

Written Evidence – David Morris

1. Letter from the Complainant to the Commissioner, 16 January 2020

I am writing to raise an apparent breach of the code of conduct by David Morris MP.

- 5 According to the register of interests, Mr Morris received £10,000 from Aquind Ltd in September 2019. In October, he asked the government to lobby Ofgem to make regulations which would benefit the company:

[link to Hansard's entry for 22 October 2019]

- 10 The guide to the members' code of conduct says MPs must not "initiate a proceeding or approach which seeks to confer any financial or material benefit on an identifiable person from whom or an identifiable organisation from which they have received outside reward or consideration".

- 15 The rules specify that "proceedings" includes tabling and asking questions and that "outside reward or consideration" includes all present financial interests or material benefits which MPs need to register or declare.

I would be grateful if you are able to look into this matter.

Hansard entry for 22 October 2019, Topical Questions concerning Business, Energy and Industrial Strategy

- 20 **David Morris, Member for Morecombe and Lunesdale, Conservative**

25 *I draw the House's attention to my entry in the Register of Members' Financial Interests. In my constituency, we have two EDF nuclear power stations. Part of the EDF group is RTE, which is currently working with the British company Aquind to deliver cross-EU-border energy infrastructure. The EU Commission has just removed UK companies from its list of projects of common interests, which affects their regulation. Will my right hon. Friend urge Ofgem to step up and protect British companies by granting regulation as soon as possible in accordance with British law?*

- 30 Kwasi Kwarteng, The Minister for Business, Energy, and Clean Growth

Absolutely. We had an official present in the room at that PCI meeting on 4 October. This issue has been raised with me and is a matter of concern.

16 January 2020

2. Letter from the Commissioner to Mr David Morris MP, 28 January 2020

I would welcome your help with an allegation I have received from [the complainant] about your compliance with the rule concerning paid advocacy in relation to House proceedings, and a concern that I have regarding your compliance with the rule concerning the adequate declaration of interests during House proceedings. I enclose a copy of [the complainant's] email of complaint.

I am writing to you now to seek your assistance with my inquiry.

My inquiry

My inquiry will initially focus on the allegation that your actions have put you in breach of paragraphs 12 and/or 14 of the Code of Conduct for Members. Specifically, I will initially investigate the issues below, but the scope of my inquiry may reduce or expand as the inquiry progresses.

1. Whether, having received an earlier financial consideration from Aquind Ltd on 6 September 2019, you sought to confer a financial or material benefit on the same organisation by asking a topical question in the House on 22 October 2019.

Whether, when asking the topical question referred to above, on 22 October 2019, you made an adequate declaration to the House of your interest in Aquind Ltd.

The Code of Conduct

In relation to paid advocacy, paragraph 12 of the Code of Conduct states:

“No Member shall act as a paid advocate in any proceeding of the House”

Further to the Code, the Guide to the Rules relating to the Conduct of Members states the following at Chapter 3:

“8. The rules place the following restrictions on Members:

- a). When initiating proceedings or approaches to Ministers, other Members or public officials. Subject to paragraph 10 below, Members must not engage in lobbying by initiating 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.

Definitions

11. Initiating a proceeding of the House includes:

- 5 c). tabling and asking a Parliamentary Question, including a Topical Question or a Question to the Prime Minister;

13. Outside reward or consideration includes:

- 10 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.

15 15. An identifiable person or organisation is a named person or organisation from whom a Member has received or is receiving outside reward or consideration...

17. Public officials include:

- 20 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.

18. Making any approach to a Minister, other Member or public official includes:

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

In relation to the declaration of interests, paragraph 14 of the Code of Conduct states:

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

Further to the Code, the Guide to the Rules relating to the Conduct of Members states the following at Chapter 2:

5 “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 is unlikely to 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.

10 4. 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).

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

Next steps

I would welcome your comments on the allegations outlined above and, in particular, I would appreciate your comments on the following questions:

20 1. Were you aware of the rule regarding paid advocacy and the accompanying guidance?

Did you take advice from the House authorities before asking the topical question of 22 October 2019? If you did, please describe the advice given and copies of any correspondence you exchanged with House officials on the matter.

25 Do you consider that your question of 22 October 2019 could have had the effect of conferring a financial or material benefit on Aquind Ltd either directly or indirectly? If you do not, please let me know the reason(s) for that belief.

Have you made any other approaches to a Minister, another Member of Parliament, or a Public Official about this matter? If so, please provide details.

30 Were you aware of the rule regarding the declaration of interests and the accompanying guidance?

Why did you consider that a declaration was necessary on this occasion?

Do you consider your declaration of 22 October 2019, provided the listener with sufficient information for them to understand the nature of your interest

without recourse to the Register? If you do, please let me know the reason(s) for that belief.

It would be helpful to receive any supporting evidence you have at the same time as receiving your response to these questions. Any other points you may wish to make to help me with this inquiry would also be most welcome.

Outcome

There are three possible outcomes to my inquiry:

1. I decide that the allegations concerning your conduct are not upheld and no further action is needed.

10 I decide to uphold some or all of the allegations concerning your conduct, and I decide that your acts amount to a breach of the Code, but the matter can be rectified using the powers available to me under Standing Order 150.

15 I decide to uphold some or all of the allegations concerning your conduct, and I decide that your acts amount to a breach of the Code, and the matter is serious enough to warrant being put before the Committee on Standards.

Important information

As you will be aware, my inquiries are conducted in private. Following the decision taken by the House on 19 July 2018, I will not publish the fact that I am conducting an inquiry into an allegation of an alleged breach of the Code of Conduct. My office will not comment on any aspect of the inquiry to third parties. They will answer direct factual questions about the processes I follow and the standards system more generally but will neither confirm nor deny that I have begun an inquiry.

Procedure

25 I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018. I am also writing to [the complainant] to let her know that I have decided to begin an inquiry into this matter.

30 This letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. Until such time as a final report is published, I must ask that you respect that confidentiality and do not disclose the contents of our correspondence to any third party. I have made a similar request of [the complainant]. My decision and all the relevant evidence, including our correspondence, will be published at the end of the inquiry.

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities and others as part of this inquiry. If I do so, I will share that correspondence with you.

5 While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any such interview. I am, of course, very happy to meet with you at any stage if you would find that helpful.

Action

10 I would be grateful to have your response to this letter as soon as possible and no later than 14 February 2020 please.

Thank you for your assistance with this matter.

28 January 2020

3. Email from Mr David Morris MP to the Commissioner, 13 February 2020

Thank you for your letter dated 28th January 2020.

15 [content redacted]

I shall answer your two inquiry points as follows:

1. I have not and do not work for Aquind Ltd. This donation was not a personal donation for work carried out but a donation to my campaign team that I did not personally receive. The donation was received by my campaign team on the 6th
20 September and was registered on the 29th September. This was duly declared as required by the code of conduct.

