



House of Commons  
Committee on Standards

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# Government Response to the Committee's First, Second and Third Reports

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**First Special Report of Session  
2022–23**

*Ordered by the House of Commons  
to be printed 22 September 2022*

## 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.

### Current membership

[Chris Bryant MP](#) (*Labour, Rhondda*) (Chair)

[Tammy Banks](#) (*Lay member*)

[Andy Carter MP](#) (*Conservative, Warrington South*)

[Alberto Costa MP](#) (*Conservative, South Leicestershire*)

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[Mehmuda Mian](#) (*Lay member*)

[Victoria Smith](#) (*Lay member*)

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### Powers

The constitution and powers of the Committee are set out in Standing Order No.149. In particular, the Committee has power to order the attendance of any Member of Parliament before the Committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

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### Committee staff

The current staff of the Committee are Paul Connolly (Media Relations Manager), Arvind Gunnoo (Committee Operations Officer), Dr Robin James (Head of staff team), Stuart Ramsay (Acting Clerk), and Silas Scott (Senior Media Relations Officer).

### Contacts

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# First Special Report

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The Committee on Standards published its First Report of Session 2022–23, *New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament* (HC 227) on 24 May 2022, its Second Report of Session 2022–23, *Code of Conduct: Procedural Protocol* (HC 378) on the 4 July 2022 and its Third Report of Session 2022–23, *New Guide to the Rules: final proposals* (HC 544) on 4 July 2022. The Government response to these Reports was received on 21 July 2022 and is appended below.

## Appendix: Government Response

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### Foreword

The Government is grateful to the Standards Committee for its work reviewing the Code of Conduct for Members.

As with our initial response, we have prepared a Joint Response which reflects the Government's view that the rules regulating Members' interests and Ministerial interests are necessarily distinct, reflecting the underlying constitutional principle of the separation of powers.

The Government response to recommendations 82 and 83 on Ministerial interests, is provided by the Chancellor of the Duchy of Lancaster.

The Government response to the Committee's recommendations, which consider the drafting of the Code and the rules on paid advocacy and lobbying, is provided by the Leader of the House of Commons.

As the Committee has produced a series of reports and documents in the course of this inquiry, the Government's response to the 'New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament' report, the Procedural Protocol and 'New Guide to the Rules: final proposals' report is set out below.

The Government looks forward to further debate on this matter to ensure that our Standards system commands both the confidence of the public and Members on a cross-party basis.

CHANCELLOR OF THE DUCHY OF LANCASTER

THE RT. HON. KIT MALTHOUSE MP

LEADER OF THE HOUSE OF COMMONS

THE RT. HON. MARK SPENCER MP

## **Part 1: response to First Report of Session 2022 - 23 (New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament)**

### ***Section 1: Decisions on specific proposals in the November 2021 Report***

#### ***The Seven Principles and their descriptors***

**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. (Paragraph 16)**

**With the exception of the change to the Leadership descriptor, we do not propose any changes to the text of the new descriptors which accompanied our previous report. (Paragraph 21)**

The Government considers that the principles as set out in the Code should be updated to the version published by the Committee on Standards in Public Life (CSPL) in 2013, but does not agree that the descriptors attached to the principles should be customised for specific application to Members of Parliament.

It is the Government's view that the strength of the principles lies, in part, in the fact that they are long-standing, widely understood and upheld by a broad range of office holders and others in public service. We believe that adjustments of the kind suggested would undermine this universality and that it is therefore preferable to retain the descriptors put forward by CSPL when the principles were last updated as a whole.

**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. (Paragraph 22)**

The Government understands the importance of the principles set out in the Code, and their associated descriptors and agrees with the Committee that they provide an ethical basis for Members' conduct. The Government agrees with the Committee that the principles and descriptors in themselves should not be enforceable whilst acknowledging that it is right that the Seven Principles should remain the foundation of the Members' Code of Conduct.

**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. (Paragraph 23)**

The Government welcomes the Committee's commitment to further investigate how the Code and its values could be more effectively communicated to Members and the provision of adequate and appropriate training. In relation to training, the Government is of the view that whether training should be compulsory is a matter for each political party to consider. The Government awaits the Committee's inquiry with interest and looks forward to further debate on this matter.

*Possible additional principle: 'Respect'*

**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. (Paragraph 30)**

**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:**

*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. (Paragraph 31)*

The Government agrees with the Committee's decision not to add an eighth principle of 'Respect'. The Parliamentary Behaviour Code, at paragraph 18, rightly sets the expectation that all Members must "treat their staff and all those visiting or working for or with Parliament with dignity, courtesy and respect." The Government believes this formulation strikes the right balance between ensuring that all members of the parliamentary community are able to work in a positive and safe environment and also to engage in free and open policy and political discussions.

