



HOUSE OF LORDS

Conduct Committee

5th Report of Session 2022–23

**Parliamentary
advice and services:
proposed changes to
the Code of Conduct
and Guide to the
Code of Conduct**

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Conduct Committee

The Conduct Committee reviews and oversees the Codes of Conduct and the work of the House of Lords Commissioner for Standards. Recommended changes to the Codes are reported to the House and take effect when agreed by the House.

Membership

The Members of the Conduct Committee are::

Lord Blair of Boughton
Cindy Butts (lay member)
Mark Castle (lay member)
Andrea Coomber (lay member)
Dr Vanessa Davies (lay member)
Lord Garnier
Baroness Mallalieu
Baroness Manningham-Buller (Chair)
Lord Scriven

Address: The Clerk to the Conduct Committee, House of Lords, London SW1A 0PW

Email: lordsconduct@parliament.uk

Telephone: 020 7219 3325

Website: <https://committees.parliament.uk/committee/402/conduct-committee>

Registrar of Lords' Interests

The Registrar of Lords' Interests advises members of the House and their staff on their obligations under the Codes of Conduct.

Address: The Registrar of Lords' Interests, House of Lords, London SW1A 0PW

Email: lordsregistrar@parliament.uk

Telephone: 020 7219 3112/3120

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Commissioners for Standards

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Address: The Commissioners for Standards, House of Lords, London SW1A 0PW

Email: lordsstandards@parliament.uk

Telephone: 020 7219 7152

Website: <https://www.parliament.uk/hl-standards>

Independent Complaints and Grievance Scheme helpline

Telephone: 0808 168 9281 (freephone)

Email: support@ICGShelpline.org.uk

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Parliamentary advice and services: proposed changes to the Code of Conduct and Guide to the Code of Conduct

Introduction

1. On 18 April, we launched a consultation on the Code of Conduct’s provisions on paid parliamentary advice and services, inviting comments from members on our proposals. The consultation closed on 17 May, with 28 members having responded. In addition, our Chair held a meeting with the Chair of the Committee on Standards in Public Life (CSPL), Lord Evans of Weardale, to discuss our proposals.
2. Most consultees—including the CSPL—broadly welcomed our proposals, with none expressing fundamental opposition, though some queried specific provisions and made detailed drafting points. We have carefully considered all comments and altered our proposals in several ways. This report sets out the revised proposals, explains where modifications have been made, and invites the House to agree our proposed amendments to the Code of Conduct and the Guide to the Code. The relevant passages of the Code and Guide, as revised, are set out in the annex. We advise members to read the annex so they can see the full context of the proposed changes.

The Code provisions

3. The Committee proposed consolidating paragraphs 9(c), 9(d) and 16 of the Code, which set out the rules on exercising parliamentary influence, parliamentary advice and services, and exclusive benefit. Although two members queried the terminology, we believe that our proposed wording is clearer and more watertight than the existing text. One member proposed adding a cross-reference to the paragraphs of the Guide that explain the concepts in more detail, which we agree would be helpful.
4. **We recommend the following new, consolidated paragraph to replace existing paragraphs 9(c), 9(d) and 16. Existing paragraph 9(a) and 9(b) will remain unchanged.**

“9A. Members of the House must not:

- (a) seek by parliamentary means to confer an exclusive benefit on an outside organisation or person in which they have a financial interest (e.g. salary, shareholding); or
- (b) seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.^{FN}

^{FN} For more information on these terms and concepts, see paragraphs XX–YY of the Guide to the Code.”

