unreasonable, (b) excessive and (c) personal. All three criteria must be satisfied. We clarify that by "personal" attack we mean an attack involving abusive remarks relating to an individual's personal characteristics or background where these could not reasonably be considered relevant to political debate (e.g. mocking someone because of their height or their weight). These strict conditions mean Members could not be penalised under this new rule for taking part in ordinarily robust debate; it could only be invoked in rare cases where a Member's comments on another person outside Parliament have been genuinely shocking and beyond what would normally be considered reasonable behaviour. If the proposal were to be adopted by the House, the Commissioner would have to be mindful of these strict criteria in deciding whether to take up a complaint.

38. As we have noted, our proposal to ban Members from "subject[ing] anyone to unreasonable and excessive personal attack in any medium" has provoked significant concern among some Members. Although we are confident that Members have no intention of encouraging or licencing unreasonable and excessive personal attacks, we think that further consideration needs to be given to the implications of introducing such a new rule. We propose to (a) investigate how similar provisions have worked in practice in the devolved bodies, (b) explore a further issue, that of whether difficulties might potentially arise if a complaint of breach of this rule were to be made both to the Commissioner as a conduct issue and (if the alleged misconduct affected a member of the parliamentary community) to the ICGS, as it would clearly be undesirable for a Member to be subject to a form of double jeopardy by being investigated through two separate parliamentary mechanisms for the same alleged offence, and (c) consider how to uphold a Member's right to express robust views, without fear or favour, at times repeatedly about the same matter or person. We are not therefore including the proposal in our current package of recommendations to the House.

39. We will return to this matter as part of a wider inquiry we plan to hold later in 2022 into the tone of political debate, intimidation, misogyny and how parties conduct their campaigning. Detailed terms of reference for this inquiry and a call for papers will be issued in due course.

Conduct in the Chamber / ICGS and proceedings

40. The Guide to the Rules makes clear that “conduct in the Chamber [...] is a matter for the Speaker”, and therefore it is not within the Commissioner’s remit to investigate such conduct.²⁷ In our November 2021 report we noted that this exclusion recognises, first, the importance of free speech in Parliament, and the House of Commons’ collective control over its own proceedings; and, second, that the Speaker and his deputies have responsibility for enforcing the orderliness of business in the Chamber, and are given extensive powers under the Standing Orders to enforce order.²⁸

41. We drew attention to a recent decision by the House of Lords to amend its procedures by allowing investigations under the Independent Complaints and Grievance Scheme (ICGS) into conduct during proceedings in the Chamber and in committees. The Lords Code of Conduct now makes it clear that a peer can be investigated for bullying, harassment or sexual misconduct that took place in the course of a proceeding, but that during any such investigation the Lords Commissioner for Standards would need to recognise freedom of speech as a primary consideration.²⁹

42. In our report we commented that:

The Speaker’s responsibility for upholding the rules at sittings of the House is deep-rooted in parliamentary history and practice, and we do not advocate any change to this. Events in the Chamber are fast-moving and discipline has to be instant; the Commissioner’s investigation role is not appropriate. Conduct in the Chamber is properly a matter of order for the Chair, who has been given disciplinary powers by the House.³⁰

43. However, we went on to observe that:

there are instances where an instant judgment is not possible, necessary or desirable and further investigation may be necessary, for instance where the offending behaviour has occurred in a committee or a division lobby. In such cases, especially potential ICGS cases involving bullying, harassment or sexual misconduct, the Speaker could have the option to refer a matter of conduct in the Chamber, in Committee or elsewhere in a proceeding to the Commissioner for investigation. We invite comments on this suggestion.³¹

44. We have since taken further evidence on this proposal. We wished to explore further the relationship between the ICGS and formal proceedings in the Chamber and in Committee. The Clerk of the House has assisted us with a memorandum dealing with this subject in detail.³² The Clerk confirms that House of Commons proceedings cannot be investigated under the ICGS. He states that the authority for this statement is an interpretative one: the House’s or a Committee’s control of its own proceedings is so fundamental that it could only be displaced by express words (as in the Lords Code of Conduct) or necessary implication. For example, the Commons Code of Conduct expressly requires interests to be registered and declarations made in proceedings as well

27 Guide to the Rules 2019, chapter 4, para 21

28 Fourth Report, para 75

29 Fourth Report, para 76; Code of Conduct for Members of the House of Lords, para 29(a)

30 Fourth Report, para 78

31 Fourth Report, para 79

32 CCC 0058 (Clerk of the House)

as elsewhere, and in appointing a Commissioner to investigate breaches of the Code it is a necessary implication that she can look at proceedings to see whether a declaration has been made. The Clerk points out that the House has made no such express provision in relation to the ICGS and the Behaviour Code.³³

45. The Clerk of the House also comments on the reasons why the Commons and the Lords have taken different approaches to the implementation of the ICGS. Unlike the Lords, the Commons has instituted a system in which Members are treated as far as possible like any other member of the parliamentary community. In the Commons Chamber the Speaker has been given extensive disciplinary powers to intervene and to uphold order; the Lords, by contrast, is a self-regulating chamber and its speaker has no equivalent powers.

46. The Clerk of the House comments that the exclusion of proceedings from ICGS investigations is a very narrow exclusion:

The fact that proceedings are limited to the formal business of the House or a Committee, or matters extremely close to such business, means that bullying or harassment which simply take place at the time of a sitting, rather than being an intrinsic part of proceedings, remains amenable to the ICGS.³⁴

47. The Clerk notes that the following matters would not be proceedings, and therefore could be investigated under the ICGS, even if they occurred within a sitting of the House or a Committee:

- assault (whether on a fellow Member or other person);
- words spoken to an individual not intended for the House or Committee as a whole;
- notes to an individual unrelated to Chamber or Committee business.³⁵

48. The ICGS has made the following statement about the limited extent of the 'proceedings' exemption:

The ICGS does not apply to formal parliamentary proceedings in the Commons and its Committees. Many matters can take place in the House or in a Committee which are not formal proceedings and would not be so exempt. Examples of actions by a Member in the House of Commons chamber or in a committee room while the House or Committee is sitting (whether in public or private) that would fall within the remit of the ICGS and PCS include:

- Bullying or harassment of another person via whispering or passing notes;
or
- sexual misconduct in the form of unwanted touching of another Member, a clerk or other employee of the House, a witness or a visitor.

33 CCC 0058 (Clerk of the House), paras 12–15

34 CCC 0058 (Clerk of the House), para 19

35 CCC 0058 (Clerk of the House), para 4

Actions such as these would not be regarded as part of proceedings in Parliament and would therefore be eligible for investigation under the ICGS.³⁶

49. With regard to our specific proposal that the Speaker might in some circumstances have the option to refer a matter of conduct in the Chamber or in a committee to the Commissioner for investigation, the Director of the ICGS supplied written evidence noting that this would not be possible under the ICGS as presently set up. The Director commented:

This recommendation means that Mr Speaker would [...] be acting as a third party. The ICGS is complainant-led and it is not possible to make third-party complaints. In her review of the ICGS, Alison Stanley recommended that “it should continue to be the position across both Houses that third parties cannot formally report behaviour under the ICGS policies and procedures” [...]. This recommendation was accepted by the Commission and the House of Commons.³⁷

50. The ICGS draws attention to ways in which inappropriate language in the Chamber and committees can be challenged.³⁸ The Clerk of the House likewise discusses the extent to which misbehaviour by occupants of the Chair can be addressed.³⁹

51. The Director of the ICGS also pointed out that the Commissioner herself has no power to initiate an ICGS investigation as the initial stages in the complaints process are not in her hands but those of independent investigators.⁴⁰ The Government commented that our proposal relating to referrals from the Speaker would be “challenging to implement” because of the exclusion of third-party referrals.⁴¹

52. We have considered carefully whether the existing rules governing conduct in the Chamber and committee means that there is a major deficiency or ‘loophole’ in the regulation of such conduct, particularly in relation to the ICGS. On the basis of the evidence we have received from the Clerk of the House, the Director of the ICGS and others, we have concluded that that is not the case. We note that the exclusion of proceedings from the ICGS is a limited exemption and that many forms of bad behaviour in or in the vicinity of the Chamber and committees can be investigated under the ICGS. This is a complex area, and it is necessary to give fuller consideration to how a Member’s actions or omissions within the Chamber, its immediate vicinity or within committee meetings are dealt with for the purposes of disciplinary action. In the meantime, we do not intend to proceed with our proposal in relation to the referral of conduct matters from the Speaker to the Commissioner.

36 CCC 0009 (Independent Complaints and Grievance Scheme)

37 CCC 0009 (Independent Complaints and Grievance Scheme)

38 CCC 0009 (Independent Complaints and Grievance Scheme)

39 CCC 0058 (Clerk of the House), para 23

40 CCC 0009 (Independent Complaints and Grievance Scheme)

41 CCC 0032 (HM Government)

Registration

53. In our November 2021 report we set out a number of proposed changes to the rules on registration.⁴² We have modified these proposals in light of the evidence we have received, which we set out in detail below. We also set out a summary of the revised proposals for changes to the rules on registration in the table at Annex 3 to this report.

Category 1: Employment and earnings

54. No concerns have been drawn to our attention regarding our proposals to remove the requirement to register individual payments over £100, so that Members only need to register earnings over £300 from a single source in a calendar year, and that earnings from opinion surveys should no longer be registered. We therefore maintain our proposals in this area.

55. In addition, we propose to clarify the status of directors' loans at favourable rates in the Register, which is currently a source of ambiguity, by including these explicitly within category 1.

Category 3,4,5–Gifts, benefits and hospitality from UK sources; visits from outside the UK; and gifts and benefits from sources outside the UK

56. We noted in our November 2021 report that the rules on registering UK hospitality are more demanding than those in respect of hospitality on a visit outside the UK and proposed no longer to distinguish between UK and non-UK donors of gifts and benefits.

57. The Electoral Commission drew our attention to the fact that the Political Parties, Referendums and Elections Act 2000 (PPERA) treats UK and non-UK benefits differently, and that amalgamating these categories could therefore hinder transparency and create de-alignment between the Register and the requirements of PPERA.⁴³ We therefore no longer propose to make any changes to categories 3, 4 or 5.

Category 6–Land and property

58. We observed in our November 2021 report that it is very unlikely that a property worth £100,000 or less could generate rental income of over £10,000 per year, and therefore proposed removing the rental income threshold in category 6, as properties meeting the rental income threshold would be likely to fall to be registered by virtue of their value. This would, however, necessitate creating a new category where rental income would be registered, thereby obviating the benefits of simplification; or else would reduce the level of information available in the Register (namely, that a Member was in receipt of rental income). We therefore propose to maintain the status quo and to retain both the value and rental income thresholds in category 6.

59. We intend to maintain, however, our proposal that a Member sharing a home, such as with a sibling or with friends, should bring that home into the category of non-registrable homes, by including the qualification “whether alone or shared with others, such as friends or family members”.

42 Fourth Report, paras 116–26

43 CCC 0035 (Electoral Commission)

60. In addition, we propose expanding the category of non-registrable homes used for the personal residential purposes of a Member's "spouse, partner or dependent children", to encompass the family members set out in category 9 of the Register.

Category 8 - Miscellaneous

61. We proposed in our November 2021 report that Members should be required to register all unpaid roles, such as unpaid directorships and unpaid trustee roles, which implements a recommendation made by the Committee on Standards in Public Life in their July 2018 report on MPs' Outside Interests.⁴⁴

62. The Committee on Standards in Public Life clarified in written evidence that this rule "should only cover roles, such as directorships or trustee positions, and not memberships of organisations where MPs have no formal responsibilities."⁴⁵ The Government, in its written evidence, recorded its concern that "overly expansive policy including all non-pecuniary interests could undermine the right of a Member to enjoy a private life and be a member of, or volunteer for, organisations where they do not hold decision-making powers" and stated that "further clarification is needed so that these rules apply only where Members hold substantive positions of authority".⁴⁶

63. We therefore propose to adopt the wording that MPs should register in category 8 "significant, formal roles" where these are unpaid, such as a trustee, and that Members should not register informal roles such as patronships or membership of a society or organisation.

64. We also propose to include within category 8 formal roles within a political party (for instance as a Chair or Vice-Chair). We have made a consequential amendment to the Guide to the Rules to make clear that such roles do not engage the lobbying rules.

65. Category 8 currently envisages that Members may register funds to defray the cost of legal action arising out of activity as a Member. More recently, Members may be party to legal action which is crowdfunded. We propose to clarify that crowdfunded legal funds should also be registered in category 8, to include whether or not a benefit has been received (ie that those funds have been drawn upon).

Category 10—Family members engaged in lobbying

66. We proposed in our November 2021 report to remove category 10, which is rarely used. Henry Dyer observed in oral evidence that:

Just because it is rarely used doesn't mean you should scrap it. The fact that it is rarely used is probably a good sign, because it shows that more and more Members are aware that having close family members who are involved in lobbying is not a good look. If you were to scrap it, you might see a resurgence of people whose partners or children are in lobbying.⁴⁷

44 Committee on Standards in Public Life, 19th Report, *MPs' Outside Interests*, published 3 July 2018, p 49 (Recommendation 5)

45 CCC 0006 (Committee on Standards in Public Life)

46 CCC 0032 (HM Government)

47 Q 153

67. We agree that there may be some benefit to retaining this category, and therefore no longer propose to remove it.

68. *We recommend that the House agree the changes to the rules on registration set out in the above paragraphs and in Annex 3.*

Ministerial interests

69. In our November 2021 report, we noted that the Guide to the Rules currently provides that Ministers do not need to register gifts, benefits or hospitality received in their capacity as Ministers.⁴⁸

70. We reported our concern that “the distinction between ministerial interests and Members’ interests is not always clear cut” and that “the current regime also makes it difficult for members of the public to see the various interests of a Member in their different capacities”.⁴⁹ We announced that we were considering a recommendation that the provision that “Members are not required to register either ministerial office or benefits received in their capacity as a Minister” is amended to read “Members are not required to register ministerial office”, so that Members register with the House benefits and hospitality received whether or not it is in their capacity as a Minister.⁵⁰ We noted that this would not, in practice, include the registration of gifts which, based on current Government rules, would become either the property of the Government or would effectively be bought back from the Government by Ministers. There is no similar provision for Ministers to pay for hospitality they receive.

71. We received detailed and helpful evidence on this proposal during our consultation. In its written evidence, the Government maintained its position that:

[t]he rules regulating Members’ interests and Ministerial interests are necessarily distinct, reflecting the underlying constitutional principle of the separation of powers.⁵¹

72. The Government stated that:

It remains the Government’s view that benefits received by Members in their Ministerial capacity should not form part of the Members’ register. Gifts and hospitality received by Ministers are subject to official advice within departments, often in advance of being accepted, and recorded and handled immediately by departments in line with guidance. This is the point at which ‘declaration’ occurs and full details are provided.⁵²

73. We remain concerned that under the current arrangements, it is in practice a matter of choice for a Ministerial Member whether they ‘prefer’ to use the Ministerial

48 Fourth Report, para 127. Paragraph 16 of the Guide to the Rules provides that “Members are not required to register either Ministerial office or benefits received in their capacity as a Minister”. Chapter 1, para 18(j) also states that: “Donations or other support received in a Member’s capacity as a Minister, which should be recorded, if necessary, within the relevant Government Department in accordance with the Ministerial Code”.

49 Fourth Report, para 139

50 Fourth Report, para 139

51 CCC 0032 (HM Government)

52 CCC 0032 (HM Government)

or the House Register. Given the less frequent publication and less detailed content of the Government's transparency returns, Ministers' interests are presently subject to less stringent transparency than those of other Members.

74. The Government agreed that this is a matter of choice. When we pressed the Leader of the House on these points during oral evidence, he told us:

They need to judge in their own mind whether it is in their capacity as an MP or as a Minister.⁵³

75. This places Members who are Ministers in an invidious position. The temptation will be to register an interest where it attracts least attention and where least transparency is required. It requires Ministers' private office staff to make judgements on the operation of the registration rules of the House, which they are not equipped to make; and it means that two MPs that attend the same event may be subject to different transparency requirements. This patently offends the principle that all Members should be treated equally.

76. Witnesses told us that it was perverse that Members who were Ministers should have diminished transparency requirements when they accept benefits such as hospitality and travel. Transparency International UK told us in written evidence that our proposal would:

[...] address the perverse situation whereby ministers are subject to lower transparency requirements than their backbench peers, and avoid confusion over their reporting obligations.

As it stands, ministers have less onerous demands on the transparency of their interests than MPs, which seems counterintuitive; it stands to reason that those with more power should be subject to a higher standard of disclosure and accountability. Items registered under the MPs' code are published every fortnight, whereas similar interests for Ministers are only required to be published every quarter, do not include monetary values, and are subject to the government's communication grid, so are often published late.⁵⁴

And that:

Recent events have shown that the interplay between the two rules is also a cause for confusion that reduces transparency and accountability.