On the proposed revised descriptor for the Leadership principle, the Government does not support the introduction of the revised descriptor. Whilst the Committee sees the wording proposed as "aspirational", rather than as a "rule", the Government remains concerned by the potential for legitimate debate to be stifled as a result of expanded wording of

the type proposed. Open debate - including of politically contentious issues - is critical to the health of our democracy. We consider that any new requirement on Members of Parliament to demonstrate 'anti-discriminatory attitudes' may have a chilling effect on the free speech the Government wishes to maintain.

We also note that the addition of a requirement on MPs to behave in certain ways "in relation to the protected characteristics in the Equality Act 2010" is at odds with the provision in that Act, passed by Parliament, that the public sector equality duty does not apply to the Houses of Parliament.

### *Unreasonable and excessive personal attacks*

**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. (Paragraph 38)**

The Government is encouraged that the Committee has chosen not to include the proposal to ban Members from "subject[ing] anyone to unreasonable and excessive personal attack in any medium" in their package of recommendations.

The Government has opposed further restrictions of this type within the Code; it is imperative that in the course of debate outside of Parliament - whether online or in person - the views of all participants can be freely expressed and treated with tolerance. It is the responsibility of all Members to uphold the standards and rules set out in the Code of Conduct and to behave in a way that does not bring the House into disrepute.

**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. (Paragraph 39)**

The Government awaits the Committee's inquiry and looks forward to further debate on this matter to ensure that our Parliamentary system commands both the confidence of Members and the public.

### *Conduct in the Chamber / ICGS and proceedings*

**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. (Paragraph 52)**

The Government agrees with the Committee’s decision not to proceed with its proposal in relation to the referral of conduct matters from the Speaker to the Commissioner. It also noted in the response to the initial report that this recommendation would be challenging to implement as under the policies and procedures of the ICGS, incidents may only be reported by the individual affected and not by a third party.

The Government also acknowledges that there are existing mechanisms by which Members are held to account when participating in parliamentary proceedings in a committee meeting or the division lobbies. In response to the Committee on Standards in Public Life’s 2018 report on Intimidation in Public Life, the Government recommended that all political parties establish their own code of conduct for all party members, including elected representatives. These codes provide a mechanism to ensure high standards of behaviour of elected representatives.

### *Registration*

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

The Government supports the changes to the rules on registration set out by the Committee. The Government acknowledges that these adjustments serve to simplify the current rules on registration under categories 1, 3, 4, 5.

The Government also supports the inclusion in category 8 of a requirement to register “significant, formal roles” where these are unpaid (such as directorships and trustee roles). This is a useful change which contributes to ensuring Members are transparent about interests which might reasonably be thought to influence them even if they are not remunerated for such roles.

It is vital that the public have confidence that our arrangements are robust and comprehensive so that they are able to scrutinise the record of Members with an understanding of where such interests may exist.

### *Ministerial interests*

**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. (Paragraph 82)**

The Government does not support this recommendation. It remains the Government’s view that benefits received by MPs who are Ministers in their ministerial capacity should not form part of the Members’ register.

It is important to note that rules regulating Members’ interests and Ministers’ interests are necessarily distinct, reflecting the underlying constitutional principle of the separation of powers. To have Ministers duplicate the registration of hospitality received in a ministerial capacity - or that of gifts similarly received, which become the property of HM Government and are purchased/retained - would blur this significant distinction.

There are also significant operational differences between the role of an MP and that of a Minister and, reflecting this, the rules on what interests are permitted and how potential conflicts of interest are managed, differ. The rules regarding the registration of interests and the receipt of gifts and hospitality by Ministers are set out in detail in Chapter 7 of the Ministerial Code. Ministers take their responsibilities under the Ministerial Code very seriously and receive in depth and context-specific advice on the management of interests to ensure no conflict arises between the duties of a Minister, accountable to Parliament and the public, and their private interests.

It is also important to note that Ministers are expected to declare gifts and hospitality at the point of becoming aware of them - therefore declaration happens at the earliest possible point. Officials then provide advice on this, and the publication of transparency data is simply the public outcome of a thorough and in-depth process. The Government therefore does not agree with the proposed elision between the Members’ Code and the Ministerial Code.

**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). (Paragraph 83)**

The Prime Minister’s Trade Envoy Programme is managed by the Department of International Trade on behalf of the Prime Minister. Trade Envoys are required to declare all gifts and hospitality that they receive in their role and those declarations are recorded in the Department’s Gifts & Hospitality Register. The Government believes that it is more



appropriate for these declarations to be made in the Departmental Register. As there is an established process for the declaration of gifts and hospitality by Trade Envoys, the Government does not support this recommendation.