It must be noted that at the time of acceptance of this donation, we did not know there was to be a General Election in 2019 which we now know took place on 12th December 2019.

25 The organisation did not receive any financial or material benefit from myself asking this question.

Here is my declaration of interests in the register [[link to register entry](#)]

2. I clearly referred to the declaration when I asked my Topical Question and gave the only method of transparency and declaration necessary and available to me
30 on such an occasion as stipulated in the MPs guide to procedure. I was called by Mr Speaker Bercow at the very end of these BEIS question's session and Mr Speaker did not rule myself out of order or intervened.

Stated in the guide:

5 You must declare interests not just when speaking but, for example, when submitting questions and early day motions, when requesting adjournment debates or emergency debates, when joining a select committee and when adding names to early day motions and other motions. In these circumstances an [R] will be included against your name when it appears on the Order Paper. But you're not expected to declare an interest when asking an oral question or a supplementary question in the Chamber, or when it would unduly delay the business of the House [link to intranet]

10 I clearly stated the reason for my question was that the only project removed from the PCI list was a project which involved a British Company, Aquind Ltd, who were partnering with part of the EDF Group on a cross border energy infrastructure project.

15 EDF Group are the largest employer in my Constituency, I maintain I was within my remit and responsibilities to ask this question as it could lead to potential job losses in my Constituency.

Here is my question in full. As you can see my declaration is clear and it is a valid question as the Minister shares my concerns:

David Morris (Morecambe and Lunesdale) (Con)

20 *"I draw the House's attention to my entry in the Register of Members' Financial Interests. In my constituency, we have two EDF nuclear power stations. Part of the EDF group is RTE, which is currently working with the British company Aquind to deliver cross-EU-border energy infrastructure. The EU Commission has just removed UK companies from its list of projects of common interests, which affects their regulation. Will my right hon. Friend urge Ofgem to step up and protect British companies by granting regulation as soon as possible in accordance with British law?"*

Kwasi Kwarteng

30 *"Absolutely. We had an official present in the room at that PCI meeting on 4 October. This issue has been raised with me and is a matter of concern."*

I shall answer your questions on page 3.

1. I refer you to the answers given in 1 and 2 above.

35 The advice I have sought can be found here on the MPs Guide to procedure found on the House of Commons website [internal weblink].

I do not consider that the question had any added benefit to Aquind Ltd as the question was about potential E.U protectionism and the effects of this on my Constituency. The Minister concurred.

5 I contacted the Secretary of State of Energy for BEIS who was present in the Chamber at the time I asked this question the next day to confirm action would be taken. This is standard practice. In transparency I enclose a copy of the email which adds nothing to the oral question.

I declared my interests as clearly stated in my question as in question 2 above.

I declared an interest as required by the advice in question 2.

10 Yes. I was as transparent as protocol would allow in such circumstance as described in the advice provided in the answer to 2.

I have been transparent throughout this whole process and with your enquiry. I have followed the rules and of the House and I do not believe I have knowingly contravened any protocols.

15 **Attached: Email of 23 October 2019 from Mr David Morris to The Secretary of State for Business, Energy, and Industrial Strategy**

Following my Topical Question on the subject in BEIS Oral Questions yesterday, I am writing to confirm what action will be taken.

For your information the Hansard of my question was the following:

20 David Morris (Morecambe and Lunesdale) (Con)

25 *"I draw the House's attention to my entry in the Register of Members' Financial Interests. In my constituency, we have two EDF nuclear power stations. Part of the EDF group is RTE, which is currently working with the British company Aquind to deliver cross-EU-border energy infrastructure. The EU Commission has just removed UK companies from its list of projects of common interests, which affects their regulation. Will my right hon. Friend urge Ofgem to step up and protect British companies by granting regulation as soon as possible in accordance with British law?"*

30 Kwasi Kwarteng

"Absolutely. We had an official present in the room at that PCI meeting on 4 October. This issue has been raised with me and is a matter of concern."

Whilst the Minister signalled that he was aware of the issue and it was a matter of concern he did not confirm that any action would be taken.

I would be grateful if you could confirm what action you will be taking to ensure that our cross border energy infrastructure projects go ahead. Will you be pressing Ofgem to take over regulation in this instance and will you write to the President of the Council to ask for PCI to be re-instated.

13 February 2020

4. Letter from the Commissioner to the Registrar of Members' Financial Interests, 24 February 2020

10 I would welcome your help with an inquiry that I am conducting in relation to Mr David Morris MP concerning an allegation of having acted as a paid advocate in a proceeding of the House and his compliance with the rule concerning making an adequate declaration of interests during House proceedings. For reference, I enclose a copy of the correspondence that I have exchanged with Mr Morris to date
15 on this matter.

In light of the content of that correspondence, I would be grateful if you could consider the questions below and return your advice to me by Friday 6 March please. I intend to share a copy of your advice with Mr Morris for his comments in due course.

20 Did Mr Morris approach you to seek your advice before asking his topical question in the House of 22 October 2019? If so, please could you share that advice.

If Mr Morris did not seek your advice, what advice would you have provided him at the time had he approached you.

25 Did Mr Morris approach you to seek your advice before making his approach to the Secretary of State on 23 October 2019? If so, please could you share that advice.

If Mr Morris did not seek your advice, what advice would you have provided him at the time had he approached you.

30 Did Mr Morris approach you to seek your advice before making his declaration of interest that formed part of his topical question of 22 October 2019? If so, please could you share that advice.

If Mr Morris did not seek your advice, what advice would you have provided him at the time had he approached you.

Thank you for your assistance with this matter.

24 February 2020

5. Letter from the Commissioner to Mr David Morris MP, 24 February 2020

5 Thank you for your thorough email of 13 February 2020, in response to my initiation of the inquiry into the allegation that you have acted as a paid advocate during a proceeding of the House and the concern regarding the adequacy of your declaration of interest in the same proceeding.

10 As you will recall, in my first letter to you, of 28 January 2020, I explained that I might seek the advice of the House authorities as part of my inquiry. In accordance with my usual practice regarding inquiries relating to advocacy and declaration, I have today written to the Registrar of Members' Interests, [name redacted], seeking her advice. I enclose a copy of that letter for your information.

15 I will write to you again when I have the Registrar's advice and to give you an opportunity to comment. In the meantime, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued co-operation with this matter.

24 February 2020

20 6. Email from the Registrar of Members' Financial Interests to the Commissioner, 20 March 2020

Thank you for your letter of 24 February. I am sorry for the delay in replying.