[...] The public should be able to see parliamentarians' interests clearly in one place and not need an in-depth knowledge of the complex interplay between the MP and ministerial codes to access this information.⁵⁵

77. We agree with Transparency International that Ministers should not be subject to a less transparent regime than other Members. We are not convinced either that the Government have made any significant progress in the timeliness or consistency of Ministerial registrations. Dr Hannah White, Deputy Director of the Institute for Government, told us that:

53 Q 487

54 CCC 0039 (Transparency International UK)

55 CCC 0039 (Transparency International UK)

[...] my inclination would be that the House ceases to have an exception for Ministers and that Ministers' interests should also be covered in the House's code. The Government has a long way to go in terms of transparency for ministerial interests, particularly in terms of timing. The Institute for Government did some research on this last year and found the Government not meeting its commitments, which are already much slower than the House's requirements in terms of speed of registrations.⁵⁶

78. We note the concerns of the Committee on Standards in Public Life that to remove the Ministerial exemption would be unlikely to result in the Government ceasing to publish details of Ministerial hospitality and travel, and therefore that such interests would be published in two places:

[...] the net effect of the Standards Committee proposal to remove the ministerial exemption - requiring ministers to declare benefits and hospitality received in a ministerial capacity with the House - would arguably create greater confusion on the overlapping remits of the transparency regimes in government and Parliament. While ministers' meetings, gifts, and interests would be published solely by government, benefits, hospitality and overseas travel would be published by both.⁵⁷

79. However, other witnesses told us that they did not see this problem to be insurmountable. Dr Jonathan Rose told us:

It needs to be either that one can make a decision about where it gets reported, but the reporting standards are functionally equivalent, which would be fine, or that it can be reported in both places, with a note that it was sort of with an asterisk.⁵⁸

80. Henry Dyer noted that duplication already exists in respect of political donations which are subsequently published by the Electoral Commission:

you would only end up getting Minister's gifts and hospitality and other benefits—not the meetings. I suppose that is better than nothing. I accept that there would be duplication, but, again, I don't actually see that as an issue. We already have duplication with the Register of Members' Financial Interests and the Electoral Commission records. The fact that you can find these records in two places should not pose an issue.⁵⁹

81. Solomon Hughes, a reporter at Private Eye, argued that the burden of dual registration was not onerous:

if they are registered twice—there is an idea that registering something twice is some kind of terrible thing. It is words on paper. They do not have to bang it in brass with a punch. They should just register everything. In its favour, the Register of Members' Financial Interests arrives relatively promptly and is relatively clear.⁶⁰

56 Q 106

57 CCC 0006 (Committee on Standards in Public Life)

58 Q 108

59 Q 144

60 Q 186

82. *We propose that the Guide to the Rules is amended to state only that “Members are not required to register Ministerial office”, and that Members are therefore required to register with the House benefits whether or not they were received in their capacity as a Minister. We also consider that the responsibility to do so should not fall on officials: registration should be the personal responsibility of the Minister. We accept that this may involve duplicate reporting, and that Ministers would register some items both in Government transparency returns and the House’s Register. However, based on the evidence we have received, we consider that the gain in transparency and public accountability far outweighs this potential drawback. Above all it would mean that the public would be able to access all the information regarding a Member’s financial interests in one place in a timely fashion. We wish to engage closely with the Government to work out how such a change could best be implemented.*

83. *As part of this change, we also propose that Members who are acting as Government trade envoys should register in the House’s Register any gifts, benefits or hospitality they receive in that role, where this is not paid for by UK public funds (for example, by HM Government).*

Accessibility of the Register

84. Following the recommendation in our November 2021 report that the Register of Members’ Financial Interests should be digitised “in order to make it fully searchable”,⁶¹ funding for a bicameral discovery project on updating the registers of Members’ interests of both Houses was agreed under the parliamentary Transforming Digital Programme. The “project discovery” commenced on 7 March 2022 for six weeks, following consultation with the Committee and approval from the Houses’ administration governance bodies.

85. The discovery focused on understanding the ‘as is’ processes and systems via process mapping and analytics, identifying user groups, customer needs, expectations and pain points (through user research with MPs, their staff, House staff and outside stakeholders), and gaining an appreciation for the wider landscape (data, technology, content, security) that the solution will need to interface with and conform to. The discovery team recognised that there are a number of similar registers in Parliament (e.g. the APPG register) and worked to ensure that the project does not preclude later work on those registers.

86. The post-discovery findings were analysed and will be used to inform the requirements for the first phase of the project delivery. The delivery options for the project are currently being developed. There is bicameral agreement that work on the Commons Register of Members’ Financial Interests must be the first priority. The delivery method chosen will affect the timescale for delivery, as well as cost, and there is collaboration with the House administration to co-ordinate developments in the area with our proposed changes to the Code of Conduct.

87. Alongside the project, interim improvement work has taken place including introducing a Members’ Interests Tab on the parliamentary website on 1 April 2022. This allows easy access to an individual Member’s entry in the Register from their page on the website.

88. **We consider that a good start has been made by the parliamentary authorities on undertaking, at long last, this much-needed work to improve the transparency and searchability of the Register. We will continue to monitor the project to ensure that momentum is maintained and improvements introduced as soon as possible.**

Lobbying rules: contracts

89. In our November 2021 report, we proposed introducing a requirement that a Member who takes on an outside role must obtain a written contract or written statement of particulars detailing their duties. This contract, or a separate letter of undertaking, would be made available to the Commissioner on request and must specify that the Member's duties will not include lobbying Ministers, Members of Parliament or public officials on behalf of that employer, nor providing paid parliamentary advice, and that the employer may not ask them to do so.

90. The Committee on Standards in Public Life reported their concern that this requirement may be disproportionate:

It may be disproportionate to require such contractual arrangements for public sector roles or media work, for example. Such a rule may only be necessary for consultancy work.⁶²

91. However, the proportion of Members undertaking paid external employment is relatively low. The CSPL itself estimated in 2015 that fewer than 20% of Members had “regular, paid outside commitments”,⁶³ and that this included forms of self-employment such as writing books or articles. We are concerned that to introduce this rule only for a subset of roles would require the application of subjective definitions of what counted as, say, a “consultancy” role.

92. We intend to clarify in the Guide that any such contract need not be provided to the Registrar on registering the employment, only that it should be made available “on request”.

93. We recognise that this rule is potentially an onerous requirement for Members who already have outside roles. We therefore propose, when inviting the House to agree a new Code and Guide, that specific provision is made in the relevant motion for the commencement of this requirement to be deferred, in order to give Members adequate time to comply.

94. ***We propose introducing a requirement that a Member who takes on an outside role must obtain a written contract or written statement of particulars detailing their duties. This should be provided to the Commissioner on request but need not be provided to the Registrar on registering the employment. The contract, or a separate letter of undertaking, must specify that the Member's duties will not include lobbying Ministers, Members of Parliament or public officials on behalf of that employer, nor providing paid parliamentary advice, and that the employer may not ask them to do so.***

62 CCC0006 (Committee on Standards in Public Life)

63 Committee on Standards in Public Life, *MPs' Outside Interests* (July 2018), p 28

95. Ahead of any new rule on this matter coming into force, we intend to ask the Commissioner to advise on wording for a template clause and letter of undertaking which satisfies the requirements of the new rule. We anticipate that a Member should be able to readily obtain from the Commissioner’s office the template clause or letter of undertaking for their use in proposed contracts. No adverse inference will be drawn, however, from a Member choosing to use a bespoke clause instead of the template, so long as this meets the Code’s requirements.

Lobbying rules: ‘serious wrong’ exemption

96. In our November 2021 report, we proposed tightening of the “serious wrong” exemption in the lobbying rules, which our predecessors introduced as a “whistleblowing” exemption. It allows “exceptionally” that a Member may approach the responsible Minister or public official with evidence of a serious wrong or substantial injustice, the resolution of which may incidentally confer or have the effect of conferring a benefit on a person or organisation from whom the Member is receiving outside reward or consideration.

97. The Government agreed with our view that the exemption should not exist as a loophole that Members attempt to rely upon retrospectively, but argued that “further evidence is needed that Members are routinely using this provision as justification for activity that could be construed as paid advocacy before introducing a more prescriptive set of criteria”, to avoid any “inadvertent ‘chilling effect’ on Members raising concerns where it is in the public interest to do so”.⁶⁴ We note, however, that only seven cases of paid advocacy have ever been considered by the Committee or its predecessors since 1995 but in two of these cases, the Member sought to rely on the serious wrong exemption at some stage, in both cases rejected by the Commissioner and by the Committee.

98. In respect of the requirement that any material benefit is incidental, we propose to clarify the exemption to make explicit that the benefit sought must not be integral to the approach, and must be “merely incidental” to the resolution of the wrong or injustice. We also propose to strengthen the “exceptional” character of the exemption by providing that Members may not make repeated approaches under the provision; and prevent retrospective reliance on the exemption.

99. We do not agree that these changes would have a “chilling effect”. We would already expect any Member making an approach that would fall within the ambit of the lobbying rules to seek advice beforehand, and with the introduction of our proposed safe harbour provision, Members doing so would have additional protection under the rules that would enable them to make a legitimate “whistleblowing” approach with much greater confidence.

100. *We propose that the serious wrong exemption is clarified to provide explicitly that any benefit must be merely incidental to the resolution of the wrong or injustice, and not integral to the approach; and that two new requirements are added in order for it to apply: first, that a Member must state at the outset that they are providing evidence of a serious wrong or a substantial injustice; and second, that a Member may not make repeated approaches under that provision (other than to chase progress or inquire about the outcome of their single substantive approach).*

Lobbying rules: initiation and participation

101. The existing Guide to the Rules states that “the rules on lobbying are intended to avoid the perception that outside individuals or organisations may reward Members through payment or in other ways, in the expectation that their actions in the House will benefit that outside individual or organisation”.⁶⁵ This is an important principle and a key provision for preventing inappropriate influence and avoiding conflicts of interest.

102. The Guide also states that the rules “are intended to provide the right balance between enabling Members to bring to bear their experience outside the House on matters of public policy while avoiding any suggestion that the parliamentary or policy agenda can be set by an outside individual or organisation making payments to a Member.”⁶⁶

103. In our November 2021 report, we noted that in an attempt to strike this balance, the current rules distinguish between Members initiating a proceeding or an approach and participating in a proceeding or approach initiated by another or others. We stated then that “there is an argument that any conflict of interest—or perceived conflict of interest—is undesirable and risks harming the reputation of the House”.⁶⁷

104. We invited comments on whether it would be desirable to tighten the lobbying rules so that a Member who is in receipt of outside reward or consideration is prevented not only from initiating but also from participating in proceedings or approaches to Ministers, Members or public officials that seek to confer, or have the effect of conferring, a benefit on an identifiable person from whom or an identifiable organisation from which they, or a family member, have received, are receiving, or expect to receive outside reward or consideration, or on a registrable client of such a person or organisation.” The current rules also allow a Member to participate in a proceeding or an approach (but not to initiate), if it “did not seek to confer benefit exclusively on that person or organisation.”⁶⁸

105. The Committee on Standards in Public Life argued that “the distinction between initiating and participating in parliamentary proceedings or approaches to government [should] be removed, so that both initiation and participation are prohibited where an MP’s paying client would receive a benefit.”⁶⁹ Professor Heywood and Dr Hannah White told us in oral evidence that they also supported removing the distinction.⁷⁰

106. The Government, however, had reservations that this could prohibit Members from participating based on their expertise:

While it is right that Members should not seek to participate in proceedings with the intention of conferring a benefit on an outside individual or organisation, stricter rules could serve to prevent MPs from enhancing debate on the basis of expertise. It is conceivable that, by participating in a debate on which a Member has particular expertise by virtue of their previous career or ongoing outside work which results in a live financial

65 Code of Conduct and Guide to the Rules 2019, chapter 3, para 4

66 Code of Conduct and Guide to the Rules 2019, chapter 3, para 4

67 Fourth Report, para 169

68 Code of Conduct and Guide to the Rules 2019, chapter 3, para 38 (b)

69 CCC 0006 (Committee on Standards in Public Life)

70 Q 104–05

interests, a general benefit could be conferred on a sector at large. To restrict participation in this way could serve to diminish rather than enhance our debate and prevent Members from fully participating in proceedings.⁷¹

107. We recognise that removing the distinction in the lobbying rules between initiating and participating in approaches and proceedings would represent a tightening of the rules. It would limit Members' ability to participate in proceedings where they had a current financial interest and their participation would seek to confer, or have the effect of conferring, a benefit on the source of the interest. However, the rules are tightly drawn for a reason. They presume that Members will always seek to avoid a conflict of interest and will resolve such a conflict, should it arise, swiftly and in the public interest. That would mean avoiding participating in (as well as initiating) any proceeding or approach where the Member has a current financial interest; or ensuring that any such participation was careful not to seek to confer, or have the effect of conferring, a material benefit on the source of that interest. Some recent cases adjudicated by the Committee⁷² have also seen protracted argument about whether a Member's action was "initiation" or not. In our view, the distinction between initiating and participating in proceedings is not significant enough to justify different treatment under the rules. Ending the distinction would not prevent Members bringing experience gained outside the House to bear on public debate, except where they both have a live financial interest and are seeking to confer a benefit on the source of that interest—and therefore would have a conflict of interest.

108. We set out in Annex 4 some hypothetical case studies illustrating this.

109. Based on the evidence we received, we have concluded that the distinction is unhelpful, is liable to abuse and is not well-understood by Members or by the public. It is axiomatic that a Member who is in receipt of outside reward or consideration should not seek to confer a benefit on the person or organisation providing it, whether this takes the form of initiating a proceeding or approach, or participating in a proceeding or approach. We therefore propose removing the distinction between initiation and participation in the lobbying rules.

Members' outside interests

110. We proposed in our November 2021 report banning the provision of services as a parliamentary adviser, consultant or strategist, that is, advising on how to influence Parliament or its Members. The evidence received to our consultation was supportive of this provision, with no significant objections to it. We note in particular that both the Government and the Committee on Standards in Public Life welcome our proposal. We proposed in our November 2021 report to adopt similar wording to that used in the House of Lords' Code. That Code derives the ban on such services from a ban on the provision of "paid parliamentary advice", together with a clear definition of activities which do not constitute parliamentary advice. We propose to adopt the same structure in the Guide to the Rules.

71 CCC 0032 (HM Government)

72 See, e.g., Committee on Standards, Third Report of Session 2021–22, *Mr Owen Paterson* (HC 797).

111. *We propose banning the provision of paid parliamentary advice, including providing or agreeing to provide services as a parliamentary adviser, consultant or strategist, and have used wording closely aligned to that in the House of Lords Code.* To minimise the risk of any Member breaching this new provision, Members are encouraged to discuss with the Registrar any proposed outside interests contract for financial gain which they wish to enter into. The Registrar will offer Members helpful clarity on whether the proposed contractual activities are excluded from the ban. The Registrar would normally provide that advice in writing to the Member concerned with a view, wherever possible, to help that Member understand what is and is not permissible in the Member's proposed outside interest. Periodically, we intend in discharging our oversight function of the Commissioner, to discuss in generality the advice given to better understand the parameters of the working of this new rule. It is of the utmost importance to us that this new rule operates in a manner which will mitigate against the risk of egregious breaches, as witnessed in 2021.

Limits on outside work

112. We noted in our November 2021 report that the public expect that MPs devote themselves wholeheartedly to their duties and responsibilities.⁷³

113. We therefore consider that it would be wholly inappropriate for any Member to take on paid employment that compromises treating their role as a Member as their primary role. It would fail to uphold the principle of Selflessness, which we describe as follows:

Members of Parliament should act solely in the public interest. They should ensure that no private, financial or other personal interest risks compromising their principal role as a Member of Parliament. They should never misuse their position to gain financial or other material benefits for themselves, their family, or their friends.⁷⁴

114. In our November 2021 report, we discussed whether limits should be placed on the time spent on, or remuneration received from, Members' outside interests. We recorded our concern that, if a rule took the form that such interests should be within "reasonable limits", it would be "difficult to see how the Commissioner could investigate whether a Member's remunerated or unremunerated outside interest had impacted on their ability to perform their parliamentary duties without making judgements on whether the Member concerned was sufficiently diligent", and that the Commissioner "would constantly be asked to decide whether a Member had fully carried out their range of duties", which is ultimately a matter for voters, not for the Commissioner or the Code.⁷⁵

115. The Committee on Standards in Public Life has since proposed, in written evidence, that this Committee set out "indicative limits" which could be exceeded "where a Member can demonstrate that their paid outside employment creates no perception of a conflict of interest, nor will it create the perception that the MP is failing to treat their parliamentary role as their primary employment".⁷⁶ The CSPL conceded however, that it would still be "for the Commissioner to decide on a case-by-case basis whether or not the

73 Fourth Report, para 182

74 Annex 1

75 Fourth Report, para 185

76 CCC0006 (Committee on Standards in Public Life)

above criteria are met”.⁷⁷ In our view, this does not overcome the difficulty involved in asking the Commissioner to make subjective judgments about what constitutes treating a parliamentary role as a Member’s primary employment.

116. In our November 2021 report we also considered proposals to place limits on time spent on outside interests or income earned from them. In respect of placing limits on time, we noted that “some outside interests could be viewed as presenting no conflict of interest with a Member’s primary duties—and might even be considered to be a legitimate extension of their public service role”, and that “in any investigation the Commissioner would have to be able to ask Members for proof that they had not exceeded the registered number of hours in a given period”, for example, through keeping timesheets.⁷⁸ In respect of placing limits on earnings, we noted that some forms of payment for outside work, such as royalty payments, are unpredictable, and that placing limits on earned income would treat such income very differently to unearned income, such as income from buying and selling shares or other property, or renting a property, which at the moment does not even fall to be registered. We have not seen any evidence that convincingly meets these objections.

117. We concluded in our November 2021 report that a “significant change” in the ability of Members to hold outside interests “should only be implemented with broad cross-party support”. We have detected no such support in evidence received to our consultation. Indeed, we have observed that there is a conflict between various proposed objectives: roles which might present a conflict of interest could be kept within defined time or income limits, and roles which are highly remunerated may only take up a small proportion of a Member’s time.

118. We recommend that no restrictions should be introduced on the time that a Member can spend on outside work, or on income that they might receive from it. Nor should any rule be introduced which would involve the Commissioner making a judgment about whether a Member is sufficiently diligent, a judgment which ought to be reserved only to a Member’s constituents.

77 CCC0006 (Committee on Standards in Public Life)

78 Fourth Report, paras 190–191

The functioning of the Code: the Ryder review and our response

119. In this section of the report we summarise Sir Ernest Ryder’s recent review of fairness and natural justice in the House’s standards system and give our response to it.