### *Accessibility of the Register*

**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.** (Paragraph 88)

The Government welcomes improvements to the transparency and searchability of the register. The Government supports efforts to ensure that Members' declarations of interests (or ad hoc declarations) are easily accessible and displayed in a way that is clear when relevant to a particular debate. This ensures that the electorate can properly scrutinise Members' declared interests.

Ultimately, the House Authorities are responsible for the maintenance of the digital Register and its interaction with the business papers of the House. This is therefore a matter for the House Authorities.

### *Lobbying rules: contracts*

**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.** (Paragraph 94)

**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.** (Paragraph 95)

The Government does not agree with this recommendation and is not satisfied that a written contract or statement is a suitable proposal. The Government continues to have reservations about whether it is appropriate to regulate the terms of employment contracts between individual MPs and outside employers.

The Government has, however, made clear its desire to see an explicit rule precluding MPs from providing advice on how to lobby or influence Parliament and that the rules of the House should be sufficiently robust in terms of the nature of outside work that MPs are able to undertake.

*Lobbying rules: 'serious wrong' exemption*

**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).** (Paragraph 100)

The Government agrees that the serious wrong exemption should not be a 'wide loophole' but given the relatively small number of instances where it has been 'improperly' invoked, it is not proportionate or necessary to introduce a prescriptive set of criteria.

The existing rules rightly prohibit the initiation of approaches in return for reward or consideration but our procedures also need to be sufficiently flexible to allow Members to raise matters of concern in the public interest. This flexibility of course should not be exploited; it would be improper for the 'serious wrong' exemption to be invoked too liberally as a retrospective justification but the Government does not think that this has been a recurrent issue.

The Government also believes that prescriptive criteria which seek to anticipate and categorise what is an 'incidental' or 'integral' benefit could lead to delay and complexity, which may subsequently deter Members from raising instances where a 'serious wrong' exists.

*Lobbying rules: initiation and participation*

**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.** (Paragraph 109)

This is a complex matter as it is of vital importance that the public can have confidence that when Members participate in debate they do so in service of the electorate and are not subject to undue influences, financial or otherwise.

The Government would urge caution in respect of strengthening the rules on participation. 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 interest, a general benefit could be conferred on a sector at large. To restrict participation in this way could serve to diminish rather than enhance debate and prevent Members from fully participating in proceedings.

### *Members' outside interests*

**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.** (Paragraph 111)

The Government firmly believes that an MP's primary job is and must be to serve their constituents and represent their interests in Parliament. Members have a duty to their constituents and any outside work should be within reasonable limits, in order for an MP's parliamentary duties to take priority. The Government agrees with the Committee regarding this issue and that is why the Government brought forward an amendment (which the House approved on 17 November 2021) to support recommendations made by the Committee on Standards in Public Life. These were that MPs should be prohibited from any paid work to provide services as a parliamentary strategist, adviser or consultant and that outside work should be undertaken only within "reasonable limits".

### *Limits on outside work*

**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.** (Paragraph 117)

**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.** (Paragraph 118)

The Government agrees with the Committee 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.

The Government firmly believes that an MP's primary job is and must be to serve their constituents and represent their interests in Parliament. The Government has not been supportive of an outright ban on second jobs and believes that the House has historically benefited from Members having outside experience.

## **Section 2: The Functioning of the Code: The Ryder review and response**

### *Response to Ryder review*

**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. (Paragraph 125)

The Government is grateful to Sir Ernest Ryder for his review of the House of Commons Standards system. As set out in a letter to the Committee (21 April 2022), we welcomed Sir Ernest's proposition that the appeal should be heard by an independent body with judicial expertise. The Government also supported the majority of Sir Ernest's proposals and shall respond to each of the Committee's recommendations in relation to how these options for reform could be put into practice.

### ***Proposed new document ("Procedural Protocol") for approval by the House***

**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.** (Paragraph 130)

The Government supports this initiative insofar as it would contribute to ensuring greater clarity and understanding of the House's procedures and the approach taken in respect of the consideration of Standards cases. We have reviewed this draft document and set out our view at part 2 of this response. We shall work on a cross-party basis to establish consensus and in due course, bring forward a motion for the House to debate these recommendations.

### ***Role of the Committee***

**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.** (Paragraph 135)

The Government agrees that it is imperative that Members play a role in the standards process through the Standards Committee. It would be undesirable for the Standards system to be reformed to create a wholly external system of regulation because, as Sir Ernest observes, the role of Members is "integral to the control of the House over its own affairs... a role that is inherent in the sovereignty of Parliament." We therefore endorse the Committee's conclusion that it is appropriate for Members' to continue to play a role and that the way to strengthen the role of independent elements is through a formal appeals process.