I answer your questions as follows:

25 **Questions 1,3 and 5: did Mr Morris seek my advice before his Question of 22 October 2019, or before his approach to the Minister on the following day, or about his declaration of interests while asking a Topical Question?**

The answer is no.

Question 2: what advice would I have given if Mr Morris had approached me before asking his Question of 22 October 2019?

30 I would have advised Mr Morris against asking this particular Question as, in my view, it was likely to amount to a breach of the rules on paid advocacy. Under paragraph 8a of Chapter 3 of the [Guide to the Rules](#) an MP must not initiate a proceeding or an approach to a Minister, if this would confer a financial or material

benefit on an organisation which (within the last 6 months) had provided him/her with “outside reward or consideration”.

Under paragraph 11c of Chapter 3 of the Guide to the Rules, by asking a Question Mr Morris was “initiating a proceeding”.

- 5 Under paragraph 13 of Chapter 3 of the Guide to the Rules, when Aquind had donated to Mr Morris’s campaign fund on 6 September 2019 they had provided him with “outside reward or consideration”, and so he should not have asked a Question which would provide the company with a financial or material benefit. I see that the company donated to him again in December 2019.
- 10 My understanding is that since Mr Morris asked the Minister to urge Ofgem to “step up and protect British companies” he was seeking a financial or material benefit for those companies, whether direct or indirect. This suggests that he would be contravening paragraph 8a.

15 For the avoidance of doubt, I should explain that under paragraph 8b of Chapter 3 of the Guide to the Rules, an MP is in some circumstances allowed to lobby on behalf of a number of organisations, even where this would benefit one which had provided him/her with outside reward or consideration. But paragraph 8b would permit the MP only to participate in the proceeding and not to initiate it by, for example asking a question, as Mr Morris did. Mr Morris’s Question was therefore not permitted
20 under paragraph 8b.

Question 4: What advice would I have given if Mr Morris had approached me before his approach to the Secretary of State on 23 October 2019?

Mr Morris has told you in his email that the question was about “potential EU protectionism and the effects of this on [his] constituency”. If he had said this to me
25 I would have pointed out that by virtue of the exception set out in paragraph 19c of Chapter 3 of the Guide to the Rules, he would have been permitted to pursue a constituency interest when approaching a Minister (but not when initiating proceedings). I would however have asked him why he regarded Aquind’s problems as a constituency matter. Mr Morris says that a member of the EDF Group (RTE) was
30 partnering with Aquind in a cross-channel project, and that he was concerned that the loss of PCI status for that project could have resulted in job losses at the EDF power stations in his constituency. Unless I have misunderstood, the connection is a loose one.

35 I also note that on 22 October, although he mentioned EDF’s presence in his constituency, Mr Morris did not explicitly say that he regarded Aquind’s problems as a constituency matter. Instead he asked the Minister to urge Ofgem to protect British companies. EDF is not of course a British company.

If I had spoken to Mr Morris before he approached the Secretary of State I would also have reminded him that he was required to register and declare his interests.

He had properly registered the donation, and he had made a declaration when asking his Question on 22 October. He reproduced the text of his Question and declaration in his email to the Secretary of State. But this declaration (besides being unnecessary in the context of a Topical Question) did not meet the requirements of the House's rules, which say "...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." (Paragraph 3 of chapter 2 of the Guide to the Rules). Instead I would have advised Mr Morris to say in his email that he had recently received a campaign donation from Aquind (and that he expected a further one, if he did).

Question 6: what advice would I have given if Mr Morris had consulted me about the declaration of interest which he made on 22 October 2019?

I have already said that I would have advised Mr Morris against asking his Question of 22 October 2019. Even if the Question had been different, I would not have advised him to declare his interests when asking it. A Topical Question is one of the occasions when a declaration of interest is not needed. This is because it is regarded as a form of Supplementary Question. Paragraph 6 of Chapter 2 of the Guide to the Rules says:

"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...."

Please let me know if you need anything else.

20 March 2020

7. Letter to Mr David Morris MP from the Commissioner, 23 March 2020

As promised in my earlier letter, I am now able to share with you the response from the Registrar of Members' Financial Interests, [name redacted] which we received on 20 March.

I would be grateful to receive any observations that you may care to make about Mrs Wood's advice no later than Friday 3 April please. As you may be aware, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

In the meantime, and as previously, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

Thank you for your continued assistance with this matter.

23 March 2020

8. Email to the Commissioner from Mr David Morris MP, 3 April 2020

Your letter of 23rd March 2020 refers.

5 I am unaware of any Member of Parliament ever being subject to a disciplinary investigation for simply declaring an interest. Equally, I am very concerned that you have thought it necessary and/or appropriate, to not only seek further advice, but to include unnecessary personal comment from the Registrar with regard to its interpretation of this investigation.

10 There is no provision for a Member of Parliament to either instruct or seek such advice from the Registrar of Interests. Moreover, the Registrar does not possess any capacity or ability to arbitrate with regard to the procedure listed in the Code of Conduct. Please can you therefore clarify why you have deemed it necessary to seek the further intervention of the Registrar in this matter?

15 This is of course of particular relevance, as the Registrar's obligations are only drawn from the guidelines published by the House of Commons on 8 January 2019. I am also of the view, that the Registrar is far from objective, because of its very close current working relationship with your office.

20 In response to questions 1, 3 and 5 of the recent letter from the Registrar received 20th March, the only duty I have with regard to the Registrar is to declare any financial interests. The Registrar has confirmed that I did do this in response in question 4 by stating that: "He had properly registered his donation, and he had made a declaration when asking his question on 22nd October."

25 With the greatest of respect therefore to this investigation, the only authority of the House to question if my question was in order in any way or not, was Speaker Bercow who was officiating in the Chair at the time. On this occasion his authority is the one that matters; he did not seek to challenge my question on any ground.

I have sought this clarification into the involvement of the Registrar for any Parliamentary procedure other than registering my interests, from the Principal Clerk to the Table Office, Chamber and Committees; [name redacted]. He has stated:

30 *"I can confirm that, as you anticipated, there is no requirement in the rules of the House for you to consult the Registrar"*

"The system clearly does not operate and is not intended to operate on the basis of requiring Members to pre-clear their proper parliamentary activities with the Registrar"

35 *In terms of oral declaration, the Guide to the Rules states at paragraph 6:*

So although you mention declaring an interest orally when asking a question, you do not have to under the rules.

Similarly, a topical question does not need a reference to declaration when tabled, as it is akin to a supplementary, and you cannot be certain what you will ask when you table it”.

I trust that this will now bring matters to a speedy conclusion. Pending a reply, all my rights and remedies are reserved generally.

3 April 2020

9. Letter from the Commissioner to Mr David Morris MP, 20 April 2020

10 Thank you for your letter of 3 April in response to the advice provided by the Registrar of Members’ Financial Interests, which I shared with you on 23 March.