Commissioning of Ryder review

120. In our November 2021 report we announced our intention to commission a senior judicial figure to carry out a review of fairness and natural justice in the House’s standards system. We commented as follows:

We consider that the present system is fair, that it guarantees a Member a fair hearing, that it observes the norms of due process and is compatible with Article 6 ECHR, and that it protects the interests of the House at large and the wider public in upholding the House’s rules. However, we have also considered whether there is more we can do to clarify the process, eliminate confusion, and ensure best practice in guaranteeing natural justice. We suggest ways in which the process for determining cases might be improved and are open to further suggestions as part of our consultation, including on the matter of appeals. We will invite a senior judicial figure to review some of these options for change. We will publish their conclusions and take them into account in making our final proposals to the House.⁷⁹

121. In December 2021 we appointed Rt Hon Sir Ernest Ryder as our legal adviser under Standing Order No. 149(7)(c) for the purposes of conducting the review. Sir Ernest is a former Senior President of Tribunals for the United Kingdom and Lord Justice of Appeal, and is currently Master of Pembroke College, Oxford. The terms of reference for the review were set out in correspondence with Sir Ernest confirming his appointment, and subsequently published by us.⁸⁰ Sir Ernest submitted his review on schedule on 25 February 2022 and we published it on 4 March.⁸¹ We took oral evidence from Sir Ernest on 8 March.⁸²

122. We subsequently received a written Government response to the Ryder review which it describes as “thoughtful and timely”.⁸³ Giving oral evidence to us on 26 April, the Leader of the House commented:

There is a lot in that report that is very positive. I think [Sir Ernest] has clearly given a lot of thought to this, and I think we are supportive of the vast majority of it. It is clearly going in the right direction.⁸⁴

79 [Fourth Report](#), para 8

80 In Committee on Standards, [Sixth Report](#) of Session 2021–22, *Review of fairness and natural justice in the House’s standards system* (HC 1183), published on 4 March 2022 [hereafter cited as “Sixth Report”], Appendix 2

81 *Ibid.*

82 Published on our [website](#) with the other oral evidence in this inquiry.

83 Letter dated 21 April 2022 from the Leader of the House to the Committee Chair

84 Q 509

Summary of Ryder review

123. The following summary of key points in the review has been approved by Sir Ernest. It concentrates on practical points rather than the constitutional, procedural and legal analysis which underpins them (though this is valuable and we urge our parliamentary colleagues and others to read it).

- a) Trust, respect and confidence in Parliament requires leadership around the standards of conduct of Members of Parliament which the public are entitled to expect the House to deliver. (Conclusion (2))⁸⁵
- b) The existence of a Code of Conduct for MPs which has the authority of the House and which describes the general principles of conduct separately from the details of the Rules which are to be observed is a model of good practice that should be preserved and built upon. (Para 25)
- c) The existence of lay members on the Standards Committee with an equal number of parliamentarians reflects both the public's interest in the regulation of standards and the imperative that the governance of standards should be by Members of the House. The balance of the Committee should not be altered. Sir Ernest adds, "[t]here is nothing in the way that it works in practice that causes me to believe that there is a problem which needs to be solved". (Para 27)
- d) The House should approve what Sir Ernest calls a "Code of Procedure" for the conduct of standards cases which would enhance fairness by improving understanding, perception, clarity and consistency. Existing good practice should be brought together into one document which has the same status as the Code of Conduct and Guide to the Rules. (Para 33)
- e) Minor amendments to the House's standing orders are desirable to ensure they reflect existing good practice. (Para 35)
- f) There should be regular opportunity for the House to debate the Code of Conduct and the new "Code of Procedure", perhaps as an annual fixture. (Para 36)
- g) The exclusion of MPs from the standards process would damage the constitutional basis for the standards jurisdiction and would raise at least as many problems as it might solve. (Conclusion (3) and para 13)
- h) The encroachment of the courts into the jurisdiction of standards of conduct in Parliament will not solve any of the issues which have been identified and is to be avoided. (Para 24)
- i) The present inquisitorial procedure for standards inquiries is fair and compliant with Article 6 ECHR (the right to a fair trial). Sir Ernest agrees with the Committee's conclusion that it does not propose to move from an inquisitorial procedure to an adversarial one. The standards jurisdiction of the House is quite different from criminal or civil proceedings in a court and is a unique jurisdiction in Parliament that has no comparators. (Para 38)

85 References in brackets in this paragraph are to [Sixth Report](#), Appendix 1.

- j) The Parliamentary Commissioner for Standards should investigate cases but not be the first decision-maker; instead of “findings” she should submit “opinions” to the Standards Committee which would be the first decision-maker. (Paras 35, 47)
- k) It is an erroneous misapprehension that the Commissioner currently takes part in the deliberations of the Committee. She does not. Her presence has been to facilitate her general advisory functions to the Committee, not to take part in decisions on an individual case. Nonetheless, to avoid even the perception of partiality, the Commissioner should henceforward not be present during the Committee’s deliberations on an individual case. (Para 62)
- l) Initial case discussions to set procedural ground rules in more complex cases are private and should take place without the attendance of the Commissioner or the Member concerned. (Para 57)
- m) When a member of the Committee is unable to attend a meeting of the Committee about an individual inquiry, they should take no further part in the Committee’s process in that inquiry. (Para 67)
- n) There should be a right of appeal, subject to specified grounds of appeal, from the Committee to the Independent Expert Panel or a similar independent body with legal expertise. There should be a time limit for appeals. (Paras 68–71)
- o) Recommendations for serious sanction (suspension or expulsion of a Member) which come before the House should be decided upon without debate or amendment. (Para 72)
- p) The existing investigatory panel procedure has not been used, should be regarded as redundant and should be removed from the standing orders. (Para 73)
- q) None of these recommendations for the future should be retrospectively applied to cases that are concluded. Each of the elements of good practice described in the review can be found in the practices adopted by the Commissioner and the Committee. What is needed is for that good practice to be clearly set out and explained. (Para 53)

Response to Ryder review

124. We welcome Sir Ernest’s review and are grateful to him for the speed and diligence with which he produced it.

125. We note that Sir Ernest endorses many aspects of the existing standards system. We consider that this offers an authoritative rebuttal to claims that the system is radically flawed, that it is intrinsically deficient by comparison with processes in courts or tribunals, or that the Commissioner’s or the Committee’s handling of recent cases has lacked fairness. We note in particular Sir Ernest’s conclusion that the present inquisitorial procedure for standards inquiries is fair and compliant with Article 6 ECHR (the right to a fair trial). We further note that Sir Ernest has accepted our invitation to suggest ways in which the current system could be improved, particularly

in regard to establishing a formal appeals system. We accept (with a few very minor modifications) all of Sir Ernest’s recommendations and set out below how we shall invite the House to put them into practice.

Proposed new document (“Procedural Protocol”) for approval by the House

126. Sir Ernest summarises “modern inquisitorial good practice in the context of the standards jurisdiction” and comments that “[e]ach of the elements of good practice I have described can be found in the practices adopted by the Commissioner and the Committee”. He continues, “[w]hat is needed is for that good practice to be clearly set out and explained”.⁸⁶

127. Sir Ernest observes that information about standards procedures is currently scattered between several documents:

The procedure for inquiries into the conduct of Members can be found in paragraphs 19 to 21 of the Rules under the heading ‘Upholding the Code’ and at part 4 of the Guide. The Rules specifically incorporate and are subsidiary to Standing Orders Nos. 149 and 150 of the House which deal with the powers to undertake inquiries. The procedural content of the Rules and the Guide is clear but lacking in the detail of good practice which is to be found in other guidance materials.⁸⁷

128. Sir Ernest notes that the “other guidance materials” include the following:

- The Parliamentary Commissioner for Standards’ [Information Note](#) which is sent to a Member at the start of an investigation, in its most recent version (2015). Sir Ernest describes that as “a very helpful aide memoir in plain language”.⁸⁸ It is available on the Commissioner’s website.
- The [Introductory Guide](#) to the Committee on Standards which is sent to new members of the Committee on their appointment, in its most recent version (June 2021). Sir Ernest describes this as “accurate and helpful”.⁸⁹ It is now available on our website. We note that this is the first time that this document has been put in the public domain.

129. Sir Ernest recommends that “existing good practice should be brought together into one document which has the same status as the Code of Conduct and Guide to the Rules”.⁹⁰ This should be “[a] Code of Procedure which has the authority of the House” which “would enhance fairness by improving understanding, perception, clarity and consistency”.⁹¹ The code’s provisions would be binding and if necessary enforceable.⁹²

86 Sixth Report, Appendix 1, paras 52, 53

87 Sixth Report, Appendix 1, para 29

88 Sixth Report, Appendix 1, para 32

89 Sixth Report, Appendix 1, para 32

90 Sixth Report, Appendix 1, para 33

91 Sixth Report, Appendix 1, Conclusions and Recommendations, no. 5

92 Sixth Report, Appendix 1, para 37

130. *We accept Sir Ernest’s proposal that detailed information about the House’s standards procedures should be incorporated in one document, plainly and accessibly written. We intend to publish shortly a draft of this document. We recommend that the House be invited to approve the draft at the same time as it is invited to approve the revised Code of Conduct and Guide to the Rules. Most of section 4 of the current Guide to the Rules will be transferred to the new document, in a revised form.*

131. In two minor respects we have modified Sir Ernest’s proposal. One relates to terminology: we feel that to add a third standards-related Code to the existing Code of Conduct and Parliamentary Behaviour Code would lead to confusion between three documents each referred to as a “code”. We therefore propose to give the new document a different title: “House of Commons Standards System: Procedural Protocol”.

132. Second, while we support Sir Ernest’s wish to confer upon the procedures set out in the new document the express authority of the House, we are aware that, interpreted strictly, this would entail even minor changes to the procedures requiring the specific approval of the House, which in turn might lead to significant delays while proposals for such changes awaited time on the Floor. We therefore plan to include within the draft Protocol a provision that “minor or purely administrative changes to this Protocol may be made on the authority of the Committee on Standards; major changes, including any changes which impact significantly upon the rights of Members or others, will require the express approval of the House”. (This provision will mirror the House’s delegation to the Committee of the power to make “minor changes” to the rules governing All-Party Parliamentary Groups, while impliedly reserving major changes to itself.⁹³)

Role of the Committee

133. In its written evidence to the Committee, submitted before the publication of the Ryder review, the Committee on Standards in Public Life proposed that the regulation of MPs’ conduct should be entirely independent of MPs, save for a final vote of the House without debate where there is a sanction of suspension or expulsion. The existing functions of the Standards Committee in individual cases would be transferred to the Independent Expert Panel in addition to its existing function of arbitrating on appeals and sanctions in cases of bullying, harassment and sexual misconduct. The Committee’s role in overseeing the Code, the Guide and the overall standards process would remain. The CSPL argued that “the need for independence in standards regulation is paramount, and MPs should no longer have the ability to intervene in ongoing cases”.⁹⁴ In oral evidence, the Chair of the CSPL, Lord Evans of Weardale, made clear that in putting forward this proposal the CSPL was implying no criticism of the way that the Committee had operated in individual cases but was reflecting the fact that “in terms of the public credibility of disciplinary processes, the general direction of travel in recent years has been towards more independence”.⁹⁵

93 Resolution of the House, [13 May 2014](#): “That [...] the Committee on Standards shall have power to update the Guide to the Rules for All-Party Parliamentary Groups from time to time and to make such minor changes to the Rules for All-Party Parliamentary Groups as are necessary to ensure the effective operation of the Register of APPGs and the regulatory regime applying to such groups.”

94 CCC 0006

95 Q 9–10

134. Sir Ernest Ryder in his review takes a different view. He argues that “external regulation of standards by the exclusion of Members of Parliament from the process would damage the constitutional basis for the standards jurisdiction and would raise at least as many problems as it might solve”.⁹⁶ Sir Ernest explained his thinking as follows:

I do not agree with the recent evidence to the Committee from the Committee on Standards in Public Life that the integrity and fairness of standards determinations requires them to be conducted by a panel which removes Members from the regulatory process. For the reasons I have given, Members are integral to the understanding of what is a parliamentary function, i.e. they must own that responsibility. They are also integral to the control of the House over its own internal affairs, i.e. a role that is inherent in the sovereignty of Parliament. There is a separate requirement for a formal appeal mechanism for Members both from the findings of the Committee and sanctions which I shall address. The House can provide for a protection against inappropriate political interference by limiting Resolutions of the House on decisions to suspend or expel a Member to divisions without a debate and without amendment. I do not recommend the removal of decision-making from the Committee but I shall recommend an appeals mechanism that uses the Independent Expert Panel or a similar independent body.⁹⁷

135. In addition to these arguments adduced by Sir Ernest, with which we concur, we draw attention to the strong elements of independence in the House’s standards system as it stands - more than in any comparable Western parliamentary system: the independent Commissioner, the independent lay members with an effective voting majority on the Standards Committee, the independent investigators in the ICGS and the Independent Expert Panel - to which will be added, if our present proposals are agreed to, an independent appeals system in non-ICGS cases. **For these reasons we consider that the continuing involvement of Members with the standards process through membership of the Committee is proportionate and appropriate, and we do not seek to change it.**

136. On a more specific point, Sir Ernest recommends that when a member of the Committee for whatever reason has to miss hearing evidence or taking part in deliberations in an individual case, they should take no further part in the Committee’s consideration of that case. He comments, “[i]t cannot be a fair procedure to have a changing constitution of decision-makers in an individual case”.⁹⁸

137. The Government has told us it has “some reservations” about this proposal:

Whilst we agree that generally it is beneficial for continuity in membership across an inquiry, we do not support the introduction of a formal requirement for members to be present at all meetings. Beyond the quoracy rules already provided for in its Standing Orders, it would not necessarily be helpful to restrict Members from attending Committee sessions.⁹⁹

96 Sixth Report, Appendix 1, Conclusions and Recommendations, no. 3.

97 Sixth Report, Appendix 1, para 28

98 Sixth Report, Appendix 1, para 67

99 Letter dated 21 April 2022 from the Leader of the House to the Committee Chair. On quoracy, Standing Order No. 149(6) requires that at least three elected members (out of seven) and three lay members (also out of seven) must be present for the Committee to transact any formal business.

138. Pressed on this when giving oral evidence, the Leader of the House said:

I think there just needs to be that little bit of flexibility, and recognition that lots of important things are going on in an MP's life. Just for missing the first meeting, precluding them from the whole process is, I think, a little bit mean.¹⁰⁰

139. We have reflected on this matter and accept Sir Ernest's proposal in principle. We agree that it would be unacceptable for matters relating to the rights of an individual to be determined on the votes of Members (lay or elected) who had not been present for the Committee's evidence gathering or deliberations. We do not agree with the Leader of the House that to miss a whole meeting and then re-engage with the case is in accord with the principle of fairness, nor do we think it relevant as to whether or not the Member has a good reason to be absent: the question is not whether their absence can be justified but its implications for the fairness of the process. However, there are issues of interpretation and enforcement: if a Member absents themselves for two or three minutes to take an urgent phone call, or to visit the lavatory, should they be disqualified from further participation in a case? It is in our view unrealistic to expect the rigid discipline of the jury box to be maintained in this very different context. ***We conclude that the principle Sir Ernest has identified is correct but it should be interpreted with flexibility at the margins. We therefore plan to include in our proposed draft Procedural Protocol a provision that if a Member is absent for anything other than a very small proportion of the Committee's evidence taking or deliberations in an individual case, the House requires them to take no further part in the case.***

140. Finally, we propose to make clear in the Procedural Protocol that, as suggested by Sir Ernest, allegations of a breach of the rule in paragraph 17 of the present Code ("Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally") are potentially of such seriousness that they cannot be the subject of rectification by the Commissioner, but will, if the Commissioner considers there is sufficient evidence of a breach, be always referred to the Committee.¹⁰¹ The Procedural Protocol will also make clear that in all but exceptional circumstances the Committee will recommend that the House sanction such a breach through suspension or expulsion.

Role of the Commissioner

141. Sir Ernest considers in some detail the role and functions of the Parliamentary Commissioner for Standards. In his review he describes step by step the current processes by which the Commissioner and, where appropriate, the Committee consider a case, and he offers a reasoned critique of these.¹⁰² For the most part Sir Ernest considers that current practice is good practice, but he proposes some changes. These are:

- a) It should be clarified that the Commissioner is the investigator in a case not the primary decision-maker, which is the Committee. For these purposes, rectifications by the Commissioner are deemed to be part of a dispute resolution process rather than decision-making. She will set out in her memorandum to

100 Q 517

101 See Sixth Report, Appendix 1, para 40.

102 Sixth Report, Appendix 1, paras 44–46 and 54

the Committee her opinion on the evidence whether there has been a breach of the rules; this opinion will no longer be described as a “finding”. ***We, and the Commissioner, accept this recommendation.***

- b) The current provision that the Commissioner can make an oral statement to the Committee when she presents her memorandum on an individual case is redundant and should be removed. Sir Ernest notes that the Commissioner agrees to this proposal, and ***we also support this change.***¹⁰³
- c) Neither the Member whose conduct is in question nor the Commissioner should be present or take part in the deliberations of the Committee which are private. It has not been the Committee’s practice to invite the Member in an individual case to attend its deliberations but it has hitherto routinely invited the Commissioner to do so, in her capacity under Standing Order No. 150(2) (c) as an adviser to the Committee, on the understanding that she does not take part in the Committee’s discussions but is present simply to answer questions of fact about her investigation if and when these are put to her by Committee members. Sir Ernest acknowledges this and recognises that the operational separation of the Commissioner from the Committee is real, but comments that “[i]n order for existing good practice to be understood by Members and the public alike, I recommend that the Commissioner withdraw from any meetings of the Committee when the Member is not present so that no inadvertent impression of irregularity or unfairness is given. The perception then accords with the reality.”¹⁰⁴ ***We accept this recommendation and will reflect it in our future practice.***

142. Standing Order No. 150 provides that the Commissioner may in certain circumstances appoint an Investigatory Panel to assist her. In our November 2022 we point out that this provision, introduced in 2003 but never activated, is incoherent and has in any case by superseded by later developments in the House’s standards system.¹⁰⁵ Sir Ernest agrees with us that the provision is redundant and should be removed.¹⁰⁶ ***We therefore repeat our recommendation that Standing Order No. 150 be amended to remove the provision relating to Investigatory Panels.***

143. ***In the course of his extended discussion of the House’s processes Sir Ernest makes other suggestions as to how those processes can be improved. For the avoidance of doubt, we make clear that even if not specifically referred to in the present report, we accept those suggestions, will take account of them where appropriate in our draft Procedural Protocol to be published shortly, and recommend that the House accept them also, by approving this report together with the Protocol.***

A formal appeals process in non-ICGS cases

144. In our November 2021 report we noted that the ICGS since its inception has contained provision for formal appeals, and that “there is a [...] general question about whether there should be a system of appeal for Members within the Committee’s processes”, i.e.

