



HOUSE OF LORDS

Conduct Committee

---

11th Report of Session 2019–21

# Lords office-holders' interests

---

Ordered to be printed 26 April 2021

---

Published by the Authority of the House of Lords

HL Paper 274

### *Code of Conduct for Members, Guide to the Code of Conduct and Code of Conduct for Members' Staff*

The present Code of Conduct for Members of the House of Lords was agreed on 30 November 2009. Amendments to it were agreed by the House on 30 March 2010, 12 June 2014, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Guide to the Code of Conduct was proposed by the Committee for Privileges (2nd Report, Session 2009–10, HL Paper 81) and agreed by the House on 16 March 2010. The Guide was amended on 9 November 2011, 6 March 2014, 13 May 2014, 24 March 2015, 25 February 2016, 9 February 2017, 3 April 2017, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

The Code of Conduct for House of Lords Members' Staff was agreed on 13 May 2014. Amendments to it were agreed on 24 March 2015, 30 April 2019, 18 July 2019, 16 March 2020 and 8 July 2020.

### *Review*

The Codes and Guide are kept under review by the Conduct Committee. Recommended changes are reported to the House and take effect when agreed by the House.

The members of the Conduct Committee are:

Baroness Anelay of St Johns  
Lord Brown of Eaton-under-Heywood  
Cindy Butts (lay member)  
Mark Castle (lay member)  
Andrea Coomber (lay member)  
Dr Vanessa Davies (lay member)  
Baroness Donaghy  
Baroness Hussein-Ece  
Lord Mance (Chairman)

### *Advice*

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

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

Email: [lordsregistrar@parliament.uk](mailto:lordsregistrar@parliament.uk)

Telephone: 020 7219 3112/3120

### *Registers of Interests*

A list of interests of members and their staff can be found online:

<http://www.parliament.uk/hlregister>

### *Commissioner for Standards*

The independent Commissioner for Standards is responsible for considering any alleged breaches of the Codes of Conduct.

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

Email: [lordsstandards@parliament.uk](mailto:lordsstandards@parliament.uk)

Telephone: 020 7219 7152

Website: [www.parliament.uk/hl-standards](http://www.parliament.uk/hl-standards)

### *Independent Complaints and Grievance Scheme helpline*

Telephone: 0808 168 9281 (freephone)

Email: [support@ICGShelpline.org.uk](mailto:support@ICGShelpline.org.uk)

# Lords office-holders' interests

1. This report invites the House to agree an adjustment to the rules governing the interests of the office-holders of the House of Lords.
2. There are currently three office-holders in the House: the Lord Speaker, the Senior Deputy Speaker (the SDS, also known as the Chairman of Committees) and the Principal Deputy Chairman of Committees. The Code of Conduct applies to them but there are also additional requirements which were agreed by the House in 2010 at the behest of our predecessor, the Privileges Committee.<sup>1</sup> These requirements are currently set out in the *Companion to the Standing Orders* rather than the Code of Conduct.
3. These provisions require the three office-holders “to lay aside any financial interests falling within categories 1, 2, 3, 6, 7 and 8, as defined in the Guide to the Code of Conduct”<sup>2</sup> for the duration of their term of office. The rationale for this is presumably to ensure that the office-holder (a) has sufficient time to carry out the office to the best of his or her ability, and (b) does not have any conflicts of interest, real or perceived. There is no flexibility in these rules so no derogations from them may be permitted.
4. An urgent issue has arisen. The Usual Channels are nominating Lord Gardiner of Kimble as the new Senior Deputy Speaker. He has correctly registered his family farm in category 5 (land and property) but because the farm is also a trading enterprise in which he is a partner (trading as CM Robarts & Son) he has also correctly registered his farming partnership interest in category 2 (remunerated employment etc., including “trade”). The rules for office-holders would require him to give up his partnership. This would be a particularly perverse outcome given that the Cabinet Office has allowed him to hold the farm and continue in the partnership throughout his time as Minister for Rural Affairs and Biosecurity at DEFRA (and before that as a whip).
5. Lord Gardiner has explained to us the family circumstances which require his continued involvement in the farm and partnership, and he has confirmed that his farming interests “have not interfered or conflicted with my duties” as a minister. In the circumstances, we are sympathetic to Lord Gardiner’s request to be allowed to retain his farming interests.
6. With this in mind, we propose to establish a system for allowing derogations from the rules for office-holders in exceptional circumstances. It is suggested that this Committee would be the right body to consider such requests. This role should not conflict with the Committee’s appellate role, because, even if there were subsequently a complaint relating to the interest in question, the Committee would not have committed itself to anything other than allowing the office-holder not to give it up while in office.
7. It is difficult to set detailed criteria for adjudging such requests. We believe it is sufficient to say that the Committee can agree a derogation where it deems that requiring the office-holder to give up the interest in question (a) is not

---

1 Committee for Privileges, *Guide to the Code of Conduct* (2nd Report, Session 2009–10, HL Paper 274)

2 Category 1 is remunerated directorships; category 2 is remunerated employment etc.; category 3 is persons with significant control of a company; category 6 is sponsorship; category 7 is overseas visits; and category 8 is gifts, benefits and hospitality.

necessary for them to perform the office effectively and impartially and (b) would in all the circumstances also be disproportionate.

8. It is envisaged that any candidate for one of the offices would be able to ask the Committee for a derogation. The occasions on which any request for a derogation might be made will be rare given that the office-holders do not change very frequently. The derogation, if granted, would be made public.

9. **The House is invited to agree a new paragraph 5A to the Code of Conduct, which would supersede the 2010 Report and the current Companion text:**

“5A. The Lord Speaker, the Senior Deputy Speaker and the Principal Deputy Chairman of Committees are subject to the Code of Conduct in the same way as all other members of the House and, in order to avoid any perception of conflict of interest, are also subject to additional requirements. They are expected, during their period in office, to lay aside any financial interests falling within categories 1, 2, 3, 6, 7 and 8, as defined in the Guide to the Code of Conduct. A candidate for office may ask the Conduct Committee for a derogation from these rules in exceptional circumstances to enable them to retain an interest or interests in one or more of these categories. The Committee may grant a derogation if it deems that requiring the member to give up the interest in question (a) is not necessary for them to perform the office effectively and impartially and (b) would in all the circumstances also be disproportionate. Interests held by an office-holder’s spouse or partner are subject to the same requirements as interests held by the spouse or partner of any other member of the House.”

10. Since we are unable to meet during prorogation, and the SDS needs to be appointed on the day of State Opening, we have agreed in advance that, should the House agree the change proposed in paragraph 9, we will exercise our new power to allow Lord Gardiner (should the House appoint him as SDS) to retain his farming interests.