I hope it will assist you, if I begin by saying that my investigation is not a legal process, but a parliamentary procedure; namely, an inquiry into your conduct, protected by parliamentary privilege, under Standing Order 150.

15 You say that you are unaware of any Member being investigated simply for declaring an interest. That is not what I am investigating, nor is my inquiry focused solely on whether or not you made a declaration. As I explained when I wrote to you on 28 January, I am investigating whether you have breached paragraph 12 and/or paragraph 14 of the Code of Conduct for Members. However, as you are aware from
20 your correspondence with this office in 2013, the Commissioner can inquire into whether a declaration of an interest in the House was necessary and sufficient.

As you know, paragraph 12 is the rule which prohibits paid advocacy. Paragraph 14 is the rule that concerns the declaration of interests. Although a declaration is not required when asking a Topical Question, a declaration may be necessary when
25 writing to a Minister or other public official.

It is for me to decide whether my inquiry would be assisted by seeking advice from sources such as officers of the House, senior House staff, and other House officials. Paragraph 17 of the Introduction to the “Guide to the Rules relating to the Conduct of Members” lists the Registrar as a general source of advice on the Guide. As you
30 say, Members are not required to consult with her ahead of making a declaration but can do so if they so wish. When I am conducting a relevant inquiry, I routinely approach the Registrar to find out if she has advised the Member concerned and what advice was given. If an approach to the Registrar was not made by the Member, I ask what advice she would have given. The Registrar is a member of the Office of
35 the Parliamentary Commissioner for Standards. However, her advice is given independently to protect her objectivity. In the end, however, it is for me to decide what weight to give to her advice and to determine whether the rules have been broken.

I shall focus now on the serious allegation that you breached the rules on paid advocacy (lobbying), which are set out in paragraph 12 of the Code of Conduct and in detail in Chapter 3 of the Guide. The complainant has alleged that you were restricted by these rules because in September 2019 your local party organisation
5 accepted a donation from Aquind Ltd that was “linked” to you in the terms set out in paragraph 16 of Chapter 1 of the Guide to the Rules, and therefore registered under Category 2(a) in the Register. In those circumstances you should not have asked a Question in the House, or initiated an approach to a Minister, which would have provided a financial or material benefit for Aquind. On 22 October 2019, you asked
10 a Topical Question and on the following day you approached the Secretary of State in writing on the same matter. I need to decide whether you broke the rules when you took these actions. Under the Standing Orders of the House, these are questions for me and not for the Speaker to decide.

To assist with my inquiry, please explain to me by 4 May the events that led to you asking your Question of 22 October. Please address the specific points below;
15

1. The European Commission adopted the 4th list of Projects of Common Interest (PCI) on 31 October 2019. I understand that on that date, project promoters were informed of their inclusion or exclusion from the list. Who told you before 22 October that British companies had been removed from the PCI list,
20 and when was this information given to you?

Please confirm the specific background to your Topical Question of 22 October.

Why did you decide to ask your Question about the PCI?

When did you decide to ask this Question?

Were you approached by Aquind, or anyone else, to ask it?

- 25 Please let me know if anyone other than you prepared or suggested the wording of your Question about the PCI of 22 October, and if so who.

When you asked the Minister to urge Ofgem to “step up and protect British companies”, and then asked the Secretary of State to press Ofgem “to take over regulation”, what specific measures did you hope Ofgem would enact, and why? I assume that those companies included Aquind, but please explain
30 which other British companies (if any) you had in mind?

When you wrote to the Secretary of State to ask her to “write to the President of the Council to ask for PCI to be re-instated”, what action did you hope would follow and who did you anticipate would benefit from that action? What was her
35 reply?

In relation to the declaration of interests, it is now common ground that you were not required to declare interests when asking a Topical Question. I shall not ask any more questions about that. I will, however, need to consider whether the declaration in your email of the following day to the Secretary of State was sufficient to meet the House's requirements.

As you are aware, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

In the meantime, and as previously, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry.

20 April 2020

10. Email from Mr David Morris MP to the Commissioner, 15 May 2020

Your letter of 20 April 2020 refers.

I have now had the opportunity to consider at some length, your latest correspondence concerning the complaint first made by [name redacted] in her email to you of 16 January 2020 at 13.57. Since I have largely set out my position in my earlier correspondence to you of 13 February 2020 and 2 April 2020, I do not intend to rehearse once again in correspondence that which has previously been stated, except where I consider there to be a benefit in providing further clarity on my position concerning your investigation. My summary in this email is not intended to replace what I have said in my earlier correspondence, but merely to supplement it in a way that is both helpful and constructive.

In refuting entirely any grounds that your investigation has any merit, I will again address the material matters as detailed in your initial letter to me of 28 January 2020 and the issues raised in [name redacted]'s email of 16 January 2020 to you. I will highlight that even on the most generous interpretation of paragraph 12 of the Code of Conduct for Members, there was not any breach with regard to the events in the Chamber on 22 October 2019 or subsequently.

I intend to deal with these issues in turn. However, I will firstly make some brief preliminary comments. In what follows, I have added paragraphs numbers and sub-headings for ease of reference.

Preliminary comments

1. The starting point must be that I have at all times acted openly and transparently with regard to your investigation and have drawn attention to my declarations of interest and their registration in accordance with the appropriate rules and guidelines. This is of considerable importance with

regard to your investigation, especially as your office has previously upheld complaints regarding Members who have not made declarations orally, or otherwise.

5 I leave it for others to judge the necessity of your investigation that originated from an article published in a national newspaper a day before the General Election date in 2019. [name redacted] who wrote that article, subsequently contacted you on 16 January 2020 by email to commence your investigation when I separately sought legal advice regarding her actions and conduct.

10 My declaration of interest with regard to Aquind Limited was given again prior to my topical question on 22 October 2019; it was also repeated once more in my email of 23 October 2019 to the Secretary of State. I have of course, provided a copy of my email to the Secretary of State to you already, as part of your investigation.

15 Equally, the Registrar of Interests does not have the terms of reference you have previously stated in your earlier email correspondence when you have sought its advice. I am disappointed you have needed to involve the Registrar, when there was clearly no basis or reason to do so. With respect, your office has more than adequate expertise to deal with what is relatively a straightforward investigation.

20 Moreover, and although you have attempted to clarify your position in your latest letter with regard to what you have said about Members seeking the advice of the Registrar, I enclose an email exchange that I had with [name redacted] on 24 March of this year. [name redacted] is both the Deputy Head of the Journal Office and the Senior Vote Writer. He has succinctly summarised the actual
25 position with regard to Members, questions and interests.