**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.** (Paragraph 139)

The Government remains of the view that whilst continuity in membership is desirable, even in a more flexible form, it is unclear how 'a small proportion of the Committee's evidence taking' would be defined or how the House would 'enforce' this requirement. We shall consider this provision carefully in the context of the draft Procedural Protocol.

### **Role of the Commissioner**

*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. 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 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.***
- 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." **We accept this recommendation and will reflect it in our future practice.** (Paragraph 141)*

Regarding the role of the Parliamentary Commissioner for Standards, the Government is of the view that the current arrangements where the Commissioner is required to advise the Committee in general terms whilst the Committee deliberates their findings

is unsatisfactory. We welcomed Sir Ernest's recommendation that the Commissioner as the investigator of purported breaches of the Code of Conduct, should not also be the first decision-maker in respect of serious sanctions.

In respect of 'the current provision that the Commissioner can make an oral statement to the Committee when she presents her memorandum', the Government thinks that this is principally a matter for the Commissioner and the Committee. On the basis that the Commissioner and Committee agree this provision is 'redundant', the Government is supportive of efforts to clarify and streamline the Standards process.

We also think that in addition to the proposed change to the role of the Commissioner it is appropriate that the Commissioner withdraws from private meetings of the Committee when the Member under investigation is not present. Deliberations on the Commissioner's opinion on whether there has been a breach of the rules and any evidence presented by the Member should be conducted without either the Commissioner or Member present. This will ensure that there is no perception that the decision maker is not impartial.

**We therefore repeat our recommendation that Standing Order No. 150 be amended to remove the provision relating to Investigatory Panels.** (Paragraph 142)

On the basis that, as Sir Ernest sets out in his report, there is a clear process followed by the Commissioner in the course of an investigation, the Government agrees that the provision for an Investigatory Panel to 'assist [the Commissioner] in establishing the facts relevant to the investigation' is not necessary. Whilst this provision has never been utilised, the basis on which such a Panel would be constituted (namely with a role for a legally qualified person) suggests that the House had previously considered there ought to be a role for independent elements in the Standards process. The Government therefore also welcomes the proposed introduction of a formal appeals process which if approved by the House, would further negate the need for this provision and better ensure that the Standards system is suitably robust, transparent and fair.

**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.** (Paragraph 143)

The Government has reviewed the Committee's draft Procedural Protocol and considered how the Committee has taken account of Sir Ernest's recommendations that are not specifically referred to in this report. It is for the House of Commons to take forward work on these issues on a cross-party basis and the Government will support the process of finding a consensus by bringing forward a motion for the House to debate in due course. It is imperative that Members have sufficient time to properly consider the substance of the report as well as the Procedural Protocol before these are put to any vote.

### ***A formal appeals process in non-ICGS cases***

**We accept Sir Ernest's recommendations on appeals.** (Paragraph 148)

The Government also accepts and welcomes Sir Ernest's recommendations on appeals and shall respond in turn to each of the Committee's recommendations on how the formal appeals process should operate and look forward to further cross-party debate.

**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.** (Paragraph 151)

The Government agrees that it is appropriate and desirable for the Independent Expert Panel (IEP) to serve as the appellate body for appeals against both the findings and sanctions imposed by the Committee. The IEP (and the way in which it is constituted) represents a useful model for how independent judicial expertise can be integrated into the Standards system whilst protecting the exclusive cognisance of the House. It is therefore in the Government's view, desirable that the IEP consider appeals for both ICGS and non-ICGS cases in order that the Standards processes are organised on a consistent basis.

**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 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.** (Paragraph 152)

The procedures of the IEP and its 'Guidance for the parties' in respect of appeals, referrals and sanctions' are instructive and a useful basis on which to establish grounds on which an appeal can be heard. We therefore think that the grounds for appeal recommended in Sir Ernest's report are a useful formulation which mirror the arrangements set out by the IEP. The House's endorsement of these grounds would bring welcome consistency to our procedures.

**Other than in exceptional circumstances, an appeal would normally be paperbased, for the reasons set out by Sir Stephen Irwin.** (Paragraph 153)

Under the current arrangements, as the Committee has observed, it is established practice that the Committee allows Members to address the Committee on points they wish to raise. The Government believes that this is an important part of the process as it ensures that the Member in question is given sufficient opportunity to present relevant evidence as this will ensure, as Sir Ernest observes, that what is 'commonplace in courts and tribunals' is also common to the Standards system.