5. This consolidation requires several consequential changes to the Guide, which are shown in the annex.

The Guide provisions

Paid parliamentary advice

6. In our consultation, we proposed to leave the wording of the provision on paid parliamentary advice (paragraph 19 of the Guide) unchanged unless consultees identified any issues.
7. One member suggested that the provision should not restrict members from offering “general tactical advice on influencing ministers, parliamentarians and officials when such advice arises from their experience as members”. To some degree, these types of activity may be permitted by the current wording which allows members to give “advice on public policy and current affairs” and “advice in general terms about how Parliament works”; moreover, there are no restrictions on what members can offer organisations *pro bono*. In our view, any further liberalisation of the rules would be widely seen as a retrograde step and potentially a breach of the fundamental principle that members should not profit from their membership of the House.
8. Another member raised the situation of members who have relationships with universities and schools, which may involve explaining to students how to get involved in and influence the parliamentary process. The member queried whether, if they were offered an honorarium for this work, they would be in breach of the parliamentary advice provision; and if so, whether there should be an explicit exemption. In our view, this kind of work is covered by the exemption for “advice in general terms about how Parliament works” and therefore would not constitute a breach of the Code.
9. **We therefore do not recommend any changes to the existing provision on paid parliamentary advice.**

Paid parliamentary services

10. The Committee proposed redrafting paragraph 21 of the Guide thus:

“The prohibition on paid parliamentary services means that members may not accept, or agree to accept, payment or other reward in return for doing or not doing something in the performance of their parliamentary duties and activities. This prohibition applies regardless of whether the member registers or declares the interest. In this context, “parliamentary duties and activities” include, but are not limited to, (i) participation in any parliamentary proceeding, (ii) all types of interaction with members of either House, ministers or officials, and (iii) ancillary services such as setting up an all-party parliamentary group, hosting a parliamentary reception or sponsoring a security pass. Providing ancillary services in return for payment or other reward may exacerbate the seriousness of any breach of the rules on the use of facilities which may have been committed simultaneously.”
11. Two members objected to the new phrase “all types of interaction with members of either House, ministers or officials”, suggesting that it would widen the existing ban on assisting outside organisations “in influencing members of either House, ministers or officials” in return for payment or reward. They were under the impression that the new wording would prevent a member from having any interaction with these groups of people on behalf of an organisation from which they were receiving reward.

12. This is not our understanding of the provision. The ban is on providing parliamentary services, including meeting those groups of people, *in return* for payment or reward: the concept is transactional. As explained elsewhere in the consultation paper and later in this report, members can offer parliamentary advice and services to an organisation or person in which they have a financial interest, provided that they can show they receive payment in return for some other service (e.g. being a director or an executive) and that they hold the role by virtue of their expertise or experience rather than because they are a member of the House. In our view, the proposed new wording is clearer but does not alter the existing prohibition on assisting, in return for reward, outside organisations or people in influencing parliamentarians, ministers and officials.
13. Another member proposed splitting up the revised paragraph to make it more accessible. We agree with this proposal.
14. **We recommend the following revised text.**

“XX. The prohibition on paid parliamentary services means that members may not accept, or agree to accept, payment or other reward in return for doing or not doing something in the performance of their parliamentary duties and activities. This prohibition applies regardless of whether the member registers or declares the interest.

YY. In this context, “parliamentary duties and activities” include, but are not limited to:

- (i) participation in any parliamentary proceeding,
- (ii) all types of interaction with members of either House, ministers or officials, and
- (iii) ancillary services such as setting up an all-party parliamentary group, hosting a parliamentary reception or sponsoring a security pass.

Providing ancillary services in return for payment or other reward may exacerbate the seriousness of any breach of the rules on the use of facilities which may have been committed simultaneously.”

Outside roles and parliamentary advice and services

15. The consultation proposed redrafting paragraph 20 of the Guide, which sets out the circumstances in which members can offer parliamentary advice and services to an organisation or person in which they have a financial interest, as follows.

Although a members may never **accept or agree to accept payment or other incentive or reward in return for providing parliamentary advice or services**, ~~provide parliamentary advice in return for payment, a member may exceptionally give parliamentary advice to an organisation or person with whom the member has a financial interest, provided that the member can demonstrate that:~~ **they may on occasion provide parliamentary advice or services to an organisation or person in which they have a financial interest, provided they can demonstrate that the following two conditions are met.**

- ~~he or she does~~ **They do** not receive payment or benefit in return for the provision of parliamentary advice or services. ~~They member~~ should, if challenged, be able clearly to show that the payment or benefit is provided in return for some non-parliamentary advice or service which they ~~member~~ provides; **and** they ~~member~~ should, where possible, ensure that contractual agreements specifically exclude the provision of parliamentary advice or services **as part of the role.**; and
- ~~†The~~ payment or benefit which the member does receive is not substantially due to membership of the House, but is by reason of personal expertise or experience gained substantially outside ~~Parliament~~ **the House**; and that they ~~member was~~were, or would have been, appointed to the position without being a member of the House.