103 Sixth Report, Appendix 1, para 54 (g).

104 Sixth Report, Appendix 1, paras 60–61

105 Fourth Report, paras 215–22

106 Sixth Report, Appendix 1, para 73

in non-ICGS cases. We observed that there were elements of appeal in the Committee's consideration of a case presented to it by the Commissioner, but that these were not formalised, and in any case the lack of an effective right of appeal against the Committee's recommendations on sanctions "leaves a lacuna in terms of human rights".¹⁰⁷

145. We set out possible options for a formal system of appeal and invited Sir Ernest Ryder in his review to consider these and make recommendations. He has done so.

146. Sir Ernest concludes that, it having been clarified that the Commissioner is not the decision-maker of first instance, it would be wrong to describe the Committee's consideration of her memorandum as constituting an appeal against findings. He proposes that there should be a right of appeal against both the findings of the Committee and any sanctions imposed or recommended by the Committee, with specified grounds of appeal. That appeal should be to an independent body with judicial expertise.¹⁰⁸

147. Sir Ernest further recommends "that the Independent Expert Panel be used to determine appeals from the Committee".¹⁰⁹ The Independent Expert Panel (IEP) was set up by the House on 23 June 2020 to consider sanctions and appeals in Independent Complaints and Grievance Scheme cases (that is, cases involving bullying, harassment or sexual misconduct) referred to it by the Commissioner. The IEP was nominated in November 2020 and has been fully operational since January 2021. The Chair of the IEP is Rt Hon Sir Stephen Irwin, former Lord Justice of Appeal. The IEP comprises eight members but does most of its work through sub-panels.¹¹⁰

148. ***We accept Sir Ernest's recommendations on appeals.*** We have explored the implications of setting up the proposed new system. We are grateful in particular to Sir Stephen Irwin for giving us his views in writing and through informal discussions, and to the Government for submitting written and oral evidence.

149. Sir Stephen has told us that if the proposed right of appeal from the Committee were on the basis of specified grounds of appeal as recommended by Sir Ernest, "then I think the IEP could take on the role". Although it is difficult to predict the likely impact on the IEP's workload, he thinks a reasonable estimate of adding two cases a year, on average, to its workload "should be manageable without expanding the current panel "size of eight".¹¹¹

150. Sir Stephen has raised with us several further issues, set out in his written evidence. On the basis of discussions between our Chair and Sir Stephen, we believe we have reached a resolution of these issues. We set out our conclusions in the following paragraphs.

151. ***We recommend that a formal route of appeal in non-ICGS cases against both the findings and any sanctions imposed by the Committee be set up, and that the appellate body should be the Independent Expert Panel.***

152. ***The grounds for appeal should be as recommended by Sir Ernest Ryder: a) the investigation was materially flawed in a way that affected the decision of the Committee; b) the process followed by the Committee was procedurally flawed; c) the decision of the Committee on sanction was unreasonable or disproportionate; d) credible fresh***

107 Fourth Report, paras 223–44 (the quotation is from para 242).

108 Sixth Report, Appendix 1, Conclusions and Recommendations, no. 11

109 Sixth Report, Appendix 1, para 68

110 For the powers and functions of the IEP and its sub-panels, see Standing Orders Nos. 150A to 150E.

111 Letter dated 22 March 2022 from Sir Stephen Irwin to the Committee Chair

*evidence has become available, which could not reasonably have been presented before the Committee made its decision, and which, if accepted, has a real prospect of affecting the outcome; and/or e) exceptionally, there is another compelling reason that an appeal should be heard or allowed.*¹¹²

153. *Other than in exceptional circumstances, an appeal would normally be paper-based, for the reasons set out by Sir Stephen Irwin.*¹¹³ We note that Members will already have had a right to a full oral hearing before the Committee.

154. As Sir Stephen points out, there are a number of scenarios when a fresh decision on whether to find a breach of the Code or on sanction will be required following a successful appeal. These include:

- a) the Commissioner failed to collect relevant evidence during the initial investigation, and further investigations are requested;
- b) the Committee failed to take into account relevant matters, or took into account irrelevant ones, in coming to a decision;
- c) the appellant is allowed to introduce fresh evidence that might have affected a decision; and
- d) when the Committee found multiple breaches of the Code and only some are upheld on appeal a new sanction will be required.¹¹⁴

155. *We envisage that, as in ICGS cases, the sub-panel of the IEP hearing an appeal which succeeded on such grounds would normally proceed to take the decision; but there may be occasions, to be determined on a case by case basis, when it would be appropriate for the IEP to ask the Committee to take the fresh decision, given its expertise.*

156. The IEP has drawn our attention to the fact that in ICGS cases a sub-panel hearing an appeal on sanction can increase it, as a check on misconduct during the appeal process.¹¹⁵ There is no route for a complainant to appeal an unduly lenient sanction. *We recommend that a similar power be conferred on the IEP as the appellate body in non-ICGS cases, in the following circumstances: (a) if the IEP considers that the sanction proposed by the Committee in a case that was appealed to it was unreasonably lenient, or (b) the behaviour of the Member during the appeal process was such as to merit further sanction. We expect that such a power to increase sanction will be used very sparingly.* (See paragraphs 160 to 166 below for the implications of this recommendation with respect to the Recall of MPs Act 2015.)

157. ICGS cases are completely confidential until the publication of an IEP report. No public statement on the case is made by the IEP until any appeal process has been exhausted. It has always been acknowledged that levels of confidentiality need to be higher in ICGS than in non-ICGS cases because of the need in the former to protect potentially vulnerable complainants (in non-ICGS cases there is not usually a complainant who has suffered direct personal detriment). *We have concluded that in non-ICGS cases the Committee should publish its report before the hearing of an appeal. The Member would then be*

112 Sixth Report, Appendix 1, para 68

113 Letter dated 22 March 2022 from Sir Stephen Irwin to the Committee Chair

114 Letter dated 22 March 2022 from Sir Stephen Irwin to the Committee Chair

115 Letter dated 22 March 2022 from Sir Stephen Irwin to the Committee Chair

given 10 working days (irrespective of whether or not Parliament is sitting) within which to submit an appeal, specifying the grounds of appeal, and the IEP would proceed to consider any such appeal in private and then publish its decision. Following the appeal, any sanctions which required the approval of the House would be put to the House for decision (see paragraph 169 below). Until this time had elapsed no motion relating to the Member's conduct would be put before the House. We have discussed this matter with Sir Stephen who has indicated he is content with this proposed approach.

158. Nothing in these proposals for non-ICGS appeals is intended to diminish the flexibility the IEP currently enjoys to determine its own procedures within the overall remit given to it by the House.

159. One further issue Sir Stephen highlighted was the handling of cases where a Member may have failed to comply with a sanction imposed by the IEP. As this is a potential breach of the Code of Conduct rather than of the ICGS policies they are referred to the Commissioner for investigation, with the Committee taking any decisions on whether there has been a breach and on sanction. If the IEP is to have a role in adjudicating Code of Conduct cases, and would therefore in theory hear appeals in such cases anyway, Sir Stephen suggests that it may be simpler for the IEP to be able to enforce its own ICGS sanctions. This would mirror the Committee's role in dealing with any failure to comply with a sanction it has imposed. ***We agree and recommend that the House approve this change.***

Implications for recall procedures

160. We have considered whether the introduction of non-ICGS appeals to be considered by the IEP has implications for the operation of the Recall of MPs Act 2015.

161. The "second recall condition" under the Act (one of three conditions that trigger the opening of a recall petition in an MP's constituency) is that "following on from a report from the Committee on Standards in relation to the MP, the House of Commons orders the suspension of the MP from the service of the House for a specified period of the requisite length". A "period of the requisite length" is a period of at least 14 calendar days or at least 10 sitting days.

162. The requirement is that the period of suspension be imposed by the House (as it would continue to be if an appeal stage were introduced) and "following on from a report of the Committee on Standards". The word "following" is in our view very deliberately chosen ("following on" is a rare expression in legislation, and the natural wording here might have been something like "in accordance with" or "pursuant to"). It is chronological rather than dependent on the content of the Standards Committee report, and allows for the possibility that the House might impose a period of suspension different from that recommended by the Committee, but still long enough to trigger a recall petition.

163. The proposal is that the Member would be the only person to have a right of appeal against a decision of the Standards Committee, and therefore there is no prospect of a Standards Committee report exonerating a Member being followed by an IEP decision upholding the complaint and imposing a suspension long enough to trigger recall. There are therefore three possible scenarios:

- a) The IEP hears the appeal and leaves the Committee's recommended sanction as it stands;
- b) The IEP hears the appeal and reduces the sanction recommended by the Committee;
- c) The IEP hears the appeal and increases the sanction (this includes the possible scenario in which the Committee recommends a sanction below the 2015 Act threshold for triggering a recall, and the IEP increases it to a level that would trigger a recall petition). We have recommended in paragraph 156 above that the IEP should be given a power to impose or recommend an increased sanction in non-ICGS cases either if it considers the original proposed sanction unreasonably lenient or in response to misconduct by the Member during the appeal process.

164. Situation (a) is clearly unproblematic: the suspension will be imposed by the House following on from a report of the Standards Committee that makes that very recommendation (notwithstanding the intervening appeal stage).

165. Situation (b) is also in our view unproblematic in practice. In theory a challenge could be brought on the basis that there ought to have been a suspension that triggered a petition, but it was always open to the House to substitute a lesser period of suspension for that recommended by the Committee and the language of the Act reflects that. The Member affected is highly unlikely to challenge the decision.

166. Situation (c) may be more difficult. Clearly the decision of the House is made "following on from" the report of the Committee notwithstanding the fact that the recommended period of suspension has changed. But, particularly in the scenario where the Committee recommends a period of suspension below the threshold for recall and the IEP increases it to a period above the threshold, it might be argued that the intention of the Act was not to allow for the interpolation of another body between the Committee and the House, and that if the recommendation comes from that body it cannot be said to be a recommendation "following" a report of the Committee on Standards as the chain has been broken. ***To avoid any risk of legal challenge arising from this scenario, we recommend that in these circumstances the IEP should send its recommendation back to the Committee to be endorsed before the House is invited to take the final sanction. In such a case we would expect the Committee not to re-open the issue but to approve the decision of the IEP and report accordingly to the House in order to satisfy the recall condition under the Act. We note that there is still some complexity about how the 2015 Act operates in relation to suspensions recommended by the IEP and the Privileges Committee and we agree with Sir Stephen that this now urgently requires a legislative solution. We urge the Government to introduce such legislation to remove the practical inconvenience and delay caused by the requirement to send the IEP's recommendation back to the Standards Committee.***

Proceedings in the House: motions for sanction

167. Sir Ernest has recommended that where a decision on sanction falls to be taken by the House, this should be done, as in ICGS cases, without debate or amendment. The Government has expressed reservations about this recommendation. The Leader of the House told us:

There is an argument to say that it should still be debatable. You're talking about a sanction that could lead to the end of someone's career - to recall. Most of the time the House of Commons has got this right, and where those matters have been debated, they have been quite short debates. There is an argument to say they should be debatable, not put forthwith.¹¹⁶

168. Giving oral evidence to us, Sir Ernest argued to the contrary:

My quite strong preference [...] is that, if there is ever the suggestion—though one hopes there won't be in future—that an organised group of Members of Parliament can in some sense get around the public interest by having an amendment to a motion, or by having an extended debate on it, the solution is that the House is effectively a jury on that point. It is not giving reasons. It is not a reasoned appellate mechanism. It is not a second appeal, even. It is simply making a decision: “Was this a breach? Is this sanction right?” It is a straightforward yes or no.¹¹⁷

169. In our view the House was wise to decide (against the wishes of the Government at that time) that sanctions motions in ICGS cases should be determined without amendment or debate. It is right for constitutional reasons that the House should retain to itself the power to suspend or expel its own Members, but having set up internal mechanisms, with strong independent elements, to consider cases of misconduct by Members, we think it would be unfortunate if the House were to give the impression that it was itself collectively, to use Sir Ernest's choice of phrase, “a reasoned appellate mechanism”. For this reason *we support Sir Ernest's recommendation that sanctions motions in non-ICGS cases, like those in ICGS cases, should be taken on the Floor without amendment or debate.*

Proceedings in the House: annual standards debate

170. As mentioned above, we support Sir Ernest's recommendation that the House should approve a Code of Procedure (which we have renamed a “Procedural Protocol”). Sir Ernest has also recommended:

that the regular opportunity that already exists for the Commissioner to suggest to the Committee revisions to the Code of Conduct should be enlarged so that procedural matters are also reviewed in the same way and at the same time. I would respectfully urge the House to provide a regular opportunity for debate on both the Code of Conduct and a code of procedure. I would suggest that this is an annual fixture.¹¹⁸

171. *We support Sir Ernest's recommendation that the House should hold an annual debate on standards matters which would also be an opportunity to make any desired updates to the Code of Conduct, the Guide to the Rules, the new Procedural Protocol and the Standing Orders. We think it appropriate that this debate should be in government time and we therefore request the Government to give an undertaking that they will once a year make time available for a debate on the Floor of the House on these matters.*

116 Q 511

117 Q 392

118 Sixth Report, Appendix 1, para 36

172. We envisage the proposed annual debate as being the culmination of an annual cycle of events which will enhance the House's scrutiny and control of its standards system. We propose that this sequence should commence each year with the publication of the Parliamentary Commissioner for Standards' annual report, followed by an oral evidence session at which the Commissioner will appear before the Committee in public to answer questions about her work, followed by a report from the Committee, followed by a debate in the House. We would envisage a period of some weeks elapsing between each of these events. If therefore, as is usually the case, the Commissioner's annual report is published in June, the oral evidence session might be held in July or September, the Committee's report might appear in September or October, and the debate in the House might take place in October or November each year.

173. The evidence session with the Commissioner would enable the Committee to exercise more effectively and visibly its duty under Standing Order No. 149 to "oversee the work of the Parliamentary Commissioner for Standards". It would also give the Commissioner a public platform to discuss her work and matters such as trends in the type and quantity of complaints, the resourcing made available to her, etc. It would in our view not be appropriate for the session to discuss individual cases other than to the limited extent that previously concluded cases afford lessons relating to process or raise wider issues of concern over parliamentary conduct.

174. The Committee's subsequent report would give it an opportunity to review its work during the previous 12 months and draw attention to trends as well as to consider any emerging issues of concern.

175. Finally, as we have seen, the debate in the House which would conclude the annual cycle would be an opportunity for all Members of the House to discuss issues relating to parliamentary standards and to take decisions if required on Committee proposals for updates to the Code, the Guide, the Protocol and the Standing Orders.

Annex 1: Code of Conduct for Members (revised text)

A–The purpose of the Code

The purpose of the Code of Conduct is to:

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

B–The scope of the Code

The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives. The obligations set out in this Code are complementary to the procedural and other rules of the House, the Oath or Affirmation of allegiance to the Crown, the rulings of the Chair and the Ministerial Code. In addition, no Member is above the law.

The application of this Code shall be a matter for the House of Commons, and particularly for the Committee on Standards, the Independent Expert Panel and the Parliamentary Commissioner for Standards in accordance with Standing Orders.

The Parliamentary Commissioner for Standards may investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code and the rules relating to upholding the Code, under the provisions of Standing Order No. 150(2)(e). The Commissioner is not able to investigate alleged breaches of the Seven Principles of Public Life in themselves, but will take the Principles into account when considering allegations of breaches of the rules.

C–Seven Principles of Public Life

The House of Commons Code of Conduct is inspired and informed by the Seven Principles of Public Life. The Principles apply across the public services; as set out below, they are supplemented by descriptors, which apply specifically to Members of Parliament.

- **Selflessness**

Members of Parliament should act solely in the public interest. They should ensure that no private, financial or other personal interest risks

compromising their principal role as a Member of Parliament. They should never misuse their position to gain financial or other material benefits for themselves, their family, or their friends.

- **Integrity**

Members should conduct themselves in a manner which will inspire public trust and confidence in them and in the integrity of Parliament. They should avoid being placed under any influence or obligation which could undermine trust in them as an individual or in their role as a Member of Parliament. They should declare and resolve any interests and relationships which might reasonably be construed as a conflict of interest. When such conflicts do arise, they should be resolved in a way that is beyond reproach, maintains the trust of colleagues and the public, and protects the public interest.

- **Objectivity**

Members are responsible for the exercise of their judgement as fairly as they can according to their conscience. They should avoid discrimination or bias. They should be able to demonstrate that they make decisions on merit, taking account of relevant evidence, advice and of any wider responsibilities.

- **Accountability**

Members should make themselves accountable to their constituents, to the wider public and to Parliament. They should submit themselves to the scrutiny necessary to ensure this.

- **Openness**

Members should, as far as possible, act in an open and transparent manner with the public, with colleagues and with others with whom they work. They should not withhold any relevant information unless there are clear and lawful reasons for doing so.

- **Honesty**

Members should be truthful in everything they say, write or do.