On the proviso that the rights of Members to be heard are preserved, the Government accepts Sir Stephen's recommendation that an appeal would normally be paper-based as this is the way in which IEP appeals are submitted.

**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.** (Paragraph 155)

The Government welcomes Sir Stephen's consideration of the circumstances in which a fresh decision on whether the Code has been breached or on the sanction applied (say in a case where multiple breaches were identified, only some were upheld on appeal) may be needed. We agree that, ordinarily, it would be appropriate for the panel which heard the appeal to take the decision but we also agree that in some situations the IEP should be able to ask the Committee to take a fresh decision. We welcome that this has been reflected in paragraph 98 of the draft Procedural Protocol. This is of particular importance in the case of serious sanctions such as suspension where the Committee has expertise and should be the decision maker on such sanctions.

**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. (Paragraph 156)**

The Government accepts this recommendation on the basis that consistency in the procedures of the House in relation to both ICGS and non-ICGS cases is desirable. We also think that it is a power the IEP would use very sparingly, cognisant of the implications of strengthening a sanction of suspension which would engage the Recall of MPs Act 2015. Our response to the Committee's assessment of the 'implications for recall procedures' is set out below in response to paragraph 166.

**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 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. (Paragraph 157)**

The Government thinks that the 10 working day timetable for Members to lodge an appeal to be heard by the IEP is a reasonable one. We also agree that in the interest of fairness, the House should not be asked to take a decision on any sanction until the window in which an appeal can be submitted has closed. We welcome that these proposals have been clearly outlined in paragraphs 88 - 89 of the draft Procedural Protocol.

*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. (Paragraph 159)*



The Government agrees that in this scenario, it would be more straightforward for the IEP to enforce sanctions related to ICGS cases rather than referring the matter to the Committee to decide whether a failure to comply with the original sanctions amounts to a breach of the Code. Within this, what must remain unchanged is that, should the IEP determine that a serious sanction be applied, that sanction is put to the House to decide upon, via the Standards Committee.

### *Implications for recall procedures*

**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. (Paragraph 166)**

In bringing forward a motion in October 2021 to link IEP sanctions and the Recall of MPs Act 2015, via a Standing Order change, the Government sought to resolve this issue in a swift and straightforward manner, recognising the pressures on the parliamentary timetable. The Government has a comprehensive legislative programme to deliver and until the revised Standing Orders are tested, the Government is not persuaded of the necessity of legislative reform. Moreover, in respect of situation (c) (where the IEP increases the level of sanction so that the Recall of MPs Act is engaged) the Committee itself has noted at paragraph 156, it expects that the power to increase a sanction would only be used 'sparingly'. Whilst the IEP may determine that there are further aggravating factors during the course of the appeal that warrant a strengthened sanction, the Government thinks that a situation in which the IEP increased the duration of a period of suspension so that it met the recall threshold is very unlikely to arise.

To ensure consistency in the standards procedures and for the avoidance of doubt, we agree that IEP sanctions recommended after an appeal, should be sent to the Committee who in turn 'report' the sanction to the House. This would be consistent with the arrangements the House agreed in relation to IEP recommended sanctions arising from ICGS cases.

Should the House agree to the creation of a formal appeals process and that IEP recommended sanctions are sent to the Standards Committee in the first instance, the Government will keep this matter under review.

Any such change to the Recall of MPs Act to expand the second condition for Recall would require careful consideration and should not be made in a piecemeal fashion. It is the Government's view that the current arrangements in relation to ICGS cases (which subject to the agreement of the House would also apply to appeals heard by the IEP) achieve their principal objective of safeguarding the independence of the process. We therefore do not intend to legislate at this time.

### ***Proceedings in the House: motions for sanction***

*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.** (Paragraph 169)*

The Government has reflected on this recommendation and in recognition of the views expressed by Sir Ernest accepts that, in the interests of probity and public confidence in the way the House operates, sanctions motions in non-ICGS cases should be taken on the Floor without amendment or debate. As the Committee observes, constitutionally it is critical that the House retains the power to suspend or expel its own Members and therefore ought to retain its role in deciding on serious sanctions. To ensure that the appellate body retains its independence and its conclusions are not subject to debate or amendment by the Commons acting as a second 'reasoned appellate mechanism',<sup>1</sup> the Government recognises the benefits of moving such motions 'forthwith'. This would not change the fact that the House would continue to play its established constitutional role in determining sanctions which could lead to a Member's seat being vacated and a by-election held.

### ***Proceedings in the House: annual standards debate***

**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.** (Paragraph 171)

A significant amount of legislation is planned in each parliamentary session and Government time for general debates is extremely limited. If there is support across the House for annual debates on this matter, the Backbench Business Committee (which is allocated 35 days for backbench business, including the days previously provided for in Government time) may be the best avenue for members to explore.