[name redacted] is clear. Members do not need to consult the Registrar before asking a topical or oral question on the floor of the House. This is particularly relevant, as before my October question, my interest had already been properly registered. If Members sought the advice of the Registrar in the
30 circumstances you previously referred to, then as [name redacted] confirms "the Registrar wouldn't be able to cope with the possible number of queries raised".

35 Similarly, the Registrar has no authority or any ability to attempt to clarify any question or subsequent written response from a Member. To do so, calls into question the adequacy of your whole investigation process and its objectivity. It is therefore important not to lose sight of this starting point.

Paragraph 12 of the Code

Page 11 of the Code refers to paragraphs 11 and 12 with regard to paid advocacy and the circumstances leading to it. Again, and for the avoidance of doubt, I

have not directly benefitted personally (nor was it a personal donation as has been previously implied) from the donation that was accepted by my campaign team in September 2019.

5 Equally, and at no time during my tenure as a Member, have I ever been remunerated personally by Aquind Limited either as a director, consultant or advisor. Any allegation therefore that in some way I have, or did act, as a paid advocate for Aquind Limited is entirely baseless and without merit.

10 Similarly, all disclosures concerning general election funding for the 2019 General Election (including the donation from Aquind Limited), have been registered with the Electoral Commission. As of course you are aware, I am legally and politically obliged to do so, to ensure electoral transparency.

Your terms of reference

15 I have been happy to fully cooperate with you with regard to your investigation. I want to ensure that your investigation is given every opportunity to fully and comprehensively review my conduct.

20 However, as we both know, what occurs in the Chamber is not a matter for your investigation, nor is it in accordance with the powers and authority you have had delegated to you by Parliament. The custodian of the rules, obligations and rights affecting conduct within the Chamber, and Chamber business, belongs to the Speaker alone. This is expressly set out in paragraph 22 (a) of the Code. At no point during my question on the 22 October 2019, did the Speaker intervene.

25 Further, you have had already of course disclosed to you with my earlier correspondence, the opinion of the Principal Clerk, [name redacted]. He further affirms that my conduct in the Chamber in October 2019 could not be initiation.

30 In any event, the matter was being addressed by the Ministry weeks before the question was raised. The Minister confirmed this in his answer. I therefore see no reason or grounds to prolong any further correspondence and/or discussion with you, concerning events in October in the Chamber.

My email of 23 October 2019 at 17:16

35 However, the question that I raised in the Chamber (when the Secretary of State was also present), and subsequently reiterated to her in my email of 23 October 2019, added nothing to the oral question that had previously been raised a day earlier. My question, however, concerned a significant and serious subject matter for a considerable number of my constituents. It related to potential job losses in my area as a consequence of increasing European Union protectionism as a result of Brexit.

There are up to one thousand, five hundred people employed by EDF in my local area; a further ten thousand people are employed indirectly in EDF's supply chain. My email to the Secretary of State had no further content than that which was stated in the Chamber, following a further verbal declaration before I asked the question. My email also detailed the answer given by the then junior minister at the time, Kwasi Kwarteng. The minister was already aware of the issue I raised and shared my concerns.

Paid advocacy

I have already set out my position with regard to what I have said in paragraphs 8 to 10 of this email concerning any paid advocacy on behalf of Aquind Limited

However, I should further add that Aquind Limited were no longer on the relevant EU PCI list a week before my question was raised. In any event, the Minister was already aware of this issue on 4 October 2019 as by then it was already in the public domain. This fact had been previously detailed on the Friends of the Earth website and within the relevant EU minutes of 17 October 2019. This is particularly material.

If [name redacted] had therefore carried out her research more fastidiously before she had written to you on 16 January 2020, she would have realised this. Similarly, my question had nothing to do with asking Ofgem to make regulations which would benefit Aquind Limited. Ofgem do not make the regulations; the European Union does.

Therefore, no possible material benefit or advantage could have been conferred on Aquind Limited. My email was solely about the concerns I had over European Union protectionism and the local jobs that EDF were responsible for in my constituency. These facts were shared by Kwasi Kwarteng when he stated in his answer: "We had an official presence in the room at that PCI meeting on October the 4th. This issue has been raised with me and is a matter of concern".

I was therefore simply adding my voice to a situation that ministers were previously aware of concerning the creeping protectionism of the European Union. It largely concerned the impact on one of the key employers in my constituency, EDF. The Minister concurred and confirmed he was already addressing this issue. There was no financial or material benefit to any party and the claim that in some way I was asking the government to lobby Ofgem to make regulations which would benefit Aquind Limited is, with respect to [name redacted], entirely fanciful.

Lobbying

In your latest letter to me you have expressly referred to lobbying; I am unaware that this issue has been alleged in this matter, albeit [name redacted] appears to infer it in her January email.

5 To address those concerns, I reiterate I have no relationship, financial or otherwise with either EDF or Aquind Limited. I have not taken a donation from EDF.

In raising the issue in my question, I was fulfilling my responsibilities as a constituency member on a serious issue regarding my constituents. This was in accordance with paragraph 19 (c) of the Code. Clearly on this premise, no lobbying was intended or took place.

10 I was raising potentially serious implications for my constituency with regard to European protectionism, taking into account the number of local people that EDF employed and the substantial capital investment it has made in the area. I refute once more any allegation that in some way I have deliberately, and
15 knowingly lobbied the government. My subsequent email to the Secretary of State, simply reiterated concerns that I had with regard to EU protectionism, in a commercial sector that has considerable and very serious ramifications for my constituency.

I therefore cannot understand any ground or reason for the allegation of lobbying. However, even if I am mistaken on this (which I strenuously deny), I would
20 draw your attention to paragraph 9 of the Code.

Conclusion

Having now sent three items of correspondence to you, I have nothing further to add. I have been open and transparent at all times and following confirmation from the Principal Clerk, no initiation took place. I did not need to consult the
25 Registrar. There has been no lobbying and I am not a paid advocate. Moreover, no parties have materially benefitted regarding a constituency question that the Minister answering it confirmed was being dealt with weeks before I raised the issue.

30 Of course, you as an officer of parliament have obligations and responsibilities. However, I have become increasingly concerned at the way that your investigation has been conducted.

My whole experience of the investigation has not been a positive one. It has meandered into areas clearly outside your own jurisdiction and the involvement of the Registrar was unnecessary and unhelpful. I have also been
35 left with the impression that with you having commenced the investigation, you have needed to establish some form of wrongdoing when on the facts, that investigation is unmeritorious.

I will now await your decision in due course, but the allegations made by [name redacted] are unfounded for the reasons detailed in this email and in my earlier correspondence to you. Pending any decision from you, all my rights are reserved generally.