- **Leadership**

Members are elected as leaders, who can only be effective when they inspire trust by setting a good example. They should exhibit these principles in their own behaviour and treat others with respect. Without compromising the right of free speech for Members, they should actively promote and robustly support the principles, abide by the Parliamentary Behaviour Code, and exemplify anti-discriminatory attitudes in their own behaviour in relation to the protected characteristics in the Equality Act 2010. They should refrain from any action which would bring Parliament or its Members into disrepute.

D - Rules of conduct

- 1) Members must treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect.¹
- 2) Members must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
- 3) The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.
- 4) Members must rigorously follow the rules on lobbying set out in the Guide to the Rules.
- 5) Members must fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. New Members must register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election within one month of their election, and Members must register any change in those registrable interests within 28 days.
- 6) Members must always be open and frank in declaring 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.
- 7) Members must only use information which they have received in confidence in the course of their parliamentary activities in connection with those activities, and never for other purposes.
- 8) Excepting modest and reasonable personal use, Members must ensure that the use of facilities and services provided to them by Parliament, including an office, is in support of their parliamentary activities, and is in accordance with all relevant rules.
- 9) Members must not provide, or agree to provide, paid parliamentary advice, including undertaking, or agreeing to undertake, services as a Parliamentary strategist, adviser or consultant.
- 10) A Member who is the Chair and Registered Contact of an All-Party Parliamentary Group must ensure that the Group and any secretariat observe the rules set down for such Groups.
- 11) Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally.

1 Resolution of 19 July 2018

E–Rules relating to upholding the Code

12) Members must co-operate at all times with the Parliamentary Commissioner for Standards in the conduct of any investigation and with the Committee on Standards and the Independent Expert Panel in any subsequent consideration of a case.

13) Members must not disclose details in relation to: (i) any investigation by the Parliamentary Commissioner for Standards except when required by law to do so, or authorised by the Commissioner; nor (ii) the proceedings of the Committee on Standards or the Independent Expert Panel in relation to a complaint unless required by law to do so, or authorised by the Committee or the Panel respectively.

14) Members must not lobby a member of the Committee on Standards, the Independent Expert Panel or the Parliamentary Commissioner for Standards, or their staff, in a manner calculated or intended to influence their consideration of whether a breach of the Code of Conduct has occurred, or in relation to the imposition of a sanction.

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

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

17) Members must comply with a sanction imposed by the Committee on Standards or the House relating to withdrawal of services or facilities from a Member.

Annex 2: Guide to the Rules relating to the Conduct of Members (revised text)

Introduction

- 1) The Code of Conduct provides a set of rules to which Members must adhere.¹ The Guide to the Rules explains in more detail what is required of Members in order to abide by the Code. A separate Procedural Protocol sets out the procedure for inquiries by the Parliamentary Commissioner for Standards and the process followed by the Committee on Standards, the Independent Expert Panel and the House in individual cases.
- 2) The Guide to the Rules and amendments to it are approved by means of Resolutions of the House of Commons. This Guide therefore carries the authority of the House. The House has agreed that its previous resolutions in relation to the conduct of Members shall be read and given effect in a way which is compatible with the Code of Conduct and this Guide to the Rules relating to the conduct of Members.
- 3) The Guide is structured as follows:
 - Chapter 1 of the Guide explains the requirements in relation to the registration of Members' financial interests;
 - Chapter 2 explains the requirements in relation to the declaration of interests in proceedings of the House and on other occasions;
 - Chapter 3 sets out the restrictions on Members engaging in lobbying for reward or consideration;
 - Chapter 4 sets out the restrictions on Members who take on outside interests.

Registration and declaration of financial interests (Chapters 1 and 2)

- 4) Paragraphs 5 and 6 of the Code of Conduct provide:

Members must fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. New Members must register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election within one month of their election, and Members must register any change in those registrable interests within 28 days.

And:

Members must always be open and frank in declaring 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.

¹ Members are personally responsible for their adherence to the Code including when breaches may have been caused by the actions of a member of staff.

5) The overall aim of both registration and declaration is 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.² Financial interests include material benefits and payments in kind.³ Each Member is responsible for making a full disclosure of such interests, which is achieved by registering and declaring them in accordance with the requirements of the House. The aim of this is openness. Neither registration nor declaration imply any wrongdoing.

6) Registration requires Members to place information about relevant financial interests in the Register of Members' Financial Interests, thus making it available to the public on a continuing basis. In addition, some of the information required for the Register reflects the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA), as amended. The Electoral Commission extracts the information which it needs from the published Register, or, where the publication timescale of the Register does not permit this, by accessing from the office of the Parliamentary Commissioner for Standards the relevant information provided by Members.

7) The Parliamentary Commissioner for Standards is responsible for preparing the Register, which is published electronically under the authority of the Committee on Standards. Entries remain in the Register for twelve months.

8) The Guide sets out the categories in which Members are required to register their financial interests and the information to be provided. These categories are summarised below, together with the financial thresholds which apply. When considering registration, Members are also required to keep in mind the overall purpose of the Register.⁴ If a Member has any financial interests which meet that purpose but which do not fall clearly into one of the defined categories, he or she is nonetheless required to register them, normally under the Miscellaneous category.

Category	Financial threshold for registration
1. Employment and earnings	Over £300 for the total of payments of whatever size from the same source in a calendar year
2. Donations and other support	Over £1,500, either as individual payment, or for the total of multiple donations of more than £500 from the same source in the course of a calendar year
3. Gifts, benefits and hospitality from UK sources	Over £300 for the total of benefits of whatever size from the same source in a calendar year
4. Visits outside the UK	Over £300 if not wholly borne by Member or public funds Threshold also applies to the total of benefits of whatever size from the same source in a calendar year

2 This reflects the recommendations in the First Report of the Select Committee on Members' Interests, Session 1991–92, Registration and Declaration of Financial Interests, HC 236, paragraph 72.

3 The terms "financial interests" should be read in this way throughout this Guide.

4 The purpose of the Register is set out as paragraph 5 above.

Category	Financial threshold for registration
5. Gifts and benefits from sources outside the UK	Over £300 for the total of benefits of whatever size from the same source in a calendar year
6. Land and property in the UK and elsewhere	Total value of property held: over £100,000 Income derived from property: over £10,000 in a calendar year
7. Shareholdings	Greater than 15% of issued share capital (on preceding 5 April), or if 15% or less of issued share capital (on preceding 5 April), greater in value than £70,000
8. Miscellaneous	No threshold
9. Family members employed and remunerated through parliamentary expenses	Remuneration of over £700 in a calendar year
10. Family members engaged in lobbying	No threshold

9) The requirement for the declaration of interests, set out in Chapter 2, applies in almost every aspect of a Member's activities, in the Chamber, in Committee and in their contacts with others, including Ministers, other Members, public officials and public office holders. It covers, as well as registrable interests, other financial interests which meet the test of relevance but which do not require registration, including past interests and expected future interests and the indirect financial interests of a spouse, partner or family member. Members may also declare non-financial interests if they consider these meet the same test of relevance. The test is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member.

10) Members are not required to register or declare benefits available to all Members, such as their parliamentary salaries, or expenses met from parliamentary sources, or from a scheme for parliamentary expenses. Nor are they required to register or declare benefits provided by their own political party, except as required under registration Category 2: Donations and other support for activities as a Member of Parliament, and a salary from a political party under Category 8: Miscellaneous.

Lobbying for reward or consideration (Chapter 3) and outside interests (Chapter 4)

11) Paragraph 4 of the Code of Conduct provides:

Members must rigorously follow the rules on lobbying set out in the Guide.

12) A Member may, however, still hold some remunerated outside interests, subject to paragraph 9 of the Code, which prohibits the provision of paid parliamentary advice, and the related provisions set out in Chapter 4 of this Guide.

13) Members who receive financial benefits from outside interests may take part in parliamentary proceedings or in meetings and discussions with Ministers, other Members and public officials, which relate to or could affect that interest, but they should take especial care to ensure they do so in accordance with the provisions set out in Chapter 3

of this Guide. Members must not initiate or participate in proceedings or meetings which would provide a financial or material benefit to any organisation or individual from whom they have received, are receiving or expect to receive reward or consideration.

Ministers of the Crown

14) Ministers of the Crown who are Members of the House of Commons are subject to the rules on registration and declaration of interests in the same way as all other Members (although Ministerial office is not registrable and salaried Ministers may still speak in support of Government policies without breaching the restrictions on lobbying for reward or consideration). Whilst Members are not required to register Ministerial office, Ministers are subject to the further guidelines and requirements laid down by successive Prime Ministers in the Ministerial Code, available from the Cabinet Office. These are not enforced by the House of Commons and so are beyond the scope of this Guide.

15) Seeking and following advice on the rules

16) No written guidance can provide for all circumstances, and the references and examples in this Guide should not be regarded as exhaustive. Members are encouraged to seek advice from the Registrar of Members' Financial Interests if they are in any doubt about whether a course of action is in line with the rules. The Electoral Commission is available to give advice on the permissibility of donations and the requirements of the Political Parties, Elections and Referendums Act 2000 (PPERA).⁵

17) A Member who has sought and followed the advice of the Registrar of Members' Financial Interests on a course of action (or, in respect of the stationery rules, the Clerk of the Journals), so long as they have provided adequate information for that advice to be relevant, will not have acted in breach of the rules in respect of that action.

Commencement

18) The provisions of this Guide apply to all actions by or required of the Member from the commencement date or dates of the Guide agreed by the House. Actions undertaken by or requirements of Members before that commencement date or dates are governed by the previous version of the Guide in force at the material time.

Chapter 1: Registration of Members' Financial Interests

Requirements of the House

1) Paragraph 5 of the Code of Conduct for Members of Parliament provides:

Members must fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Financial Interests. New Members must register all their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election within one month of their election, and Members must register any change in those registrable interests within 28 days.

5 Please contact the Electoral Commission on 0333 103 1928 .

- 2) The House therefore requires new Members, within one month of their election, to register all 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. Such a change includes both the acquisition of a new interest and the ceasing of any registered interest, for example because an employment has ceased or because a holding has reduced in value or been sold.
- 3) The paragraphs below set out the requirements of the House under ten categories. When considering registration, Members are also required to keep in mind the overall purpose of the Register, which is to provide information about any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament. If a Member has any financial interests which meet that purpose but which do not fall clearly into one of the defined categories, he or she is nonetheless required to register them, normally under the Miscellaneous category.
- 4) The Miscellaneous category should also be used to register non-financial or unremunerated interests when these meet the purpose of the Register.

Category 1: Employment and earnings

Threshold for registration

- 5) Members must register, subject to the paragraphs below, payments received (of whatever size) for any employment outside the House once they have received a total of over £300 in payments from the same source in a calendar year.

Requirements for registration

- 6) **Under this category Members must register:**

Any of the following received as a director or employee or earned in any other capacity:

- f) Salaries, fees and payments in kind; gifts received in recognition of services performed;
- g) Taxable expenses, allowances and benefits
- h) Directors' loans (if these are at favourable rates)
- i) Redundancy and ex gratia payments;
- j) Special responsibility allowances or councillor allowances paid by a local authority, or a salary as a member of a devolved legislature or administration; and

- k) Income as a member of Lloyd's.⁶
- 7) **Members should not register under this category:**
- a) Earnings received as a Member, Minister or select committee Chair in the UK Parliament;
 - b) Unremunerated directorships (unless associated with, or a subsidiary of, a company or group of which the Member is a remunerated director);⁷
 - c) Directorships of companies not currently trading;⁸
 - d) Earnings of the Member's spouse, partner or family members;
 - e) Income received by way of dividends;
 - f) Payments for completing opinion surveys; and
 - g) Pension payments.
- 8) **Members are required to provide the following information:**
- a) Whether the Member is a director of the organisation;
 - b) The name and address of the payer⁹ and a brief description of their business (if not self evident);
 - c) The name and address of any client to whom the Member has personally provided services,¹⁰ if different from the payer, and a brief description of their business (if not self evident);
 - d) The size of the payment received, and the nature and value of any taxable benefits and any payments in kind. (Earnings should be given gross, i.e. before tax or other deductions, wherever possible. Fees should be given before the addition of VAT.);
 - e) The nature of the work involved, and the number of hours' work to which each payment relates;
 - f) The date when the payment was received (or, if not yet received, the date when the work was completed); and
 - g) Confirmation that the Member has not engaged in paid advocacy.¹¹

6 Members who have resigned from Lloyd's should continue to register their interest as long as syndicates in which they have participated continue to have years of account which are open or in run-off. In such circumstances Members should register the date of resignation. Members of Lloyd's are also required to disclose the categories of insurance business which they are underwriting. Any member of Lloyd's receiving financial assistance (including relief from indebtedness or other loan concessions but excluding any general settlement available to all Lloyd's members) from a company, organisation or person within or outside the United Kingdom should register that interest under gifts and other benefits.

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

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

9 Unless this would be contrary to any legal or established professional duty of privacy or confidentiality.

10 Unless this would be contrary to any legal or established professional duty of privacy or confidentiality.

11 As described in paragraph 1 of chapter 3 of this Guide.

Members who ceased to hold Ministerial office within the previous two years

9) Such Members should state, additionally, whether they sought the advice of the Advisory Committee on Business Appointments in respect of this employment.

Payments made to other people or organisations

10) A Member who receives payment for his or her work and then donates it to another person, or to a charitable or community organisation, must make their registration in the usual way but may note the donation in their Register entry.

11) A Member who does not receive payment for his or her work in a recognisable form or at all, because it is made to another person or organisation, should nevertheless register the payment within 28 days of its receipt by that other person or organisation. This applies only to payments which, if made direct to the Member, would have required registration under this category.

Contractual agreements for twelve months or more

12) A Member who has a contractual agreement for twelve months or more and receives regular payments may choose, instead of registering each payment as it is received, to register such payments in advance, provided that he or she afterwards registers within 28 days any variation to the information already provided. The initial information to be provided is as set out in paragraph 9 above, except that instead of the information required under subparagraphs (d) and (f), the Member should provide:

- h) The agreed start, and (if any) end dates for the contract;
- i) The agreed payments, including any taxable benefits and payments in kind;
- j) The dates agreed for those payments.

Registering ad hoc payments in advance

13) A Member who has undertaken work and agreed the terms of payment need not wait to receive that payment before making a Register entry, but may register the work at any time between completing the work and 28 days after receiving any payment. In such cases, the Member should provide the date when the work was completed.

Category 2: Donations and other support for activities as a Member of Parliament

Threshold for registration

14) Members must register, subject to the paragraphs below, support for their activities as a Member, or for candidacy at an election for parliamentary or non-parliamentary office, which has a value of more than £1,500, either as a single donation or in multiple donations of more than £500 from the same source in a calendar year.¹²

12 The terms "donations" and "support", as used in this chapter, include both financial support and support in kind.

Requirements for registration under Category 2(a) and 2(b)

15) This category has two parts:

Category 2(a): support received by a local party organisation or indirectly via a central party organisation.¹³ A Member must register under this sub-category support received by his or her constituency party organisation or which he or she receives via a central party organisation if there was a clear link between the donation and him or her; for example, if it was given to a such an organisation with a wish that it be allocated to him or her, to his or her fighting fund or to a front bench office which he or she held; if it was assigned to him or her in circumstances where he or she was aware, or could reasonably be expected to be aware, of the identity of the donor; or if he or she had invited or encouraged the donation;

Category 2(b): any other support received by a Member. This includes support received indirectly, for example via a political club.¹⁴ Before accepting any donations registrable under this category, Members must check that they are from a permissible donor. Under the Political Parties, Elections and Referendums Act, Members must not accept impermissible donations and must notify the Electoral Commission within 30 days of receipt.¹⁵

16) **Under this category Members must register:**

- a) Financial support and sponsorship;
- b) Loans and credit arrangements;
- c) Support in kind, including any of the following, if provided either free or at concessionary rates: advice or information services; receptions and events; training or development for the Member or his or her staff; the services of staff or interns; the provision of office space or equipment; hospitality or travel benefits such as season tickets or parking;¹⁶
- d) Bequests;
- e) Gifts of property.

17) **Members should not register under this category:**

- a) Direct support from the Member's own party organisation other than a salaried role which should be registered under category 8;

13 Defined as a registered political party or an accounting unit of such a party.

14 A political club is not a registered political party or an accounting unit of such a party. It is likely to be a Members' association under PPERA, defined as an organisation separate from, but which may be affiliated to, registered parties, but whose members come mainly from one party.

15 For an explanation of a permissible donor see the end of this section. Please contact the Electoral Commission for further advice on checking permissibility and how to report and return an impermissible donation: tel 0333 103 1928 . Members must check the permissibility of all donations with a value of £500 or more. Members have 30 days from receipt of the donation to check that the donor is permissible and decide whether or not to accept it. If the donor is not a permissible source then the Member must return the donation and notify the Electoral Commission within the 30 days. Responsibility for checking the permissibility of donations registered under category 2(a) rests with the relevant party organisation.