Should the Committee recommend changes to the Code of Conduct, the Guide to the Rules, the new Procedural Protocol or the Standing Orders, outside of the review conducted by the Committee once a Parliament, the Government will support the process of Members being able to debate these proposed changes.

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<sup>1</sup> Sir Ernest Ryder's oral evidence to the Standards Committee, Q392, 8 March 2022.

## Part 2: response to Second Report of Session 2022 - 23 (Code of Conduct: Procedural Protocol)

*In a report published on 24 May 2022 we put before the House a draft new Code of Conduct and Guide to the Rules. We announced in that report that we would shortly publish a Procedural Protocol, containing detailed information about the House's standards procedures incorporated in one document, plainly and accessibly written. This implements a recommendation in the recent 'Ryder review' of fairness and natural justice in the House's standards system. (Paragraph 1)*

*We now publish our draft Procedural Protocol as an annex to this report, for approval by the House. We will implement immediately any changes to our own practices that do not require or rely on the approval of the House, to ensure they are in line with the relevant provisions in the Protocol. (Paragraph 2)*

The Government welcomes the Committee's review of the Standards procedures as expressed in Standing Orders, the Code and the Guide to the Rules and its efforts to bring together the core provisions in a single document. Our responses to the recommendations highlighted by the Committee are set out below.

The Government does however continue to have reservations about paragraph 62 of the draft Procedural Protocol<sup>2</sup> as it is unclear how the House would 'require' a Member to take no further part in a case or how a 'very small proportion' is defined. As a matter of principle, the Government does accept that it is desirable that Members are present for the majority of evidence and deliberation sessions. The ambiguity inherent in this proposal is unhelpful and the Government thinks it would be more appropriate for the Committee to take a case-by-case view rather than introduce this requirement into the Procedural Protocol.

At paragraph 118, the Committee sets out that when a Member is subject to an investigation by the Commissioner, they would be precluded from discussing the case with all but a select group which does not include their own staff. Whilst it is right that the Commissioner is able to conduct their inquiry without the details being widely reported and discussed, it is our view that this rule is excessive in terms of the constraints imposed on Members.

At paragraph 124, the Committee recommends that where the facts of the case have been incorrectly reported in public, the injured party may only issue a 'factual, not argumentative' rebuttal when the text has been agreed with the Commissioner. The Government considers this unduly restrictive on the ability of the injured party to freely correct the record. The Standards system and the appeals process rather than the press or public statements is the most appropriate way for the merits of the case to be argued but that should not limit the ability of the injured party to issue factual corrections in the way they see fit.

Whilst it is ultimately for the House to consider whether to adopt the Procedural Protocol, the Government shall observe with interest how the changes which do not require the approval of the House, will be embedded into the work of the Standards Committee.

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2 "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." Paragraph 62 of Code of Conduct: Procedural Protocol, Second Report of Session 2022–23, Standards Committee.

### **Grounds of appeal in Code of Conduct cases**

*In our May 2022 report we accepted the Ryder review's proposal that a formal appeal process should be established in Code of Conduct cases, with the appellate body being the Independent Expert Panel (IEP). We set out proposed grounds of appeal. These followed exactly the recommendation from Sir Ernest Ryder.*

*We have held further discussions with Sir Ernest and with Sir Stephen Irwin, Chair of the IEP. In light of these we consider that the grounds of appeal should be expanded, to replace ground (c), that "the decision on sanction was unreasonable or disproportionate" with a revised ground (c), that "the decision of the Committee was unreasonable and/or, in relation to a sanction, disproportionate". This change would bring appeals in Code of Conduct cases into line with those in Independent Complaints and Grievance Scheme (ICGS) cases. However, we propose to add a proviso in the Protocol: "an appeal on ground (c) cannot be based simply on disagreement with the findings of fact in the case". Both Sir Ernest and Sir Stephen are content with this proposed change. **We recommend that the grounds of appeal in Code of Conduct cases should be approved by the House with the modification proposed above.** (Paragraph 5)*

As we set out in part 1 of this response (see response to paragraph 152), the Government considered the proposals put forward in Sir Ernest's report as a useful framework to determine when an appeal can be heard. The Government accepts the revised ground (c) insofar as it allows for appeals on the basis of 'unreasonable' decisions or 'disproportionate' sanctions but not on the basis of contesting the facts of the case. This would mirror the grounds for appeal set out in the IEP's 'Guidance for the parties' which also allows, as the Committee notes, for appeals based on unreasonable or disproportionate sanctions by the Commissioner whilst reflecting the proposed role for the Committee as the decision maker.