16. The aim of these changes is to clarify the provision by:
- (a) explicitly applying the provision to parliamentary services as well as parliamentary advice, allowing members who satisfy its two conditions to carry out these activities when this is clearly incidental to their core role;
 - (b) replacing the word “exceptionally” with “on occasion”; and
 - (c) requiring members relying on it to show that any payment or benefit is received by reason of personal expertise or experience gained outside “the House” rather than “outside Parliament”.
17. The CSPL agreed that the revised text made sense on a technical level but felt that it would be hard to prove that the conditions had been met, and that it might be viewed as a loophole by people outside the House. We acknowledge this concern and have considered it carefully. On balance, we feel that removing this long-standing provision from the Guide would make it difficult for members to hold, and successfully carry out, senior roles outside the House without risking a breach of the Code. This would in turn put at risk one of the most important characteristics of the House: its members’ expertise and experience drawn from a range of sectors.
18. A number of members also commented on this provision. One proposed omitting the final phrase, “and that they member were, or would have been, appointed to the position without being a member of the House” on the grounds that it was unrealistic and unenforceable, and because in reality membership of the House provided a component to the expertise of any individual. Another member suggested replacing “would have been” with “could have been”.
19. While there may be some merit in these comments, we note that the provision has been in the Guide since 2010 without apparently causing any difficulties.

And even if it is difficult to prove a hypothetical, the phrase does represent an important principle.

20. Another member proposed amending the draft so that it focuses on what members can do, subject to conditions, rather than on repeating the prohibition on accepting payment in return for parliamentary advice or services, a rule which is already stated several times earlier in the Code and Guide. We agree that this would be helpful.
21. **We recommend the following revised draft of paragraph 20.**

“Members may on occasion provide parliamentary advice or services to an organisation or person in which they have a financial interest, provided they can demonstrate that the following two conditions are met.

- They do not receive payment or benefit in return for the provision of parliamentary advice or services. They should, if challenged, be able clearly to show that the payment or benefit is provided in return for some non-parliamentary advice or service which they provide; and they should, where possible, ensure that contractual agreements specifically exclude the provision of parliamentary advice or services as part of the role.
- The payment or benefit which the member does receive is not substantially due to membership of the House, but is by reason of personal expertise or experience gained substantially outside the House; and that they were, or would have been, appointed to the position without being a member of the House.”

Exclusive benefit principle

22. The Committee proposed amending paragraph 25 of the Guide as follows.

The ‘exclusive benefit’ principle would mean, for instance, that a member who was paid by a pharmaceutical company would be barred from seeking to confer benefit exclusively upon that company by parliamentary means. ~~The way in which the benefit is conferred should be interpreted broadly.~~ **“Parliamentary means” in this context refers to participation in the core work of the House.** All proceedings of the House are included, for instance:

- tabling a motion or an amendment to legislation;
- voting in a division;
- speaking in debate;
- asking written or oral questions; and
- deliberation within a select committee **or other body appointed by the House or one of its committees.**

23. No consultees objected to this proposal, and so **we recommend that it be adopted.**

Exclusive benefit and representative organisations

24. The Committee proposed to amend paragraph 28 of the Guide as follows.

A member who has a financial interest in, or receives a financial benefit from, a representative organisation, such as a trade association, trade union, staff association, professional body, charity or issue-related lobby group, may not advocate measures for the exclusive benefit of that organisation or the trade, industry or interest that it represents; nor speak or act in support of a campaign exclusively for the benefit of the representative organisation or its membership (e.g. a campaign for special tax relief, or for a specific programme of development). ~~But~~ **The member may, however, speak or act in support of a campaign that is of interest to the representative organisation, but is also of wider application (for instance, in the case of a charity for cancer research, a campaign for the prohibition of smoking) which would also have benefits significantly beyond the sector which it represents (for instance, in the case of an association of automobile manufacturers, a campaign for increased provision of electric vehicle charging points).**