5 **Enclosure: Email from Deputy Head of the Journal Office to Mr David Morris MP, 24 March 2020**

10 **No, Members do not need to consult the Registrar before asking a Topical or other Oral Question on the Floor (either a numbered question or a supplementary). They should only consult the Registrar if they have doubts about their need to declare or register something that currently isn't in the Register which they plan to ask a question about.**

There is no such provision in the Code of Conduct. If there were, the Registrar wouldn't be able to cope with the possible number of queries raised!

Do get back to me if you have any other queries.

15 *15 May 2020*

11. Email from Mr David Morris MP to the Commissioner, 21 May 2020

I write further to my last item of correspondence to you.

20 You will recall, that I have now asked you to expedite the conclusion of your investigation. However, and as previously highlighted to you, I have had concerns about how the investigation has been conducted and the late and ongoing disclosure of further information and allegations to me.

25 Therefore, and in the interest of transparency, I would be grateful if you could confirm by return that all relevant documentation has now been disclosed to myself from any other third parties that may have been consulted by you or had some information supplied to them. That information relates of course not only to correspondence to and from your office, but between any other interested third parties that you have been copied in on.

30 You will appreciate that your investigation is at this stage purely confidential between your office and myself, so I therefore see no reason why your office and/or yourself will not be able to acquiesce to my request. I therefore look forward to hearing from you as soon as possible with any further documentation (if appropriate). If I do receive further documentation, then I can consider my position further and the necessity of any additional reply to you substantively concerning any other additional issues raised.

21 May 2020

12. Letter from the Commissioner to Mr David Morris MP, 26 May 2020

Thank you for your letters of 15 and 21 May. Please accept this letter as my joint response to both letters.

5

I note that your letter of 15 May failed to answer directly many of the questions that I put to you on 20 April. I need to remind you that Paragraph 20 of the Code requires Members to “cooperate, at all stages, with any such investigation by or under the authority of the House”. This places a responsibility on you to ensure that the information you provide to me is complete.

10

Please can you review and respond to the following questions in full by 2 June 2020.

15

2. Please confirm the specific background to your Topical Question of 22 October.

3. Why did you decide to ask your Question about the PCI (projects of common interest)?

When did you decide to ask this Question?

Were you approached by Aquind, or anyone else, to ask it?

20

Please let me know if anyone other than you prepared or suggested the wording of your Question about the PCI of 22 October, and if so who.

The authority for my investigation is clear and has not changed since the complaint you submitted concerning similar matters to this office in 2013. Paragraph 22(a) of Chapter 4 of the Guide to the Rules relating to the Conduct of Member reserves a Member’s conduct in the Chamber as being a matter for the Speaker. My inquiry concerns potential breaches of paragraphs 12 and 14 of The Code of Conduct for Members of Parliament (“the Code”). It is clear from paragraph 19 of the Code, below, that these are matters that fall under my jurisdiction.

25

30

“The application of this Code shall be a matter for the House of Commons, and particularly for the Committee on Standards and the Parliamentary Commissioner for Standards acting in accordance with Standing Orders Nos 149 and 150 respectively.”

35

In relation to your letter of 21 May, I can confirm that the allegations under inquiry have not changed since my initial letter of 28 January 2020. I can also confirm that the only House authority I have consulted about my inquiry is the Registrar and her response was shared with you on 23 March 2020. I have not corresponded with any third parties regarding my inquiry nor been copied into any related correspondence

from third parties. I do not have any additional documentation to disclose to you currently, but I will let you know if this situation changes.

As you are aware, due to the current health crisis, my team are currently working from home only, so I would be grateful if you could please send your response electronically to standardscommissioner@parliament.uk.

In the meantime, and as previously, our correspondence remains protected by parliamentary privilege and I must ask that you continue to maintain the strict confidentiality of the inquiry

26 May 2020

10 **13. Email from Mr David Morris MP to the Commissioner, 1 June 2020**

Thank you for your letter of 26 May 2020.

Responding again by way of numbered paragraphs, I would briefly comment as follows:

15 1. I am disappointed that you have claimed that I have failed to answer directly many of the questions that you have previously put to me. My last email to you was extensive and re-emphasised once more my approach to your investigation, which has been entirely open and transparent. Your purported criticism only reaffirms my view about how the investigation is currently being conducted, as set out in paragraphs 27 to 30 of my previous email to you.

20 With regard to the questions you have specifically raised, might I respectfully refer you once more to paragraphs 20 to 21 of my previous email to you. It comprehensively set out my reasons for raising the question about the PCI list.

25 Insofar as your other questions are concerned, these are addressed in paragraphs 22 to 27 of my previous email. I decided to ask the question whilst in the Chamber. I was not approached by Aquind or anyone else to ask the question. In particular, a cursory glance of the video tape footage of the parliamentary debate that day, will clearly show me spontaneously writing down notes during that parliamentary session and asking the question with an open pen in hand.

30 Equally, it is somewhat disingenuous for you to claim that the authority for your investigation has not changed since the complaint that I submitted about Ian Murray MP to your office in September 2013. I am concerned about this reference because, as you are aware, that complaint concerned a registerable interest not being declared or indeed registered; this has clearly not occurred
35 here, as my interests and declarations have been correctly registered and acknowledged, in accordance with all parliamentary procedures.

I again repeat that I have nothing further to add and I am keen to avoid this matter becoming increasingly disproportionate. You have had already in my submissions confirmation from two authoritative parliamentary sources that the basis of the circumstances surrounding your investigation are of no merit. Equally, my position is reserved concerning the unnecessary involvement of the Registrar and the fact that your investigation has needlessly meandered into areas clearly outside your terms of reference.

I therefore await your final decision in due course and would now invite you to expedite it. Pending any decision from you, again all my rights are reserved generally.

1 June 2020

14. Letter from the Commissioner to Mr Morris MP, 31 July 2020

Thank you for your email of 11 July, attached, and for meeting with me on 27 July, when you were accompanied by [your colleague]. As you know, we discussed your email of 11 July, the findings in my draft memorandum, and the next steps in submitting that memorandum to the Committee on Standards.

As we discussed, a note of our meeting was taken and the summary of the key points, also attached, will be submitted to the Committee as part of an addendum to my memorandum, which will also include any further written submissions that you would like to make.

Please can you review the summary of our meeting and let me know if you believe any corrections or additions are necessary. Please can you do this by 12 August 2020. Please also submit any further comments on my memorandum by the same date. I will then send you a draft copy of the addendum for your review and comment. I will then submit my memorandum and addendum to the Committee. I will notify you when this happens.

Although we did not discuss this possibility during our meeting, you may wish to consider meeting with the Registrar of Members' Financial Interests ahead of the referral of my memorandum to the Committee. This may be a good means to illustrate to the Committee the steps you have taken to improve and update your understanding of the rules of conduct so to avoid a future inadvertent breach.