### **Non-compliance with ICGS Sanctions**

*Following further consultation with Sir Stephen Irwin, we consider that in such cases it would be unnecessary for the IEP first to refer the matter to the Commissioner as currently envisaged under Standing Order No. 150A(5)(g), since this Committee would not do so in an equivalent case. (Paragraph 7)*

As outlined in our response to paragraph 159, the Government agrees that it would be more straightforward for the IEP to enforce sanctions related to ICGS cases. We agree that in respect of Standing Order No.150A(5)(g), it is not necessary for the IEP to have to refer the matter to the Commissioner in the first instance.

*Paragraph 18 of the existing Code gives authority for Members to be subject to the ICGS. The current Guide to the Rules provides that the Commissioner cannot therefore accept complaints under paragraph 18, and that other documents such as the Commissioner's Information Note do not apply to complaints under paragraph 18, since the ICGS follows separate processes. We propose continuing this approach to paragraph 18 of the Code, and extending it to cover the rule that Members must comply with a sanction imposed by the Independent Expert Panel, so that any case of non-compliance is dealt with under the Panel's own processes. (Paragraph 8)*

The Government agrees with the Committee's proposed approach in respect of making explicit provision that as is the case with ICGS cases, the process for appeals and the determination of non-compliance with IEP sanctions is beyond the remit of the Commissioner for Standards and are dealt with through the IEP's own processes.

*Our proposed Protocol therefore makes clear that its procedures and provisions do not apply to the investigation and adjudication of rules in the Code that pertain to the ICGS (namely the existing paragraph 18 and the rule that Members must comply with a sanction imposed by the Independent Expert Panel, which would become rules 1 and 16 respectively in our proposed revised Code), and that the Commissioner cannot accept complaints about these rules (because these must be made to the ICGS in the first instance). **We recommend that the House approve this approach.*** (Paragraph 9)

The Government agrees that to ensure the integrity of and confidence in the ICGS process, the Protocol should clearly reflect that the investigation of alleged breaches of the Code of Conduct and the rules on compliance with sanctions imposed by the IEP after an appeal, remain distinct from the process for the ICGS complaints and investigation process.

### **Remedial action in the rectification procedure**

**We recommend that the House agree, through the Protocol, the updated list of remedial action available to the Commissioner as part of the rectification procedure.** (Paragraph 14)

In respect of the range of remedial actions that the Commissioner may select from as part of the rectification procedure, we agree that it is sensible that the suite of sanctions which the House has agreed as available to the Commissioner are set out in one place. This will serve to clarify the existing provisions which have been developed over time and are currently provided for in both the Standing Orders and the Guide to the Rules.

The Government also agrees that whilst the Commissioner ought to retain some flexibility in determining which remedial action may be required as part of the rectification procedure, consistency in the nature of the rectification 'normally' required is a welcome development. This would ensure that the Standards process and actions required through the rectification procedure are commonly understood, providing the transparency and consistency that is essential to ensuring confidence in the Standards system. Within this clear framework, the Commissioner will therefore be able to require appropriate remedial action is undertaken in the event of a breach of the rules which does not meet the 'serious' sanction threshold.

### **Part 3: response to Third Report of Session 2022 - 23 (New Guide to the Rules: final proposals)**

*In a report published on 24 May 2022 we put before the House a draft new Code of Conduct and Guide to the Rules.* (Paragraph 1)

*Following publication of that report, we have received representations from Members about the operation of the lobbying rules and our proposed changes to them, and the balance they strike between preventing any impression that an outside person or body can unduly*

*influence the work of the House by making payments to a Member, and ensuring Members can contribute fully to the work of the House on the basis of their experience and expertise. (Paragraph 2)*

*In this report, we propose amendments to our proposed Guide to the Rules to ensure that the right balance is struck and that the rules maintain the confidence of Members across the House. We also seek to clarify the central purpose and principles of the lobbying rules for the benefit of Members and the public. (Paragraph 3)*

The Government welcomes the Committee's further consideration of the Guide to the Rules and its efforts to ensure that the right balance is struck between ensuring Members prioritise their parliamentary duties whilst enhancing the work of the House through their expertise. As the Committee notes, for the Standards system to be effective, it needs to be clear and command the confidence of Members of the House on a cross-party basis. Our response to the recommendations highlighted by the Committee are set out below.