16 A concessionary rate should be valued by reference to the nearest equivalent commercial rate.

- b) Trade union support for a constituency party organisation, where this is linked to the constituency and would be provided irrespective of the identity of the Member;
- c) Facilities, equipment or services provided by Parliament, or for which the Member claimed under a scheme for parliamentary expenses; and loans or credit arrangements taken out in order to fund activities for which the Member may claim expenses under a scheme for parliamentary expenses;
- d) Hospitality from UK public bodies, including for example devolved administrations, government departments, the armed services or the police, or local or health authorities. If there is any doubt as to the permissibility of such donors, Members should consult the Electoral Commission;¹⁷
- e) The hours contributed by volunteers (unless funded by another body);
- f) Any money or support provided out of public funds for the Member's security;
- g) Participation in developmental and secondment programmes, such as those operated by the Industry and Parliament Trust, the Armed Services Parliamentary Scheme and the Police Service Parliamentary Scheme, which are approved by the parliamentary authorities;¹⁸
- h) Donations or gifts which are intended to provide personal benefit, which should be registered if necessary under Category 3: gift, benefits and hospitality from UK sources or Category 5: gifts and benefits from sources outside the UK;
- i) Foreign visits, which should be registered if necessary under Category 4: Visits outside the UK;

18) Members are required to provide the following information:

- a) The name and address of the donor and (if the donation was received indirectly) of the organisation acting as intermediary;¹⁹
- b) The amount of the donation, or its nature and value if it is a donation in kind;²⁰
- c) Category 2(b) only: the dates of receipt²¹ and acceptance;
- d) The status of the donor (whether an individual, building society, friendly society, LLP, registered party (other than the Member's own party), trade union, unincorporated association or company, in which case the company registration number is required);

17 Tel0333 103 1928. See also the list of permissible donors.

18 Incidental benefits such as gifts or visits do however require registration under categories 3, 4 or 5 if they are received in the course of such a fellowship or secondment.

19 Private addresses will not be published.

20 When registering a donation from a fundraising event, for example by a fundraising dinner for which an individual has bought a ticket Members should deduct the costs of the individual's dinner to arrive at the value of their donation. They should register it if it exceeds the relevant financial threshold for donations. Where funds are raised for more than one Member, each should register as if he or she was the sole beneficiary.

21 Subscriptions, memberships and staff secondments are generally regarded as received on their start dates.

- e) If the donor is a trust, the name and address of the person who created the trust; if created after 27 July 1999, the names and addresses of all others who have transferred property to the trust, or, if created before 27 July 1999, the date it was created;
- f) If the donation is by means of a bequest, the name and last address of the person who made the bequest, or, if that address is not listed in an electoral register, the last address where that person was registered in the previous five years.

Permissible donors

19) Members must not accept any donations, loans, security or other support valued at over £500 from impermissible donors. They must also report them to the Electoral Commission within 30 days of receipt. The following are permissible donors:

- an individual registered in a UK electoral register (or a bequest from such an individual);
- a UK registered company which is incorporated within the EU and carries on business in the UK;
- a Great Britain registered political party;²²
- a UK registered trade union;
- a UK registered building society;
- a UK registered limited liability partnership that carries on business in the UK;
- a UK registered friendly society;
- a UK based unincorporated association that carries on business or other activities in the UK.

20) In addition, certain trusts may be permissible as donors, but not as lenders or providers of security or credit. Local councils are not permissible donors or lenders.

Category 3: Gifts, benefits and hospitality from UK sources

Threshold for registration

21) Members must register, subject to the paragraphs below, any gifts, benefits or hospitality with a value of over £300 which they receive from a UK source. They must also register multiple benefits from the same source if these have a value of more than £300 in a calendar year.²³

Requirements for registration

22) Under this category Members must register:

22 Northern Ireland parties are not included as permissible donors because of the different rules on donations to which they are subject.

23 Subsequent references to benefits in this category include gifts and hospitality.

Any benefits which relate in any way to their membership of the House or political activities, if provided by a UK source either free or at concessionary rates, including:²⁴

- a) event or travel tickets;²⁵
- b) hospitality in the UK, including receptions, meals and accommodation;
- c) gifts such as clothing or jewellery;
- d) club subscriptions and memberships;
- e) loans or credit arrangements;
- f) discount cards.

See paragraph 27 below for guidance on the registration of benefits given to others.

23) Before accepting any benefit over £500 which would require registration in this category (including a credit facility or a loan which exceeds £500 in value), Members are required to satisfy themselves that it is from a permissible donor, and to notify the Electoral Commission within 30 days of any impermissible donations.²⁶

24) Members should not register under this category:

- a) Benefits which could not reasonably be thought by others to be related to membership of the House or to the Member's parliamentary or political activities; for example, purely personal gifts or benefits from partners or family members. However, both the possible motive of the giver and the use to which the gift is to be put should be considered. If there is any doubt, the benefit should be registered;
- b) Hospitality from UK public bodies, including for example devolved administrations, government departments, the armed services or the police, or local or health authorities. If there is any doubt as to the permissibility of such donors, the Member should consult the Electoral Commission;²⁷
- c) Benefits received in recognition of a service performed by a Member, e.g. after giving a speech. If these benefits would not have been received had this service not been performed, they should be registered under Category 1: Employment and earnings;
- d) Donations or other assistance given to a Member to support his or her parliamentary or political activities, or for candidacy at an election for parliamentary or non-parliamentary office, which should be registered under Category 2: Donations and other support for activities as a Member of Parliament;

24 A concessionary rate should be valued by reference to the nearest equivalent commercial rate.

25 International travel and hospitality received abroad should normally be registered under Category 4: Visits outside the UK.

26 For an explanation of a permissible donor see paragraph 20 above. Advice is available from the Electoral Commission, tel0333 103 1928.

27 Tel0333 103 1928. See also the list of permissible donors in paragraph 20 above.

- e) Foreign visits, including international travel and hospitality received outside the UK (even if funded by UK sources), which should be registered under Category 4: Visits outside the UK;
- f) Other benefits from sources outside the UK, which should be registered under Category 5: Gifts and benefits from sources outside the UK.

25) **Members are required to provide the following information:**

- a) The name and address of the donor;²⁸
- b) The amount of the donation, or its nature and value if it is a donation in kind;
- c) The dates of receipt²⁹ and acceptance;
- d) The status of the donor (whether an individual, building society, friendly society, LLP, registered party (other than the Member's own party), trade union, unincorporated association or company, in which case the company registration number is required);
- e) If the donor is a trust, the name and address of the person who created the trust; if created after 27 July 1999, the names and addresses of all others who have transferred property to the trust, or, if created before 27 July 1999, the date it was created;
- f) If the donation is by means of a bequest, the name and last address of the person who made the bequest, or, if that address is not listed in an electoral register, the last address where that person was registered in the previous five years.

Benefits given to other people or organisations

26) A Member must register under this category any benefit given to any third party, whether or not this accompanied a benefit for him or her, if the Member is aware, or could reasonably be expected to be aware, of the benefit and that it was given because of his or her membership of the House or parliamentary or political activities.

Benefits received during a parliamentary attachment

27) Members must register under this category any incidental benefit, such as gifts, hospitality, or travel, received from a UK source in the course of a fellowship or secondment such as those arranged through the Armed Forces Parliamentary Scheme, the Police Service Parliamentary Scheme or the Industry and Parliament Trust.

Benefits received as a member of an All-Party Parliamentary Group

28) Groups themselves must register any benefit which exceeds the relevant threshold set out in the Guide to the Rules for All-Party Parliamentary Groups. Each Member benefiting should also include in their Register entry details of any benefit to them from a UK source which exceeds the threshold for the Members' Register. If the ultimate donor is identifiable, Members should give their details, as well as naming the Group.

28 Private addresses will not be published.

29 Subscriptions, memberships and staff secondments are generally regarded as received on their start dates.

Legal funds

29) Members should normally register under this category contributions to legal funds (including in-kind contributions). This would apply if, for example, the legal action arose out of activity as a Member of Parliament but the donation was not specifically in support of the Member's activities as a Member of Parliament.

Category 4: Visits outside the UK***Threshold for registration***

30) Members must register, subject to the paragraphs below, any visits to destinations outside the UK where the cost is over £300 if that cost is not wholly borne by the Member or by UK public funds. They must also register multiple visits funded by the same source if taken together these have a value of more than £300 in a calendar year.

31) Costs which are met from parliamentary resources or by UK public bodies do not require registration. But such costs should be taken into account for the purpose of establishing whether the cost of an individual visit exceeds the registrable threshold. Paragraph 35 below provides further details on the sources of funding which do not require registration.

Requirements for registration

32) Under this category Members must register:

Any travel or hospitality received in the course of a visit outside the UK, if it relates in any way to their membership of the House or to their parliamentary or political activities, including:

- a) international and other travel;
- b) hospitality, including hotel or other accommodation, and meals;
- c) car hire;
- d) reimbursement of the costs of any of the above.

The person or organisation funding the visit may be within the UK or elsewhere. Visits funded or arranged by the British Council, the Armed Forces Parliamentary Scheme, the Police Service Parliamentary Scheme, or the Industry and Parliament Trust may require registration, subject to the financial threshold.

33) See paragraph 37 below for guidance on the circumstances in which visits by others may require registration; and paragraph 38 for visits undertaken as part of an All-Party Parliamentary Group.

34) **Members should not register under this category:**

- a) Visits wholly funded by their own political party;
- b) Visits undertaken with or on behalf of a select committee of the House;

- c) Visits wholly unconnected with membership of the House or with the Member's parliamentary or political activities (e.g. family holidays);
- d) Visits funded by HM Government, or an international organisation to which the United Kingdom Government belongs;
- e) Visits undertaken on behalf of or under the auspices of the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British American Parliamentary Group, the British-Irish Parliamentary Assembly, the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the NATO parliamentary assembly, or the Organisation for Security and Co-operation in Europe Parliamentary Assembly;
- f) Visits funded to an extent which goes significantly beyond reimbursement of the costs incurred. Such visits should be registered (subject to the relevant threshold) under Category 2: Donations and other support for activities as a Member of Parliament;
- g) Visits undertaken for the purpose of outside employment, including for example giving a speech. If the reason for meeting the Member's expenses lies in that outside employment and the Member received any remuneration or taxable expenses, the visit should be registered under Category 1: Employment and earnings.

35) Members are required to provide the following information:

- a) The name and address of the person or organisation funding the visit;³⁰
- b) The amount of any payment, and/or the nature and value of any donation in kind such as flights or accommodation;
- c) The destination of the visit;
- d) The date(s) of the visit;
- e) The purpose of the visit.

Visits by others

36) Members should register in this category any visit outside the UK which is undertaken by someone else, whether accompanying the Member or not. Registration is required if the Member is aware, or could reasonably be expected to be aware, that part or all of the visit was paid for by another person or organisation because of that Member's membership of the House or parliamentary or political activities.³¹

Visits undertaken through an All-Party Parliamentary Group

37) Groups themselves must register any visit which exceeds the relevant threshold set out in the Guide to the Rules for All-Party Parliamentary Groups. Each Member benefiting

30 Private addresses will not be published.

31 Subject to the relevant thresholds, Members' staff who hold parliamentary passes as secretaries or research assistants should also register their visits in the Register of Interests of Members' Secretaries and Research Assistants.

should also make a Register entry if the value of the benefit to them exceeds the threshold for visits in the Members' Register. If the ultimate funder is identifiable, Members should give their details, as well as naming the Group.

Category 5: Gifts and benefits from sources outside the UK

Threshold for registration

38) Members must register, subject to the paragraphs below, any gifts or benefits with a value of over £300 which they receive from a source outside the UK. They must also register multiple benefits from the same source if taken together these have a value of more than £300 in a calendar year.³²

Requirements for registration

39) Under this category Members must register:

Any benefits which relate in any way to their membership of the House or parliamentary or political activities, if provided by a source outside the UK either free or at concessionary rates, including:³³

- a) event or travel tickets;³⁴
- b) hospitality in the UK, including receptions, meals and accommodation;³⁵
- c) gifts such as clothing or jewellery;
- d) club subscriptions and memberships;
- e) loans or credit arrangements;
- f) discount cards etc.

40) See paragraph 44 below for guidance on the circumstances in which benefits given to others must be registered.

41) Members should not register under this category:

- a) Benefits which could not reasonably be thought by others to be related to membership of the House or to the Member's parliamentary or political activities, for example purely personal gifts or benefits from partners or family members, or loans or mortgage arrangements on commercial terms. However, both the possible motive of the giver and the use to which the gift is to be put should be considered. If there is any doubt, the benefit should be registered;

32 Subsequent references to benefits in this category include gifts and hospitality.

33 A concessionary rate should be valued by reference to the nearest equivalent commercial rate.

34 International travel and hospitality received abroad should normally be registered under Category 4: Visits outside the UK.

35 See footnote above.

- b) Benefits received in recognition of services performed by a Member, e.g. after giving a speech. If these benefits would not have been received had the Member not performed that service, they should be registered under Category 1: Employment and earnings;
- c) Donations or other assistance given to a Member to support his or her parliamentary or political activities, or for candidacy at an election for parliamentary or non-parliamentary office, which (if permissible) should be registered under Category 2: Donations and other support for activities as a Member of Parliament. NB: There are legal restrictions on acceptance of benefits from sources outside the UK which amount to such support for a Member of Parliament, and before accepting any such support of more than £500 (including a credit facility or a loan which exceeds £500 in value) Members are required to satisfy themselves that it is from a permissible donor, and to notify the Electoral Commission within 30 days of any impermissible donations.³⁶

42) Members are required to provide the following information:

- a) The name and address of the donor;³⁷
- b) The amount of the donation, or its nature and value if it is a donation in kind;
- c) The dates of receipt and acceptance;³⁸
- d) The status of the donor (whether an individual, building society, friendly society, LLP, registered party (other than the Member's own party), trade union unincorporated association or company, in which case the company registration number (if any) is required);
- e) If the donor is a trust, the name and address of the person who created the trust; if created after 27 July 1999, the names and addresses of all others who have transferred property to the trust, or, if created before 27 July 1999, the date it was created;
- f) If the donation is by means of a bequest, the name and last address of the person who made the bequest, or, if that address is not listed in an electoral register, the last address where that person was registered in the previous five years.

Benefits given to other people or organisations

43) Member must register under this category any benefit given to any third party, whether or not this accompanied a benefit for him or her, if the Member is aware, or could reasonably be expected to be aware, of the benefit and that it is given because of his or her membership of the House or parliamentary or political activities.

Benefits received during a parliamentary attachment

36 For an explanation of a permissible donor see paragraph 20 above. The Electoral Commission can advise on the permissibility of donors, tel 0333 103 1928

37 Private addresses will not be published.

38 Subscriptions, memberships and staff secondments are generally regarded as received on their start dates.

44) Members must register under this category any incidental benefit, such as gifts, hospitality, or travel, received from a source outside the UK in the course of a fellowship or secondment such those arranged through the Armed Forces Parliamentary Scheme, the Police Service Parliamentary Scheme or the Industry and Parliament Trust.

Benefits received as a member of an All-Party Parliamentary Group

45) Groups themselves must register any benefit which exceeds the relevant threshold set out in the Guide to the Rules for All-Party Parliamentary Groups. Each Member benefiting should register any benefit to them from a source outside the UK which exceeds the threshold for the Members' Register. If the ultimate donor is identifiable, Members should give their details, as well as naming the Group.

Category 6: Land and property

Threshold for registration

46) Members must register, subject to the paragraphs below, any land or property in the UK or elsewhere which:

- i) has a value of more than £100,000; or forms part of a total property portfolio³⁹ whose value exceeds £100,000; and/or
- ii) alone or together with other properties owned by the Member, provides rental income of more than £10,000 in a calendar year.

Requirements for registration

47) **Under this category Members must register:**

- a) Land or property which they own or hold, either by themselves or with or on behalf of their spouse, parents, partner or dependent children.

48) **Members should not register under this category:**

- a) Any land or property which is used wholly for their own personal residential purposes (whether alone or shared with others, such as friends or family members), or those of their family member (see paragraph 58 for the definition of a family member).⁴⁰

49) **Members are required to provide the following information:**

- a) The type of property; e.g. whether business or residential, and if land, the type of use to which it is put; and
- b) Its location, for example the relevant local authority area; and

³⁹ Excluding property used wholly for the Member's own personal residential purposes, or those of their spouse, partner or dependent children.

⁴⁰ This includes land and property of registrable value which is held in trust for the Member, for example as part of a self-invested personal pension.

- c) Whether the holding falls to be registered under (i) and/or (ii) of paragraph 47 above. If the rental income is paid to another person or organisation, this should be stated;
- d) The date on which the land or property was acquired, or when the value of the property (or the rental received) achieved registrable value.⁴¹

Category 7: Shareholdings

Threshold for registration

- 50) 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 £70,000.⁴²

Requirements for registration

- 51) **Under this category Members must register:**
- a) Shareholdings or share options which they hold, either by themselves or with or on behalf of their spouse, partner or dependent children. This includes any shares which are managed by a trust (other than a blind trust⁴³ or similar delegated management arrangement) and any holdings in sector-specific vehicles;
 - b) Interests in LLPs or other partnerships.
- 52) **Members should not register under this category:**
- a) Holdings in collective investment vehicles such as unit trusts, investment companies with variable capital (ICVCs) and investment trusts;
 - b) Assets held in blind trusts;⁴⁴
 - c) Pensions (except for property held for self-invested personal pensions).
- 53) **Members are required to provide the following information:**
- a) The name of the company or organisation;

41 If the value of the land or property is close to the threshold for registration, the Member should periodically check its value and, if it exceeds the threshold, should register it within 28 days of the date of that valuation.

42 Holdings should be valued as at the previous 5 April. If this is not possible, the Member should make their best estimate of the value on that date and register the holding within 28 days of the 5 April valuation. Holdings which fall below the registrable thresholds but meet the test of relevance should be registered under Category 8: Miscellaneous.

43 For a trust to be regarded as a blind trust the Member must not know details of how their assets are invested or give trustees instructions about specific investments. They may however give general directions about the nature of investments when the trust is established, may receive reports on its overall performance and may realise some or all of its assets. In certain circumstances there may be a requirement to declare a blind trust. See paragraph 4 of chapter 2 for more details.