25. One member, who was otherwise supportive of the Committee's proposals, raised concerns about the proposed amendments to this paragraph. They suggested that if a campaign for increased provision of EV charging points was not an exclusive benefit for the sector, then it is hard to imagine what *would* constitute an exclusive benefit.
26. In our view the example is a good one: such a campaign could encourage greater take-up of EVs which would, besides benefiting the car industry, improve air quality and reduce carbon emissions. We accept, however, that the text could make this reasoning more explicit, and we propose amendments below which seek to do so.
27. In response to the challenge about what kind of campaign *would* breach the exclusive benefit rule in these circumstances, we suggest that a member paid by an association of automobile manufacturers might struggle to justify advocating in parliamentary proceedings for limits on exhaust emissions to be raised, or even against a reduction.
28. Moreover, this provision should be read in conjunction with paragraph 17 of the Code, which sets out an important principle: "In participating in ... proceedings [members] shall resolve any conflict between their personal interest and the public interest at once, and in favour of the public interest."
29. Another member suggested that the paragraph should include a reminder that members must declare their interest in such circumstances. We agree.
30. **We recommend the following amendments to paragraph 28 of the Guide.**

A member who has a financial interest in, or receives a financial benefit from, a representative organisation, such as a trade association, trade union, staff association, professional body, charity or issue-related lobby group, may not advocate measures for the exclusive benefit of that organisation or the trade, industry or interest that it represents; nor speak or act in support of a campaign exclusively for the benefit of the representative organisation or its membership (e.g. a campaign for special tax relief, or for a specific programme of development). ~~But~~ The member may, **however**, speak or act in support of a campaign that is of interest to the representative organisation, but is also of wider application (for instance, in the case of a charity for cancer research, a campaign for the prohibition of smoking) **which would also have benefits significantly beyond the sector which it represents, provided that they declare their interest. For example, a campaign by an association of automobile manufacturers to increase provision of electric vehicle charging points which could, by increasing take-up of electric vehicles, lead to improved air quality and lower carbon emissions.**

Public sector roles

31. One member raised the question of how the rules on parliamentary advice and services apply to peers undertaking public sector roles, a matter which the consultation document did not cover. This is a complex area, engaging not only the Code of Conduct but also the long-standing ‘Addison Rules’, which are set out in the *Companion to the Standing Orders*.
32. Paragraph 30 of the Guide currently states that the rules on parliamentary advice and services and the exclusive benefit rule do not apply “to the Lords Spiritual, to ministers of the Crown, or to members or employees of public bodies (whether commercial or non-commercial in character) in relation to those specific roles.” This raises two distinct issues: (1) the rationale behind the exemption and whether it is limited in any way; and (2) the range of roles and organisations to which it extends.
33. On the first point, we have concluded that it remains appropriate to exempt members who work for public bodies from the exclusive benefit rule. Without it, these members may find it difficult to bring their up-to-date expertise to bear in Lords proceedings (as the House encourages them to do) without risking a breach of the Code. Moreover, public bodies exist to further the public interest and they are usually the only body carrying out their specific function, so the concerns which the exclusive benefit rule is intended to address in other cases do not arise.
34. By contrast, we do not believe that members working for public bodies need to be exempted from the rules on parliamentary advice and services. As discussed above, paragraph 20 of the Guide allows members to provide parliamentary advice and services on occasion if they can show that they do not receive payment or benefit *in return for* doing so, and they hold the role due to personal expertise or experience rather than because they are a member of Parliament. This provision works just as well for public bodies as it does for other organisations, allowing members who work for them to carry out any duties of their post in the political arena (e.g. appearing before select committees or holding meetings with ministers).
35. The only effect of ending this blanket exemption would be to prevent a public body from contracting a member as an in-house public affairs professional,

paying them to make use of their position as a parliamentarian to act on behalf of the organisation. We believe that this change would be consistent with the principles that underpin the Code.

