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Written evidence

1. The Grocer article, 11 August 2017

Kerry Foods has insisted the celery-derived ingredient in its Denny 'All Natural' ham is an "approved natural flavouring" after it emerged this week the product was under scrutiny by food safety watchdogs for allegedly using vegetable extract nitrates.

The Food Safety Authority of Ireland (FSAI) said it was "looking into" allegations made against the processor regarding the addition of naturally derived nitrates from vegetable extracts - which is banned under EU law. However, it would not comment further on the "ongoing investigation".

Kerry Foods confirmed it was "assisting" the authorities after the European Commission "raised a question with the FSAI regarding the Denny 100% natural ingredients product".

However, a Kerry spokesman insisted the "fermented celery" ingredient used in Denny ham was an "approved natural flavouring".

"We're fully confident in our science and our position of the Denny's 100% natural ingredients claims," he told The Grocer. "We use a natural ingredient which is derived from celery, but it's replacing nitrates. Nitrates don't come into the question."

The EC clarified last December that any use of vegetable extract nitrates to achieve a technological function in food was banned, and the FSA said its stance on the issue was "very clear".

"The indirect addition of naturally derived nitrites to food via nitrate rich extracts of vegetables such as spinach or celery is not permitted," said Maria Jennings, director of the FSA in Northern Ireland.

"In such cases the extract is being added for preservation as it contains a standardised level of nitrate and consequently such use would not be permitted by the regulations on food additives as these extracts have not been approved as preservatives."

2. The Guardian article, 30 September 2019

Revealed: Owen Paterson lobbied for firms he was paid to advise

Documents raise questions over whether former minister broke parliamentary rules

A former cabinet minister is facing questions over his conduct after documents revealed he helped lobby for two firms he was paid to advise.

Owen Paterson, a former Conservative environment secretary and prominent Brexit supporter, took part in lobbying campaigns for the firms to promote their products.

Documents obtained by the Guardian reveal he had several meetings with officials and another with a minister. He also wrote asking them to take steps that would benefit the food manufacturer Lynn's Country Foods and the healthcare firm Randox.

The documents raise questions over whether the North Shropshire MP has broken parliamentary rules that permit MPs to lobby on behalf of a paying client, but with restrictions: the lobbying must not help to give an exclusive financial benefit to the client, and the client must not have initiated the lobbying.

Paterson has also twice used House of Commons stationery to write to ministers on behalf of Randox. According to the rules, House or Commons stationery cannot be used for "business purposes".

MPs are permitted to have consultancies under the parliamentary rules and are required to declare them in the parliamentary register of financial interests.

Paterson declares that he receives a total of £112,000 a year from the two firms, on top of his parliamentary salary of £79,000. He charges them £500 an hour.

[….]

Asked to comment, Paterson said: "My financial interests have been correctly declared according to the rules of the House of Commons."

Since 2016, Paterson has been paid £12,000 a year by Lynn's Country Foods, a Northern Irish food manufacturer, to be a consultant.

He assisted the firm in a sustained lobbying campaign that lasted more than a year. He attended five meetings with the Food Standards Agency (FSA), which is responsible for food safety. Three of the meetings were with [name], the FSA's chair.

The firm sells Finnebrogue Naked bacon, which it markets as a healthy alternative to traditional bacon. Its product is processed without the nitrite preservatives in most bacon that have been linked to cancer.

Instead, the firm uses another additive mix derived from fruits, spices and ascorbic acid. Its original labels said the bacon was made without E numbers, but the FSA said the ascorbic acid needed to be declared as an E number and the claim removed. Over many months, Lynn's and Paterson sought to persuade the FSA that it did not.

In January last year, Paterson wrote to [the FSA Chair] outlining what he said the FSA had agreed to do at a meeting with him and Lynn's employees. According to the documents, the FSA complained internally that Paterson and Lynn's were making "inaccurate assertions" about the outcome of the meeting.