44 Ibid.

- b) A brief description of the nature of its business, and of any relevant trust or delegated management arrangement;
- c) Whether the holding falls to be registered under (i) or (ii) of paragraph 51 above;
- d) The date on which beneficial ownership of the holding was acquired or the holding achieved registrable value.⁴⁵

Category 8: Miscellaneous

Requirements for registration

54) Under this category Members must register:

- a) Significant, formal unpaid roles such as an unpaid directorship, a directorship of a company not currently trading, or a trusteeship;
- b) A formal role with a party organisation, including job title, start date, salary (if applicable), and whether it is a full time or part time role;
- c) Funds established to defray legal costs arising out of the Member's work, including 'crowdfunded' legal funds for action to which the Member is a party, including stating what (if any) benefit has been received by the Member;
- d) Any relevant financial interest or material benefit which does not clearly fall into one of the other categories, including any shareholding which falls below the relevant threshold, or any other financial asset, including an asset held in trust, if this meets the test of relevance; in other words, that it might reasonably be thought by others to influence a Member's actions or words as a Member; and
- e) Any other interest, if it might reasonably be thought by others to influence a Member's actions or words as a Member in the same way as a financial interest. This might include, for example, non-practising membership of a profession.

55) **Members are required to provide the following information:**

- a) A description of the interest and, where relevant, the name of the donor;
- b) Any other relevant information. It is not necessary to provide a value for financial interests in this category;
- c) The date when the interest arose or became registrable.

56) **Members should not register under this category:**

- a) Informal unpaid positions such as patronships, or an informal role in a society or organisation;
- b) Membership of a society or organisation.

⁴⁵ Existing holdings should be valued as at the previous 5 April. If this is not possible, the Member should make their best estimate of the value on that date and register the holding within 28 days of their valuation, the date of which should be given.

Category 9: Family members employed

Threshold for registration

57) Under this category Members must register, subject to the paragraphs below, details of any family members whom they employ if those employees receive, from parliamentary expenses, remuneration of more than £700 in a calendar year.

Requirements for registration

58) **Under this category Members must register:**

- a) Any family members employed and remunerated through expenses or allowances available to support his or her work as a Member of Parliament. Family members should be regarded as including a spouse, civil partner or cohabiting partner of the Member and the parent, child, grandparent, grandchild, sibling, uncle, aunt, nephew or niece of the Member or of a spouse, civil partner or cohabiting partner of the Member.

59) **Members are required to provide the following information:**

- a) The name of any family members employed and paid from parliamentary expenses;
- b) Their relationship to the Member;
- c) Their job title;
- d) Whether they work part time.

Category 10: Family members engaged in lobbying

Requirements for registration

60) **Under this category Members must register:**

- a) Details of any of their family members involved in lobbying the public sector;⁴⁶ if they are aware, or could reasonably be expected to be aware, of the involvement of the family member in such a lobbying activity.

61) For the purposes of this category, lobbying is defined as undertaking activities in a professional capacity and on behalf of a third party or client in an attempt to influence, or advise those who wish to influence, the UK Government, Parliament, devolved legislatures or administrations, regional or local government or other public bodies on any matter within their competence.

62) **Members are required to provide the following information:**

- b) The name of any family members involved in lobbying;
- c) Their relationship to the Member;

46 Family members are defined as under Category 9. See paragraph 58 above.

- d) Their job title;
- e) The name of their company or employer, if any.

Chapter 2: Declaration of Members' Interests

Requirements of the House

- 1) Paragraph 6 of the Code of Conduct for Members of Parliament provides:

Members must always be open and frank in declaring 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.

- 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.
- 3) Declarations must be informative but succinct. A Member who has already registered an interest may refer to his or her Register entry. But such a reference will not suffice on its own, as the declaration must provide sufficient information to convey the nature of the interest without the listener or the reader having to have recourse to the Register or other publication.
- 4) When contemplating an action that requires a declaration of interest, Members should take care to consider whether that action itself would breach the House's rules on lobbying for reward (see chapter 3), or would present a conflict of interest.

Requirements for declaration

- 5) Members are required, subject to the paragraphs below, to declare any financial interests which satisfy the *test of relevance*, including:
 - a) past financial interests (normally limited to those active within the last twelve months);
 - b) indirect financial interests, such as the financial interests of a spouse or partner, or another family member, if the Member is aware or could reasonably be expected to be aware of that interest. It is not necessary to identify the person concerned: a formula such as "A member of my family has a financial interest in []" will usually suffice. The definition of a family member is as under Category 9 of the Register;⁴⁷
 - c) expected future interests, if the Member's plans have moved beyond vague hopes and aspirations and reached the stage where the Member has a reasonable expectation that a financial benefit will accrue;

⁴⁷ See paragraph 58 of Chapter 1 of this Guide.

- d) financial interests of a sort which do not require registration, including for example blind trusts,⁴⁸ and interests which fall below the financial thresholds;
- e) financial interests which require registration but have not yet appeared in the published Register;
- 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.

- 6) *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.
- 7) Members are not required to declare an interest:
 - a) *if to do so would unduly impede the business of the House*; for example, during oral Questions, when asking supplementary Questions, or when responding to a Ministerial statement; or
 - b) *when voting*, either in the House or in committee. But a Member who has a relevant registrable interest which has not yet been registered should seek to register it before the vote; or if this is not possible, as soon as possible afterwards; or
 - c) *if that interest is a benefit available to all Members*, such as the parliamentary salary, or expenses met from parliamentary sources or from a scheme for parliamentary expenses; or
 - d) *if it is a benefit provided by the Member's own party* (unless it is registrable under Category 2: Donations and other support for activities as a Member of Parliament).

Occasions when declaration is required

- 8) Subject to paragraphs 1 to 6 of this chapter, Members must declare a relevant interest:
 - a) *in the Chamber and in general committees*:
 - i) when making a speech or intervening in a debate;
 - ii) *in the Committee or consideration stage of a Bill*. In a Public Bill Committee a Member should declare an interest at the first meeting or when he or she first addresses the Committee. The declaration should be repeated later if speaking on any amendment to which the interest is particularly relevant;
 - b) *in Committee on Opposed Private Bill*:

48 Members should be aware that existence of a blind trust may be declarable for example during proceedings concerning legislation which would affect such trusts. In addition, if a Member is aware that the trust invests in a particular sector he or she may need to declare that where relevant.

A Member nominated by the Committee of Selection to serve on a Committee on an Opposed Private Bill must sign a declaration that “my constituents have no local interest, and I have no personal interest, in the said Bill.”⁴⁹ Advice is available from the Clerk of Bills.

c) *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.⁵⁰ 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;
- ii) *when the Committee is deciding on the subject of an inquiry;*
- iii) *at the beginning of any inquiry to which their interest particularly relates;*
- iv) *at sessions of evidence, and in any hearings involving witnesses to whom the interest is particularly relevant and before any questions which might reasonably be thought by others relevant to that interest.*

These declarations will be recorded in the Committee’s proceedings.

If the subject matter of the inquiry is of direct concern to an outside body in which a Member has a financial interest, he or she must consider whether it is proper to take part in the inquiry, and whether it is possible to participate effectively in the inquiry without crossing the borderline into paid advocacy. And a Member who has a personal interest which may reflect upon the work of the Committee or its report should stand aside from the Committee proceedings relating to it.

d) *When tabling any written notice:*

- i) *when tabling a notice for the presentation of a Bill,* or tabling an amendment to a Bill. A Member who gives his or her name in support of a Bill, or who tables an amendment to a Bill, must notify the Legislation Office of any relevant interest;
- ii) *when tabling oral or written Questions.* Members must indicate any relevant interest on the question form. If the question is for oral answer there is no need for further declaration when called in the Chamber;⁵¹
- iii) *when applying for urgent Questions or emergency debates.* Members must inform the Speaker of any relevant interest. If the request is granted the Member must also declare the interest orally when asking the question or moving the motion;

49 Standing Order 120 refers.

50 The test of relevance is set out in paragraph 5 of this chapter.

51 There is also no need to declare an interest when asking a Supplementary Question.

- iv) *when tabling motions, including Early Day Motions [EDMs], or amendments to motions, or adding their name to a motion or amendment.* Members must indicate any interest in the appropriate place on the form;
- v) *when applying for an adjournment debate.* Members must inform the Table Office of any relevant interests;
- vi) *when giving notice before presenting a petition and when presenting a petition in the House.* Members must notify the Journal Office of any relevant interest when giving notice of presentation of a petition, providing an explanatory note if the nature of that interest is not immediately obvious from their Register entry. They must then declare any relevant interests in the House when presenting that petition;
- vii) *when standing for election as chair of a Select Committee.* The Member's full Register entry is published with his or her nomination.

When an interest is declared, the symbol [R] (for 'Relevant Interest Declared') will normally be printed on the relevant Notice Paper or Order Paper. If it is not readily apparent which of the Member's interests is relevant, he or she should provide an explanatory note which will then be made available for inspection.

e) *When approaching others:*

Members must declare a relevant interest in any communication, formal or informal, with those who are responsible for matters of public policy, public expenditure or the delivery of public services.⁵² That includes communications with Ministers, either alone or as part of a delegation: with other Members; with public officials (including the staff of government departments or agencies and public office holders). If those communications are in writing, then the declaration should be in writing too; otherwise it should be oral.

f) *When booking facilities on the parliamentary estate.*

Members who book private dining rooms or any other rooms through the Facilities Department for the purpose of holding a function must indicate on the booking form if they have a relevant interest. This requirement applies if the function is on behalf of an outside organisation other than the Member's political party. Members who have such an interest must also indicate this on the invitations to their event. For this purpose a function is where significant hospitality including food and drink is provided: a declaration is not necessary when booking a room simply for a meeting or presentation where simple refreshments such as tea and biscuits may be available.

Chapter 3: Lobbying for reward or consideration

The rules relating to lobbying

- 1) Taking payment in return for advocating a particular matter in the House is strictly forbidden. Members may not speak in the House, vote, or initiate parliamentary proceedings for payment in cash or kind. Members may not make in approaches to

52 The test of relevance is set out in paragraph 5 of this chapter.

Ministers, other Members or public officials in return for such payment.⁵³ Nor may they pursue interests which are wholly personal and particular to the Member, such as may arise from a profession or occupation outside the House.

2) Subject to paragraph 6 below, Members must not engage in lobbying by initiating or participating in a proceeding or approach which seeks to confer, or would have the effect of conferring, any financial or material benefit on an identifiable person from whom or an identifiable organisation from which they, or a family member, have received, are receiving, or expect to receive outside reward or consideration, or on a registrable client of such a person or organisation.

3) A Member may not enter into any contractual arrangement which fetters the Member's complete independence in Parliament, nor may an outside body (or person) use any contractual arrangement with a Member of Parliament as an instrument by which it controls, or seeks to control, his or her conduct in Parliament, or to punish that Member for any parliamentary action.

4) The lobbying rules apply only to Members who receive an outside reward or consideration and whose activities would provide (or seek to provide) a financial or material benefit to the person or organisation providing that reward or consideration. They do not otherwise prevent Members from initiating or participating in proceedings or approaches to Ministers, other Members or public officials, even where they themselves may have a financial interest. In such cases the rules on registration and declaration apply.

5) Members must always consider whether they have a conflict of interest when they pursue of course of action as a Member. If so, they must resolve it, at once, in accordance with Paragraph 2 of the Code of Conduct.

Whistleblowing

6) If a Member has evidence of a serious wrong or substantial injustice, the Member may exceptionally approach the responsible Minister or public official with this evidence even if the resolution of any such wrong or injustice would have the incidental effect of conferring a financial or material benefit on an identifiable person from whom or an identifiable organisation from which the Member, or a member of his or her family, has received, is receiving or expects to receive, outside reward or consideration (or on a registrable client of that person or organisation). The Member must make clear from the outset that they are presenting evidence of a serious wrong or substantial injustice and must declare their interest. The approach must be limited to the provision of such evidence on a single occasion, and any benefit must be merely incidental to the resolution of the wrong or injustice, and not an integral part of the approach.

Time limits

7) The restrictions under the lobbying rules apply for 12 months after the reward or consideration was received. A Member can free him or herself immediately of any restrictions due to a past benefit by repaying the full value of any benefit received from the outside person or organisation in the preceding 12 month period.

53 Resolutions of 6 November 1995 and 15 July 1947 as amended on 6 November 1995 and 14 May 2002

Definitions

8) **Initiating or participating in a proceeding of the House includes:**

- a) making a speech in the House, in Committee of the whole House, in Westminster Hall or in a general committee, or making an intervention in a debate, statement or other proceeding
- b) tabling and asking a Parliamentary Question, including a Topical Question, an Urgent Question, or a Question to the Prime Minister, or asking a supplementary question, whether to the Member's own Question or another Member's Question;
- c) presenting a Bill;
- d) presenting a Petition;
- e) initiating, or seeking to initiate a debate such as a backbench business debate or Westminster Hall debate;
- f) tabling or moving any motion (e.g. an "Early Day Motion", a motion for leave to introduce a Bill under the "Ten Minute Rule" or a motion "blocking" a Private Bill);
- g) giving any written notice, or adding a name to such a notice, or making an application for and introducing a daily adjournment debate, or emergency debate;
- h) tabling or moving an Amendment to a Bill;
- i) proposing a draft Report, or moving an Amendment to a draft Report, in a Select Committee;
- j) asking a question in a Select Committee when taking formal evidence.

9) **Outside reward or consideration includes:**

- a) past financial interests or material benefits, including "one-off" registrable interests, such as visits and gifts, and continuing benefits such as directorships, employment and sponsorships.
- b) all present financial interests or material benefits which must be either registered or declared;
- c) future financial interests or material benefits, where a Member has a firm and specific expectation that such a financial benefit from an identifiable outside person or organisation will accrue in the next six months.

10) **Outside reward or consideration does not include:**

- a) any non-financial interest or benefit, even though this may be registered or declarable;

- b) any payment to someone from the Member's family which arises out of that person's own occupation. This is not regarded as a benefit for the purposes of the lobbying rule, although it may be declarable.⁵⁴

11) **An identifiable person or organisation** is a named person or organisation from whom a Member has received or is receiving outside reward or consideration, or from whom a Member has a firm and specific expectation of receiving such reward or consideration, at the time of the relevant parliamentary proceeding or approach to Ministers, Members or public officials.

12) **Family members comprise:**

- a) all those defined under registration Category 9 (see paragraph 5 of Chapter 1 of this Guide). The lobbying restriction arising from the receipt of outside reward or consideration by a family member applies only when the Member is aware or could reasonably be expected to be aware of such reward or consideration.

13) **Public officials include:**

- a) all those who are responsible for matters of public policy, public expenditure or the delivery of public services. The term therefore includes all staff of government departments and agencies and public office holders.

14) **Participating in an approach to a Minister, other Member or public official includes:**

- a) participating in or accompanying a delegation or group to discussions or meetings, whether these are formal or informal in nature.

Application of the lobbying rules

Matters outside the lobbying rules

15) The following fall outside the lobbying rules:

- a) *Ministers:* Members who are acting in the House as government Ministers are not subject to these rules when acting in that capacity.
- b) *Other elected bodies:* Membership of other specified elected bodies shall not be taken into account when applying this rule. These bodies comprise: the Scottish Parliament; Senedd Cymru; the Northern Ireland Assembly; and local authorities in the United Kingdom.
- c) *Constituency issues:* Members may pursue any constituency interest in any approach to a Minister or public official (but not by initiating or participating in a proceeding of the House or an approach to a Member), subject to the registration and declaration rules.

54 The definition of a family member is as under registration Category 9; see paragraph 58 of Chapter 1 of this Guide.

- d) *Trade union sponsorship*: The rules do not prohibit Members being sponsored by a trade union or any other organisation, subject to the rules on registration and declaration.
- e) *Support from or salary paid by a Member's own party organisation*: Any financial support or salary paid by a Member's own party organisation is not taken into account when applying the lobbying rules;
- f) *Representative organisations, associations, charities, etc*:
 - i) Membership alone (i.e. without remuneration) of a trade association, staff association, professional body, charity or other similar representative organisation is not taken into account when applying the lobbying rules.
 - ii) A Member who is a member of a representative organisation may lobby by initiating or participating in parliamentary proceedings or approaches to Ministers, other Members or public officials in support of a policy position held by, or a campaign run by, that organisation, irrespective of any other relevant financial interest, provided any such interests are properly declared.
 - iii) Members who are remunerated advisers to representative organisations are subject to the lobbying rules in respect of such organisations as they would be in respect of other identifiable persons or organisations under paragraph 7 above.
- g) *Private Members' Bills*: Private Members (including those successful in the Ballot for Bills) are not prevented from introducing and proceeding with a Bill by reason of the fact that they receive free or subsidised assistance from an organisation connected with the purposes of the Bill, provided the Member had no pre-existing financial relationship with the organisation which is registered, or is required to be registered.

Former Members

- 16) Former Members must abide by the restrictions of the lobbying rules for six months after their departure from the House in respect of any approach they make to Ministers, other Members or public officials. Former Members may not use their privileged parliamentary pass for the purposes of lobbying on the parliamentary estate.
- 17) These provisions do not apply to former Members who are Members of the House of Lords.
- 18) The Committee on Standards and Privileges has indicated it would expect the Committee on Standards to regard it as a serious matter if a sitting Member were influenced in his or her actions by the prospect of becoming a paid lobbyist, or entered into improper agreements relating to future lobbying activities.

Hospitality from foreign governments and visits outside the UK

- 19) **Members may not** initiate or participate in any parliamentary proceeding or approach to a Minister, other Member or public official which seeks to confer, or would

have the effect of conferring, any financial or material benefit on a foreign government, non-governmental organisation (NGO) or other agency which has, within the previous 12 months, funded a visit they have undertaken or provided them with hospitality.⁵⁵

Points of Order

20) The Speaker has declined to receive points of order relating to registration or lobbying.⁵⁶

Chapter 4: Outside interests

Paid parliamentary advice

1) Paragraph 9 of the Code provides that:

Members must not provide, or agree to provide, paid parliamentary advice, or agree to undertake services as a Parliamentary strategist, adviser or consultant.

2) This prohibits Members from advising outside organisations or persons on process, for example, how they may lobby or otherwise influence the work of Parliament, in return for payment. The following is not parliamentary advice:

- a) advice on public policy and current affairs;
- b) advice in general terms about how Parliament works; and
- c) media appearances, journalism, books, public lectures and speeches.