### **Clarifications to our proposed Guide to the Rules**

*In response to the representations we have received, we now propose a small number of amendments to our proposed Guide to the Rules, in order to strike the balance better between preventing undue influence and ensuring that Members can fully carry out their role. (Paragraph 8)*

*Our final proposed Guide to the Rules is published as Annex 1 to this Report. It replaces the proposed Guide contained in Annex 2 to our May 2022 Report. Changes from the May 2022 proposed Guide are highlighted in bold purple type. (Paragraph 9)*

The Government has reviewed the recommendations of the Committee in respect of the Rules on preventing undue influence and our response to these is set out below.

### **Interpretation of "financial or material benefit"**

*We therefore propose to clarify in the lobbying rules that "financial or material benefit" should be interpreted narrowly, such that a Member's action would not be considered to be seeking to confer, or having the effect of conferring, a benefit on a person or organisation if that benefit was widely distributed, for example, to an entire sector or sectors. (Paragraph 13)*

**We propose to clarify, similarly, that a Member who has accepted hospitality from a foreign government or NGO may initiate and participate in proceedings on more generally related matters, provided that they fully declare their interest and that their action does not seek to confer, or have the effect of conferring, a financial or material benefit on that government or organisation, beyond the improvement of international relations. (Paragraph 14)**

The Government agrees that these rules should be clarified to reflect what the Registrar has advised happens 'in practice'. The Government stated in its response to the Committee's initial report (paragraph 109) that it is conceivable that, by participating in a debate on which a Member has particular expertise, a general benefit could be conferred on a sector at large and that to restrict participation in this way could serve to diminish rather than enhance debate. The Government agrees with the Committee that it is important to strike

the right balance between preventing improper influence and enabling Members fully to contribute on the basis of their experience and expertise whilst not depriving Parliament of its useful expertise.

### **Frontbench spokespersons**

***We propose to include in the Guide to Rules an exemption that Members who are frontbench spokespersons for the Official Opposition or the second largest opposition party are not subject to the lobbying rules when initiating or participating in proceedings in that capacity.*** (Paragraph 18)

The Government notes, just as the Committee does, that the exemptions in the current Guide to the Rules for Ministers exists in recognition of both the fact that the Government has an internal process for managing conflicts of interest, and the public interest in ensuring that Ministers are not prevented from carrying out their duties in the House.

The Government recognises that whilst it is right that frontbench spokespersons for the Official Opposition or second largest opposition party are able to freely participate in debate, it is essential that equivalent provisions are put in place to manage conflicts of interest. On the proviso that such arrangements are in place, the Government accepts that this exemption ought to be applied on an equitable basis.

### **Constituency exemption**

*In chapter 3, paragraph 15(c) of our May 2022 proposed Guide to the Rules, we proposed that the following should fall outside the scope of the lobbying rules:*

*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.*

*On reflection, we now consider this to be less helpful than the existing wording in the Guide, namely:*

*Constituency issues: Members may pursue any constituency interest in any approach to a Minister or public official, subject to the registration and declaration rules. NB: The lobbying rules do apply, however, in respect of Members initiating any proceeding of the House on behalf of a person or organisation in their constituency from whom or from which they, or a family member receive, have received or expect to receive outside reward or consideration.*

***We have therefore substituted the original wording of the constituency exemption in our new proposed Guide to the Rules.*** (Paragraph 21)

The Government agrees with the Committee's proposal to return to the original wording and more straightforward formulation in respect of the rules on constituency issues. We also support the retention of the express provision that the lobbying rules should apply in respect of Members initiating any proceeding of the House on behalf of a person or organisation in their constituency from whom or from which they, or a family member receive, have received or expect to receive outside reward or consideration.

## Conclusion

***This report concludes this Committee's process of producing a new Code of Conduct and Guide to the Rules for approval by the House, as well as a new Procedural Protocol. However, we will continue to keep the Code and Guide, including the lobbying rules, under review as part of the annual cycle we proposed in our May 2022 report. (Paragraph 23)***

The Government is grateful to the Committee for its work in this area and looks forward to further debate on this matter.

As stated in the response to the initial report, should the Committee recommend changes to the Code of Conduct, the Guide to the Rules, the new Procedural Protocol or the Standing Orders, outside of the review conducted by the Committee once a Parliament, the Government will support the process of Members being able to debate these proposed changes.

***We recommend that the new Code of Conduct (Annex 1 of our May 2022 report), Guide to the Rules (Annex 1 of this Report) and Procedural Protocol should be put to the House as a single package for approval as soon as possible, along with any necessary procedural motions or standing order changes needed to bring them fully into force. (Paragraph 24)***

It is for the House of Commons to take forward work on these issues on a cross-party basis. As stated in the Government's response to the original report, the Government will support the process by bringing forward a motion for the House to debate these recommendations in due course. It is imperative that Members have sufficient time to properly consider the substance of the original report, the New Guide to the Rules and the Procedural Protocol before these are put to any vote.