36. **The Committee recommends retaining the exemption from the exclusive benefit rule which applies to members working for public bodies, but ending the exemption from the rules on paid parliamentary advice and services.**
37. On the question of which organisations and roles the exemption from the exclusive benefit rule should be deemed to cover, paragraph 30 of the Guide says that the term ‘public body’ should be “deemed to include non-departmental public bodies, non-ministerial government departments and executive agencies”. The Committee has concluded that this is unnecessarily restrictive, and that the exemption should extend to anything that may be deemed a UK public sector or wholly state-owned organisation, as such organisations aim to further the public interest.
38. **We recommend that the phrase “members or employees of public bodies” be replaced with “members or employees of public sector organisations”.**
39. The following changes to paragraph 30 would implement the recommendations we have proposed, as well as reflecting the changes to paragraph 9 of the Code.

~~“30. Paragraphs 9A(e) and 9(d) of the Code (the prohibitions of payment for exercising parliamentary influence and of payment for providing rules on exclusive benefit and paid parliamentary advice and services) and paragraph 16 of the Code (the exclusive benefit rule) does not apply to the Lords Spiritual, or to ministers of the Crown.”~~

30A. or to members or employees of public bodies sector organisations (whether commercial or non-commercial in character) in relation to those specific roles. ~~Members and employees of public bodies may take part in proceedings affecting the bodies of which they are members or employees, subject to the usual rules on declaration of interests and the principles of ministerial accountability (including the ‘Addison Rules’) set out in the Companion. While paragraph 9A(a) of the Code (the exclusive benefit rule) does not apply to such members in relation to those specific roles, paragraph 9A(b) (prohibition of paid parliamentary advice and services) does apply.”~~

40. Finally, the consultee whose contribution prompted us to reflect further on public bodies also proposed that any exceptions to the rules applying to such bodies should be clearly referenced in paragraph 9A of the Code itself. We agree.
41. **We recommend that the following sentence be added at the end of paragraph 9A of the Code: “These rules apply differently to Lords Spiritual, ministers of the Crown and members or employees of public sector organisations: see paragraphs XX of the Guide.”**

Other matters

42. Three members commented on a matter unrelated to parliamentary advice or services: the right of members to be accompanied by a friend or legal adviser during conduct proceedings before the Commissioner or Conduct Committee. There appears to be a misunderstanding here: members are, and always have been, entitled to be accompanied in this way—and many have been over the years. This right is clearly stated in paragraph 154 of the Guide: “[Members and complainants] may be accompanied to any meeting by a colleague, friend or legal adviser, but every effort is made to keep proceedings informal, and there is no expectation that they should be so accompanied. If a member or complainant chooses to bring a colleague, friend or adviser they are free to consult him or her off the record, but will be expected to answer for themselves (and not through the friend or adviser) any question put to them.”
43. The confusion may arise from the fact that this provision is not repeated in the sections of the Guide entitled “The investigation: process” (paragraph 163 in particular) and “Appeals” (paragraph 194 in particular). We therefore propose the addition of a footnote in both paragraphs 163 and 194, as follows: “All parties, including members of the House, may be accompanied by a colleague, friend or legal adviser, but must answer for themselves any question put to them. See paragraph 154.”
44. **The Committee recommends the addition of footnotes as described above.**

ANNEX: PROPOSED REVISED TEXT OF CODE/GUIDE PROVISIONS

CODE

9. Members of the House:

- (a) must comply with the Code of Conduct; and
- (b) should act always on their personal honour in the course of their parliamentary duties and activities.

9A. Members of the House must not:

- (a) seek by parliamentary means to confer an exclusive benefit on an outside organisation or person in which they have a financial interest (e.g. salary, shareholding); or
- (b) seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services.^{FN}

These rules apply differently to Lords Spiritual, ministers of the Crown and members or employees of public sector organisations: see paragraphs 30 and 30A of the Guide.