If you have any questions or concerns about the next steps in this process, please contact my colleague, [name redacted], via 0207 219 6319.

Enclosures:

Email of 11 July 2020 from Mr David Morris MP to the Commissioner

Thank you for your email and copy of your draft report that I received and opened yesterday. I am now studying the report and will respond to it as requested by 23 July 2020.

5 On my preliminary reading of the report I realise that the true nature of what I have been trying to say has been masked by the legalistic, argumentative and the combative nature of the correspondence I have been engaged in and frankly I have missed the opportunity to properly address for you the issues that are under investigation. I apologise to you and your staff for any misconceptions as I never had any intention to seem disrespectful to anyone.

10 Because of Covid 19 I have been at a complete disadvantage as I have been isolated from my colleagues [sensitive personal data redacted] and with the extraordinary workload with the pandemic I have been unable to really properly engage in this matter.

15 Under normal circumstances we would most certainly have been able to meet in your office and discuss this face to face and I believe you would have been able to help me fully understand properly the issue under investigation and would have taken away a very different impression to the cold one that has been conveyed in my letters. Could I request, at this late stage, that we have a Zoom or Teams meeting so as I can properly convey to you my case, before you report to the committee.

20 I believe this is a reasonable request and would, I hope, allow me to fully appreciate my misunderstanding about the rules that I have been so argumentative about? I am available all next week for such a meeting. I would also like to include my friend [name redacted] who over the past few days has been made aware of this situation and has kindly helped me appreciate the rules and my responsibilities.

25 I should point out that it has been a challenging time for me recently. [sensitive personal data redacted]. I am obviously extremely stressed by these factors and on top of that, this investigation has completely perplexed me.

30 I have not been able to fully share with anyone these details because of the above distractions, [sensitive personal data redacted]. I believe these factors have had a detrimental impact on my focus and approach to working with you in a more conciliatory and constructive manner.

I hope you could agree to my request and offer me the opportunity to understand and comply with the rules of the house that are so important to our work as public representatives.

35 **Notes from the meeting of 27 July 2020 between the Commissioner and David Morris MP**

1. In light of the content of your email of 11 July, I recognised that you have recently been through a difficult and testing period, and that stress can affect

an individual's usual behaviour. I also understood you to be deeply apologetic and remorseful for the tone adopted in your earlier correspondence. I was happy to accept your mitigation and apology for the tone of your previous correspondence, and I also accepted that no disrespect had been intended to me or my office.

5

2. However, I also highlighted that a breach of paragraph 12 of the Code of Conduct for Members cannot be rectified and resolved informally, so a memorandum must be passed to the Committee for their review.

10

3. You explained some further circumstances regarding your Question of 22 October 2019; you had not expected to be called, you were called towards the end of the session, and you were pressed by the Speaker to be brief. These circumstances limited the extent of your Question and meant it was not as carefully crafted as you would have liked.

15

20

25

4. You also explained additional details behind your Question; 10% of the country's energy supply is provided from your constituency, one of the energy plants in your constituency is to be decommissioned with tentative approval for a new nuclear station to be built in its place, the energy sector is a key employer in your constituency, EDF is a British company that is registered at Companies House¹, and the Aquind interconnector will safeguard jobs in your constituency, which was a key concern in the run up to the General Election, as well as keeping energy costs low for consumers. You said that these were the factors that drove your Question, not an attempt at paid advocacy and you were mortified to later learn that your Question was being considered as paid advocacy. You were clear that you had never intended your Question to breach the rules on paid advocacy.

5. You also reiterated that the donation from Aquind Ltd went to your campaign team² and was not personally received by you.

30

6. You also highlighted that you did not receive a full induction, at the start of your time as an MP, on best parliamentary practice and had understood that once an interest was declared the following question can cover any topic.

7. You also explained that your letter to the Secretary of State of 23 October 2019 was merely a "matter of course" and was not intended to breach any of the rules of conduct.

35

8. You also reiterated the impact of the personal factors described in your email of 11 July and not being able to access support from your usual sources.

¹ The EDF Group is a French company, which is partly owned by the French state, but operates a UK subsidiary; EDF ENERGY (UK) LIMITED Companies House number 02622406

² Registered with the Electoral Commission on 26 September 2019

9. I stated that these additional details were helpful and, in my opinion, evidenced that your breach of the rules had been inadvertent. I agreed that I would include this conclusion in the addendum to my memorandum, but I also highlighted that the Committee would be free to draw its own conclusion.

5 10. I also highlighted that when the memorandum is referred to the Committee you will be provided with the opportunity to give oral evidence; this is optional, and the meeting is likely to be held virtually. You can also make an additional written submission directly to the Committee. I also reminded you and [your colleague] that under paragraph 20 of the Code of Conduct:

10 *No Member shall lobby a member of the Committee in a manner calculated or intended to influence its consideration of an alleged breach of this Code.*

11. You also reassured me that you had not provided a comment to The Times for their article of 22 July 2020 on Alexander Temerko. You confirmed that you had provided a comment at the time of their original article, which pre-dated my inquiry.

31 July 2020

15. Email from Mr David Morris MP to the Commissioner, 12 August 2020

20 Thank you very much for the time that you afforded myself and [name redacted] to discuss the various issues surrounding your investigation in our recent conference call. I am very grateful for the courtesy and the help that you provided to me during that call, and the advice that has subsequently been provided by [Investigation and Complaints Manager] of your office.

25 I want to reaffirm my personal apology to you. On no occasion did I deliberately set out in any way to cause any offence to you or the Registrar or any breach of the rules but as I explained during our telephone call, much of the issue involved in your investigation has been caused by my own misunderstanding on certain aspects of Parliamentary procedure.

30 I have also had the opportunity once more to read your draft memorandum and the accompanying documentation. I am grateful for the time and guidance you have afforded to me to do so and your opinion in your enclosure that my breach was inadvertent. I can assure there was never any intention by me to breach any rules and no financial gain was made. In mitigation, I was always endeavouring to actively protect my constituents' interests and I mistakenly believed I was following the correct procedure by declaring my interests.

The difficulty at the time regarding the delivery of the question was that [the] Speaker only called me at the end of the parliamentary question's session (which he

had a history of doing so regarding myself). I was rushed to finish the question which explains why it was delivered in way it was. I accept it was a clumsy mistake.

[sensitive personal data redacted]

5 Understandably, when a report concerning my inadvertent breach was published in a national newspaper on the eve of the general election, I was mortified and considerably upset that it was interpreted in another way other than a serious constituency and national matter which I tried to convey. I wish again to wholeheartedly apologise for any misconception and it was never my intention to inadvertently breach any of the rules of the House and cause you to be unnecessarily
10 involved in this matter.