Members' outside employment

3) A Member who takes on any formal paid employment with an outside body must obtain a written contract or written statement of particulars detailing their duties. This contract must be made available to the Parliamentary Commissioner for Standards on request (but Members do not need to lodge a copy of the contract with the Registrar when registering employment).

4) Any such contract, or letter of undertaking from the employer, must specify that the Member's duties will not include lobbying Ministers, Members of Parliament or public officials on behalf of that employer, nor providing paid parliamentary advice, and that the employer may not ask them to do so.

55 Subject to the provisions in paragraph 10 above which enable a Member to free him- or herself of a past benefit.
56 Select Committee on Standards in Public Life, Second Report, Session 1994–95, HC 816, paragraph 26 and e.g. HC Deb, vol 276, col 605 and vol 277, cols 767–68

Annex 3: Proposed changes to the rules on registration (revised)

Category	Current rule	Recommendation	Additional minor or consequential changes
1 (Employment and Earnings)	MPs must register an earnings payment if it is over £100; or if it is £100 or less but the same payer has paid the MP over £300 in that calendar year.	Simplify the thresholds by removing the over -£100 threshold for individual payments. The threshold would be over £300 for payments of whatever size received in the calendar year.	Ending the requirement to register earnings from opinion surveys; making clear that MPs should register under this category any special responsibility allowances received from local authorities; clarifying that directors' loans on favourable terms fall to be registered.*
3,4,5 (respectively, gifts, benefits and hospitality from UK sources; visits outside the UK; gifts and benefits from sources outside the UK)	MPs must register UK hospitality under Category 3 but hospitality on foreign visits under Category 4 (overseas visits), and gifts from a foreign source under Category 5	No change*	
6 (Land and property)	MPs must register property valued at over £100,000 (or part of such a portfolio), or property which generates an income of over £10,000 a year (or is part of a portfolio generating an income over £10,000).	No change to thresholds*	Homes shared with others (eg siblings or friends) will no longer be registrable, as will homes used by a family member as defined in category 9 (not just a spouse or child).*

Category	Current rule	Recommendation	Additional minor or consequential changes
8 (Miscellaneous)	MPs must register any other financial interest/material benefit which does not fall clearly into one of the other categories which might reasonably be thought by others to influence them; or non-financial interest if he/she considers it might be thought to influence them in the same way.	<p>Introduce requirement to register significant*, formal unpaid roles e.g . directorships and trustee roles.</p> <p>Introduce requirement to register a formal role with a political party.*</p> <p>Clarify rules regarding registration of legal funds.*</p>	
10 (Family members engaged in lobbying)	MPs must register any family members who lobby the public sector on behalf of a third party.	No change*	

(* denotes a revision of the Committee’s November 2021 proposals)

Annex 4: Illustrative examples of initiation and participation in the lobbying rules

[See “Lobbying rules: initiation and participation”, paras 101–09 of the report.]

The following examples are hypothetical and illustrative, and should not be relied on by Members when making a decision about whether or not to participate in a proceeding or approach. No set of examples can be comprehensive, and Members are therefore urged to seek advice from the Registrar if they require advice on the lobbying rules.

Example 1:

Mr H is a partner in his family farming business, though he doesn't manage the business day-to-day. One of his MP colleagues asks him to join a meeting he has arranged with the Secretary of State for Defra, which is seeking to persuade him to cap the rising price of red diesel which is used for farm vehicles. Mr H declares his interest at the beginning of the meeting. Under the current rules Mr H is permitted to join the meeting, because whilst the approach seeks to confer or would have the effect of conferring a benefit on the agricultural sector, this would not be an exclusive benefit for Mr H's farming business, and Mr H (nor another member of the business) did not arrange the meeting. If the distinction between initiation/participation is removed, Mr H would not be permitted to join the meeting. [Note: Mr H could not, under the current rules, arrange the meeting himself or approach a Minister, other Members or an official on the subject.]

Example 2:

Ms M is a paid non-executive director of a pharmaceutical company, for whom she used to work before being elected to Parliament. She attends the Second Reading debate on a Bill that restricts exports of certain medicines outside the UK. The pharmaceutical industry is widely known to be opposed to the Bill. Ms M intervenes on the Minister to say that based on her understanding of the industry, she opposes the Bill because she believes that promoting global access to medicine also promotes collaboration and innovation in the industry, and that she hopes the Minister will reconsider the proposal. Under the current rules Ms M is permitted to make her intervention, because whilst it seeks to confer, or would have the effect of conferring, a benefit on the pharmaceutical sector, this would not be an exclusive benefit for the company paying Ms M. If the distinction between initiation/participation is removed, Ms M would not be permitted to make an intervention. [Note: Ms M could not, under the current rules, present a Bill or move an amendment that would have the effect of benefiting her company]

Example 3:

Mr P has accepted a job offer to act as a part-time consultant for a solicitors' firm in his constituency, which has a broad practice including civil and criminal work. The role starts in 5 months' time, and he is keen to draw on his legal training from before he was elected. He is also a member of the Justice Committee. At the beginning of an inquiry on legal aid, Mr P declares his interest as a non-practicing solicitor who will shortly become a consultant for the firm. During an oral evidence session, he declares his interest again and asks a panel of barristers and solicitor advocates whether they agree with him that current rates of legal aid paid for criminal trials are detrimental to the criminal justice

system, and gives an example from his previous practice as a solicitor which he believes demonstrates this. He asks if they agree that legal aid rates should be increased. Under the current rules Mr P is permitted to ask his question, because whilst it seeks to confer or would have the effect of conferring a benefit on the legal services sector, this would not be an exclusive benefit for the firm from whom Mr P has accepted a job offer. If the distinction between initiation/participation is removed, Mr X would not be permitted to ask his question. [Note: Mr P could not, under the current rules, move an amendment to the Committee's report supportive of increasing rates of legal aid.]

Example 4:

Mrs L is a former headteacher of a leading independent school and a member of the Education Committee. Her former school recently gave her a gift, which exceeded the registrable threshold, for chairing a day-long conference at the school on education policy. During a backbench business debate on fair access to secondary education, Mrs L declares her interest as a former headteacher and the recent recipient of a gift from her school. She makes a speech in which she argues that the highly-rated state secondary schools in her constituency are over-subscribed, and that parents who cannot get their child into the state secondary school of their choice should have more support if they choose to send their child to an independent school, and calls for the introduction of a tax-free allowance on the first £5,000 paid towards independent school fees. Under the current rules Mrs L is permitted to make her speech, because whilst it seeks to confer, or would have the effect of conferring, a benefit on the independent school sector, this would not be an exclusive benefit for Mrs L's former school. If the distinction between initiation/participation is removed, Mrs L would not be permitted to make her speech. [Note: Mrs L could not, under the current rules, apply for a debate on the subject of her speech.]

Appendix: Opinion on the report by four lay members of the Committee

[The following paper sets out an opinion on the report by four lay members of the Committee, in accordance with the provision in Standing Order No. 149 (8):

Any lay member present at a meeting at which a report has been agreed shall have the right to submit a paper setting out that lay members' opinion on the report. The Committee shall not consider a motion that the Chair make a report to the House until it has ascertained whether any lay member present wishes to submit such a paper; and any such paper shall be appended to the report in question before it is made to the House.]

The Committee on Standards proposes in this report that the Seven Principles of Public Life (the “Nolan principles”) should be recast to reflect the contemporary role of MPs. This would perhaps make it easier to understand the ethos underlying each principle. Although the Government has not, as yet, embraced this proposal, it has widespread support, not least from the Committee on Standards in Public Life.

In line with this recasting, the Committee on Standards, in its November 2021 Review of the Code of Conduct, had proposed the inclusion of an eighth principle—that of “Respect”, with a descriptor that reflected explicitly MPs’ responsibilities relating to the values of anti-racism, diversity, and inclusion. Although well-supported, Lord Evans, Chair of the Committee of Standards in Public Life, argued against a separate eighth principle—considering that the existing seven are well understood. Nevertheless, he suggested incorporating these values into the existing “Leadership” principle. In following this, MPs have a leadership opportunity to promote tolerance and inclusivity as the pathway for everyday life.

The Committee, whilst accepting Lord Evans’ advice of not having a separate “Respect” principle, has decided not to include these specific words in the “Leadership” descriptor.

We are proud of the Committee’s decision to propose including in the “Leadership” descriptor that Members should “exemplify anti-discriminatory attitudes in their own behaviour”. However, by the very nature of their role, MPs hold a significant leadership role in society. We therefore strongly believe that it is incumbent on MPs not only to hold themselves back from discriminating; it is about setting an example by demonstrating diversity, anti-racism, and inclusion in their words, behaviour and actions. This is why it is important that specific words relating to how Members exemplify such attitudes, particularly in relation to demonstrating anti-racism, inclusion and diversity, should be included in the “Leadership” descriptor.

In a similar way, the recent fundamentally unacceptable misogynistic attacks on the Deputy Leader of the Labour Party, which to his credit were recognised as such immediately by the Prime Minister, have led Parliament’s most senior female MP, Harriet Harman, to call for specific changes to the rules in the Code of Conduct to address this issue.

In this light, we consider that the House has a further opportunity to incorporate the value not only of anti-racism but also anti-misogyny into the “Leadership” principle.

Our preferred descriptor would read:

“Members are elected as leaders, who can only be effective when they inspire trust by setting a good example. They should exhibit these principles in their own behaviour and treat others with respect. They should actively demonstrate and robustly support the principles, abide by the Parliamentary Behaviour Code, and set an example of anti-discriminatory attitudes and behaviours through the demonstration of anti-racism, anti-misogynistic attitudes, inclusion, and diversity. They should refrain from any action which would bring Parliament or its Members into disrepute.”

Dr Arun Midha

Tammy Banks

Dr Michael Maguire

Mehmuda Mian

Lay members, Committee on Standards

Formal minutes

Tuesday 17 May 2022, morning sitting

Members present:

Chris Bryant, in the Chair

Tammy Banks

Jane Burgess

Andy Carter

Alberto Costa

Laura Farris

Yvonne Fovargue

Sir Bernard Jenkin

Dr Michael Maguire

Mehmuda Mian

Dr Arun Midha

Draft report (*New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 175 read and agreed to.

Annexes 1 to 4 agreed to.

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

Ordered, That further consideration of the Chair's draft Report be now adjourned.

Adjournment

Adjourned to this day at 3.00 pm.

Tuesday 17 May 2022, afternoon sitting

Members present:

Chris Bryant, in the Chair

Jane Burgess

Andy Carter

Alberto Costa

Yvonne Fovargue

Sir Bernard Jenkin

Dr Michael Maguire

Mehmuda Mian

Dr Arun Midha

Consideration of the Chair's draft Report (*New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament*) resumed.

Four lay members present submitted a paper setting out their opinion on the Report, and the paper was accordingly appended to the Report (Standing Order No. 149(8)).

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

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Adjournment

The Committee adjourned.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 25 January 2022

The Lord Evans of Weardale KCB DL, Chair, Committee on Standards in Public Life [Q1–56](#)

Professor Paul Heywood, Professor of European Politics, University of Nottingham; **Dr Jonathan Rose**, Associate Professor in Politics and Research Methodology, De Montfort University; **Dr Hannah White**, Deputy Director, Institute for Government [Q57–119](#)

Tuesday 25 January 2022

Henry Dyer, Politics Reporter, Insider; **Ethan Shone**, Investigative Reporter, National World Newspapers; **Esther Webber**, Senior UK correspondent, Politico [Q120–154](#)

Richard Brooks, Journalist, Private Eye; **Ian Hislop**, Editor, Private Eye; **Solomon Hughes**, Journalist, Private Eye [Q155–194](#)

Rt Hon Sir Desmond Swayne MP [Q195–209](#)

Kate Green MP [Q210–230](#)

Wednesday 26 January 2022

Richard Burgon MP; Jess Phillips MP; Sir Bill Wiggin MP [Q231–303](#)

James Davies, Registrar of Members' Financial Interests, House of Commons; **Helen Reid**, Senior Investigations and Complaints Manager, House of Commons; **Kathryn Stone**, Parliamentary Commissioner for Standards, House of Commons [Q304–351](#)

Tuesday 8 March 2022

Rt Hon Sir Ernest Ryder, Former Senior President, Tribunals for the United Kingdom and former Lord Justice of Appeal [Q352–404](#)

Tuesday 26 April 2022

Rt Hon Mark Spencer MP, Lord President and Leader of the House, House of Commons; **Rt Hon Michael Ellis MP**, Paymaster General and Minister for the Cabinet Office, House of Commons [Q404–522](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

CCC numbers are generated by the evidence processing system and so may not be complete.

- 1 Allan, Lucy (Member, House of Commons) ([CCC0040](#))
- 2 Anonymised ([CCC0021](#))
- 3 Baker, Mr Steve (Member, House of Commons) ([CCC0054](#))
- 4 Baron, John ([CCC0013](#))
- 5 Bell, Aaron (Member, House of Commons) ([CCC0022](#))
- 6 Burghart, Alex (Member, House of Commons) ([CCC0026](#))
- 7 Cash, Sir William (Member, House of Commons) ([CCC0034](#))
- 8 Chamberlain, Wendy (Member, House of Commons) ([CCC0008](#))
- 9 Charsley, Jean ([CCC0051](#))
- 10 Compassion in Politics ([CCC0029](#))
- 11 Davis, Mr David (Member, House of Commons) ([CCC0024](#))
- 12 Debbonaire, Ms Thangam (Shadow Leader of the House of Commons, Member of Parliament) ([CCC0014](#))
- 13 Dunne, Philip (Member, House of Commons) ([CCC0042](#))
- 14 Dyer, Henry (Politics Reporter, Insider) ([CCC0041](#))
- 15 Francois, Mr Mark (Member, House of Commons) ([CCC0048](#))
- 16 Full Fact ([CCC0043](#))
- 17 Grant, Peter (Member, House of Commons) ([CCC0037](#))
- 18 Grayling, Chris (Member, House of Commons) ([CCC0052](#))
- 19 HM Government ([CCC0032](#))
- 20 Hailsham, Viscount (Member, House of Lords) ([CCC0003](#))
- 21 Leadsom, Andrea (Member, House of Commons) ([CCC0044](#))
- 22 MP, Anonymous (Member, House of Commons) ([CCC0047](#))
- 23 MP, Anonymous (Member, House of Commons) ([CCC0046](#))
- 24 MP, Anonymous (Member, House of Commons) ([CCC0045](#))
- 25 McConalogue, Dr Jim (CEO, Civitas) ([CCC0018](#))
- 26 More in Common ([CCC0038](#))
- 27 Penrose, John (Member, House of Commons) ([CCC0023](#))
- 28 Plaid Cymru ([CCC0020](#))
- 29 Poulter, Dr Dan (Member, House of Commons) ([CCC0007](#))
- 30 Ranson, Malcolm ([CCC0053](#))
- 31 Rich, Harry (Registrar of Consultant Lobbyists, Office of the Registrar of Consultant Lobbyists) ([CCC0001](#))
- 32 Simpson, Claire ([CCC0050](#))

- 33 Solloway, Amanda (Member, House of Commons) ([CCC0031](#))
- 34 Spurrier, Mr Peter ([CCC0012](#))
- 35 Swayne, Sir Desmond (Member, House of Commons) ([CCC0004](#))
- 36 The 1922 Committee ([CCC0027](#))
- 37 The 1922 Committee ([CCC0028](#))
- 38 The Electoral Commission ([CCC0035](#))
- 39 The Free Speech Union ([CCC0011](#))
- 40 Transparency International UK ([CCC0039](#))
- 41 Unlock Democracy ([CCC0030](#))
- 42 Vaz, Valerie (Member, House of Commons) ([CCC0025](#))
- 43 Walker, Sir Charles (Member, House of Commons) ([CCC0002](#))
- 44 Weardale, Lord Evans of (Chair, Committee on Standards in Public Life) ([CCC0006](#))
- 45 Whittaker, Craig (Member of Parliament, UK Parliament) ([CCC0017](#))
- 46 Wiggin, Sir Bill (Member, House of Commons) ([CCC0055](#))
- 47 Willows, Josephine (Director, Independent Complaints and Grievance Scheme) ([CCC0009](#))
- 48 Wright, Jeremy (Member, House of Commons) ([CCC0049](#))
- 49 Worthy, Ben (Senior Lecturer, Birkbeck College); Morgan, Cat (Research Associate, Birkbeck College); and Crepaz, Michele (Vice Chancellor Illuminate Fellow in Political Science , Queen’s University Belfast) ([CCC0016](#))

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.

Session 2021–22

Number	Title	Reference
1st	Boris Johnson	HC 549
2nd	Mrs Natalie Elphicke, Sir Roger Gale, Adam Holloway, Bob Stewart, Theresa Villiers	HC 582
3rd	Mr Owen Paterson	HC 797
4th	Review of the Code of Conduct: proposals for consultation	HC 270
5th	Daniel Kawczynski	HC 1036
6th	Review of fairness and natural justice in the House's standards system	HC 1183
7th	All-Party Parliamentary Groups: improving governance and regulation	HC 717

Session 2019–21

Number	Title	Reference
1st	Kate Osamor	HC 210
2nd	Stephen Pound	HC 209
3rd	Greg Hands	HC 211
4th	Conor Burns	HC 212
5th	Mr Marcus Fysh	HC 213
6th	Confidentiality in the House's standards system	HC 474
7th	Sanctions in respect of the conduct of Members	HC 241
8th	David Morris	HC 771
9th	Dr Rosena Allin-Khan	HC 904
10th	The House of Commons and the criminal law: protocols between the police and the Parliamentary Commissioner for Standards and the Committee on Standards	HC 883
11th	ICGS investigations: Commons-Lords agreement	HC 988
12th	Sanctions and confidentiality in the House's standards system: revised proposals	HC 1340