^{FN} For more information on these terms and concepts, see paragraphs 12–31 of the Guide to the Code.”

[The two paras above consolidate what are currently paras 9 and 16 of the Code]

...

17. Subject to the exclusive benefit rule, members are not debarred from participating in proceedings in regard to which they possess relevant interests, financial or non-financial; but such interests should be declared fully. In participating in such proceedings they shall resolve any conflict between their personal interest and the public interest at once, and in favour of the public interest.

[This para has minor amendments consequential on the consolidation above]

GUIDE

External roles and participation in parliamentary proceedings

12. Members of the House of Lords have a wide range of outside interests and careers and the House thrives on their expertise. The Code in no way seeks either to curtail these interests or careers, or to discourage members from drawing on the knowledge and expertise so gained in their parliamentary work. It is thus entirely appropriate for a member of the House also to work in any non-parliamentary sphere of activity, for example as chairman or director of a company; as a member or chief executive of a non-departmental public body; as an officer of a trade union; as a doctor or lawyer. Moreover, it is not only permissible, but desirable, that such members, having declared their employment and other interests, should contribute to debate on issues to which these interests are relevant.

[Currently para 17]

13. At the same time, in their parliamentary work, and whenever they act in their capacity as parliamentarians, members are required to base their actions solely upon consideration of the public interest. Members thus have a responsibility to

maintain a clear distinction between their outside interests and their parliamentary work.

[An amended version of what is currently para 18]

14. Accordingly, a member with a relevant interest is free to take part in the public business of the House subject to:

- the exclusive benefit rule and the rule on paid parliamentary services (paragraph 9A of the Code);
- the rules on the registration and declaration of interests (paragraphs 12–15 of the Code); and
- the resolution of any conflict between personal and public interest in favour of the public interest (paragraph 8 of the Code).

[An amended version of what is currently para 12]

15. More generally, a member who is unsure whether or not to participate in parliamentary proceedings in relation to which they have relevant interests should consider the following factors.

- The nature of the proceeding itself. There would, for instance, be more latitude in the case of a general debate than in proposing or voting on an amendment to legislation. Members with financial interests that are relevant to private legislation should exercise particular caution, and seek advice before deciding to participate in proceedings on that legislation.
- The nature of the member’s intended contribution. A speech urging Government investment in a sector in which the member had a financial interest might be open to misconstruction, whereas a speech canvassing issues of more general interest would not.

[Currently para 13]

16. Members may consult the Registrar on these matters, but as paragraph 33 of the Code makes clear, “the final responsibility for deciding whether or not to participate in proceedings to which that interest is relevant rests with the member concerned.”

[Currently para 14]

The exclusive benefit rule

17. Paragraph 9A(a) of the Code says that members “must not seek by parliamentary means to confer an exclusive benefit on an outside organisation or person in which they have a financial interest (e.g. salary, shareholding)”.

[An amended version of what is currently para 24]

18. The ‘exclusive benefit’ principle would mean, for example, that a member who was paid by a pharmaceutical company would be barred from seeking to confer benefit exclusively upon that company by parliamentary means. “Parliamentary means” in this context refers to participation in the core work of the House. All proceedings are included, for instance:

- tabling a motion or an amendment to legislation;
- voting in a division;

- speaking in debate;
- asking written or oral questions; and
- deliberation within a select committee or other body appointed by the House or one of its committees.

[An amended version of what is currently para 25]

19. The nature of the “exclusive benefit”, on the other hand, should be interpreted narrowly. The same member would not be debarred from tabling an amendment, speaking or voting on matters relevant to, for instance, the pharmaceutical sector as a whole; National Health Service spending on drugs; or Government policy on drug licensing and patents.