As you know, the 2010 intake (of which I was part) had little or no training in procedural matters but I am now taking my obligations and responsibilities very seriously. I have already spoken at some length to the Registrar and I will be embarking upon a refresher training program with her on the 18th August. I also
15 welcome the recent proposals from the Committee on Standards for MPs to attend further training as this example is clearly a lesson to us all and I would not like my colleagues to mistakenly carry on making the same mistakes I have made.

Understandably this matter has [sensitive personal data redacted] as it has tenuously been combined with another national story and indeed this complaint
20 was made by the same journalist who ran the initial story regarding this matter on the eve of the General Election. I can confirm I have not given any comment to the press regarding this matter since this investigation commenced and only once before when the press initiated this story eve of poll, when I drew attention to my interests, which was months before this investigation started.

25 [sensitive personal data redacted]

I would like to convey my personal remorse and apologies to the Committee. I can assure you and the Committee, that I never intended any breach of the rules and I was always endeavouring to actively protect my constituents' interests.

30 Can I once again thank you for the courtesy and sympathy and guidance you have shown to me together with all the help and support that you and your members of staff have provided.

Should you however have any queries in the interim, then please do not hesitate to contact me.

12 August 2020

16. Response from the House of Commons Library to David Morris MP, 7 July 2020

Declarations of interest in parliamentary proceedings

You asked the following questions:

- 5 If a Member of Parliament refers to their registered interests on the floor of the house before they ask a Minister a question or in a speech about a national issue or one that is of importance to their constituency, is this sufficient declaration and protection from accusations any wrongdoing or paid advocacy?

- 10 Also I would like to know if possible how many MPs have referred to their interest in the past Parliaments since 2010?

You subsequently asked:

- 15 I am trying to find out how many oral questions have been raised by Members when they orally, and prior to asking the question, declare an interest at the time in the Chamber, having previously registered it in the register of interests from 2015 to 2019.

Paid advocacy

- 20 In my email acknowledging your enquiry, I noted that “In relation to your question on whether a declaration of an interest is sufficient protection from any accusation of wrong-doing, **you should seek advice from the Registrar of Members’ Financial Interests** – Heather Wood (x 3277). I would note that the Code of Conduct states that “No Member shall act as a paid advocate in any proceeding of the House” (para 12 of the [Code of Conduct](#))”.

Declaring interests

- 25 The House’s requirements on the declaration of Members’ interests are set out in chapter 2 of the *Guide to the Rules relating to the Conduct of Members*, published with the Code of Conduct.³

From time to time, Members who have not made appropriate declarations of their interests have been required to apologise to the House.

Members referring to their interests (2010-12 to 2019)

³ House of Commons, [Code of Conduct together with the Guide to the Rules relating to the Conduct of Members](#), 10 October 2019, HC 1882 2017-19

5 A search, using [Parliamentary Search](#), for Members' contributions including "my entry" and "Register", in all parliamentary sessions from 2010-12 to the end of the short 2019 session, in the House of Commons, yielded 979 hits. When the search is restricted to Members' contributions in the Chamber, there are 721 hits – this would exclude Members' contributions in Westminster Hall.

The two searches can be repeated using these URLs:

Members' contributions including "my entry" and "Register", from 2010-12 to 2019, in the House of Commons: [search results](#); and

10 Members' contributions including "my entry" and "Register", from 2010-12 to 2019, in the House of Commons, limited to the House of Commons Chamber: [search results](#).

The 721 references to entries in the Register, made in the Chamber, were made by 267 different Members.

Examples

15 The final three occasions on which Members referred to their interests recorded in the Register of Members' Financial Interests, in the Chamber in 2019, were:

Imran Hussain (Bradford East) (Lab), asking a topical question during Foreign and Commonwealth questions on 5 November 2019:

20 I congratulate you, Mr Speaker, and I refer the House to my entry in the Register of Members' Financial Interests. Following on from the Secretary of State's previous response, it is three months today since the draconian illegal blockade in Kashmir began. Thousands continue to be arrested without any due process. ...⁴

Craig Mackinlay (Thanet South (Con) speaking in Luke Graham's end of day Adjournment debate on Cross-border Trade and Accounting on 30 October 2019:

25 As my hon. Friend the Member for Ochil and South Perthshire said, we are not in the old world of wet stamps and guys with kepi caps on borders checking paperwork; we are very much in a new world where digital information is in place to make things work. I have had concerns—I refer to my entry in the Register of Members' Financial Interests—about the push towards making tax digital, particularly for
30 smaller traders, for which I can see very little use for it.⁵

⁴ [HC Deb 5 November 2019 c642](#)

⁵ [HC Deb 30 October 2019 c470](#)

Luke Graham (Ochil and South Perthshire) (Con) speaking in his (the same as above) end of day Adjournment debate on Cross-border Trade and Accounting on 30 October 2019:

5 ... I shall talk about the development of accounting systems, and refer to some of the work by Her Majesty's Revenue and Customs on Making Tax Digital, and about HMRC's support for small and medium-sized businesses. I refer Members to my entry in the Register of Members' Financial Interests.⁶

Members referring to their interests in oral question (2015-16 to 2019)

10 A search, using Parliamentary Search, for Members' contributions including "my entry" and "Register", in the parliamentary sessions from 2015-16 to the end of the short 2019 session, restricted to Members' contributions in the Chamber, yielded 435 hits. The results showed that 73 of these hits were from parliamentary questions (60 oral questions and 13 business questions).

15 Members' contributions including "my entry" and "Register", from 2015-16 to 2019, in the House of Commons, limited to the House of Commons Chamber: [search results](#); and

The 73 oral questions in that period in which included "my entry" and "Register": [search results](#).

20 Overall, the 435 mentions of entries in the Register were made by 176 different Members. The 73 references to the Register in questions were made by 44 Members.

A comment on the method

25 I restricted searches to contributions from Members containing both "my entry" and "Register". However, Members may use other formulations to declare an interest during a debate, such as "I declare an interest". Sometimes such a declaration relates to an entry in the *Register of Members' Financial Interests*. But on other occasions, interests are declared that do not need to be registered but may be important to be noted in a debate. In other cases, "I declare an interest" might signify a qualification to speak, rather than relate to a financial interest. For example, Members sometimes
30 declare their membership of an all-party parliamentary group⁷ or health conditions,⁸ when speaking.

Because I have only reported in the way I have, I am certain to have under-reported the occasions on which Members have made declarations of interest in the course of a debate or before asking questions. However, simply adding up the number of

⁶ [HC Deb 30 October 2019 c464](#)

⁷ [HC Deb 30 October 2019 c415](#)

⁸ [HC Deb 29 October 2019 c189](#)

contributions reported using different searches is likely to lead to over-reporting as Members could well “declare an interest” and refer to “my entry” in the “Register” in the same statement.

I hope this is helpful.