[Currently para 26]

20. The term “outside body” includes any client of such a body.

[Currently para 27]

21. A member who has a financial interest in, or receives a financial benefit from, a representative organisation, such as a trade association, trade union, staff association, professional body or issue-related lobby group, may not advocate measures for the exclusive benefit of that organisation or the trade, industry or interest that it represents; nor speak or act in support of a campaign exclusively for the benefit of the representative organisation or its membership (e.g. a campaign for special tax relief, or for a specific programme of development). The member may, however, speak or act in support of a campaign that is of interest to the representative organisation, but which would also have benefits significantly beyond the sector which it represents, provided that they declare their interest. For example, a campaign by an association of automobile manufacturers to increase provision of electric vehicle charging points which could, by increasing take-up of electric vehicles, lead to improved air quality and lower carbon emissions.

[An amended version of what is currently para 28]

22. A member who seeks to confer benefit on an organisation in which he or she has a financial interest, but who considers that this does not constitute an “exclusive benefit”, should make it clear in debate how he or she is acting not only in the interest of the organisation, but also the wider sector or community of which that organisation forms a part. In such circumstances, the member should also take particular account of paragraph 8 of the Code, which requires them to base their actions on consideration of the public interest.

[An amended version of what is currently para 29]

Parliamentary advice and services

23. Paragraph 9A(b) of the Code states that members must not “seek to profit from membership of the House by accepting or agreeing to accept payment or other incentive or reward in return for providing parliamentary advice or services”.

[A new para]

24. The prohibition from accepting payment in return for parliamentary advice means that members may not act as paid parliamentary consultants, advising outside organisations or persons on process, for example how they may lobby or

otherwise influence the work of Parliament. The following is not parliamentary advice:

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

[Currently para 19]

25. The prohibition on paid parliamentary services means that members may not accept, or agree to accept, payment or other reward in return for doing or not doing something in the performance of their parliamentary duties and activities. This prohibition applies regardless of whether the member registers or declares the interest.

26. In this context, “parliamentary duties and activities” include, but are not limited to:

- (i) participation in any parliamentary proceeding,
- (ii) all types of interaction with members of either House, ministers or officials, and
- (iii) ancillary services such as setting up an all-party parliamentary group, hosting a parliamentary reception or sponsoring a security pass.

Providing ancillary services in return for payment or other reward may exacerbate the seriousness of any breach of the rules on the use of facilities which may have been committed simultaneously.

[The two paras above are a redraft of what is currently para 21]

27. Members may on occasion provide parliamentary advice or services to an organisation or person in which they have a financial interest, provided they can demonstrate that the following two conditions are met.

- They do not receive payment or benefit in return for the provision of parliamentary advice or services. They should, if challenged, be able clearly to show that the payment or benefit is provided in return for some non-parliamentary advice or service which they provide; and they should, where possible, ensure that contractual agreements specifically exclude the provision of parliamentary advice or services as part of the role.
- The payment or benefit which the member does receive is not substantially due to membership of the House, but is by reason of personal expertise or experience gained substantially outside the House; and that they were, or would have been, appointed to the position without being a member of the House.

[An amended version of what is currently para 20]

28. Members may work for or hold financial interests in organisations such as representative bodies, trade associations or organisations involved in parliamentary lobbying on behalf of clients (such as public relations and law firms). However, in accordance with paragraph 10 of the Code of Conduct, members themselves are prohibited from personally offering parliamentary advice or services to clients, both directly and indirectly.

[Currently para 23]

Exemptions

29. Paragraph 9A of the Code (the rules on exclusive benefit and paid parliamentary advice and services) does not apply to the Lords Spiritual or to ministers of the Crown.

30. Members and employees of public sector organisations (whether commercial or non-commercial in character) may take part in proceedings affecting the bodies of which they are members or employees, subject to the usual rules on declaration of interests and the principles of ministerial accountability (including the ‘Addison Rules’) set out in the Companion. While paragraph 9A(a) of the Code (the exclusive benefit rule) does not apply to such members in relation to those specific roles, paragraph 9A(b) (prohibition of paid parliamentary advice and services) does apply.

[The two paras above are a redraft of what is currently para 30]

31. Paragraph 9A of the Code does not apply to members of the House acting as counsel on behalf of clients before private bill committees or the Committee for Privileges and Conduct. Nor do they apply to members appearing personally or on behalf of outside organisations as witnesses before select committees of either House.

[An amended version of what is currently para 31]