Six months later, an FSA official noted in a memo to [the FSA Chair] that the FSA had devoted "considerable resources" to explaining the EU legal requirements to the firm and had "regularly engaged with the parties and Mr Paterson" since the firm first raised the issue in November 2017.

Documents released under freedom of information legislation show how [the FSA Chair] emailed a colleague in July last year describing "a key theme of the pressure from Mr Paterson and [Lynn's] to agree to their position".

In a subsequent letter to Paterson, [the FSA Chair] said she had been assured by Lynn's that the additive mix "had been authorised by several European Union member states and that the FSA should therefore rely on this and cease any further requests for information either by us or by the local authority".

However, the FSA contacted their counterparts in other countries, who replied that they had not given any such approval. [The FSA Chair] told Paterson this discovery did not bear out Lynn's claim and "definitely cannot be used by the FSA to bypass our usual authorisations and processes".

The dispute appears to have ended in December 2018, when Lynn's agreed to declare on the label of Finnebrogue Naked bacon that its product contained an additive.

Paterson also lobbied the FSA on behalf of Randox, which has paid him since 2015.

In 2016, he and Randox met [the FSA Chair], and the company suggested that antibiotic residues had been found in milk sold in supermarkets. Randox said it had developed a technique that could detect antibiotic residues in milk, and suggested the FSA adopt it for widespread testing.

At a meeting with Paterson last December, [the FSA Chair] "explained yet again" to him that her agency did not have official responsibility for deciding how milk should be monitored.

An FSA memo said that in response to Randox's suggestion the agency had collected samples of milk, but found little of concern.

The Guardian has previously reported Paterson helped Randox as it sought contracts from the Department for International Development. In 2016, he wrote on House of Commons stationery to Priti Patel, then international development secretary, asking her to meet representatives of Randox.

In January 2017, Paterson and a Randox employee met Rory Stewart, then a junior DfID minister, and discussed, among other issues, "potential commercial opportunities Randox may wish to explore".

Four days later, Paterson wrote to Stewart promoting Randox's "reliable blood tests", which, he said, "would appear to be an excellent use of UK aid resources". Paterson listed a number of ways that DfID could assist Randox win contracts.

In 2017, Randox doubled its fee to Paterson to nearly £100,000 a year. Randox said: "It is a matter of public record that Owen Paterson has worked for Randox Laboratories Ltd since August 2015."

Lynn's Country Foods said: "Owen Paterson's consultancy for Lynn's Country Foods is a matter for the public record. We do not propose to comment further at this time."

3. Letter from the Commissioner to Rt Hon Owen Paterson MP, 30 October 2019

I would welcome your help with an inquiry I have started, following a recent article in The Guardian, which raised some questions concerning your paid work for Randox Laboratories Ltd (Randox) and Lynn's Country Foods Ltd (Lynn's Country Foods). It appears that you may have used parliamentary resources in the course of your work for these two companies. I will also consider whether you at any time crossed the line into paid advocacy when you approached government departments and agencies and others on their behalf; and whether your business interests were at all times properly declared.

I have decided to open an investigation on my own initiative, in accordance with the authority given to me through Standing Order No 150.

Background

The Guardian article, published online on 30 September 2019 (copy enclosed), claims that you used House of Commons stationery to write to Ministers on behalf of Randox; that you lobbied Ministers on behalf of Randox, and that you lobbied both Ministers and the Food Standards Agency on behalf of Randox and Lynn's Country Foods.

My Inquiry

My inquiry will focus on whether you breached the rules relating to (A) the use of parliamentary resources, (B) paid advocacy and (C) the disclosure of interests.

Use of parliamentary resources

Paragraph 15 of the 2015 Code of Conduct says:

> *15.Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*

These rules are supported by additional rules, for example on the use of House-provided stationery. Paragraph 3 of those rules says:

> *House-provided stationery and pre-paid envelopes are provided only for the performance of a Member's parliamentary functions. In particular, this excludes using stationery or postage:*

…

for business purposes…

The Guardian article alleges that in 2016 you wrote to Priti Patel, then International Development Secretary, using House of Commons headed paper, asking her to meet representatives of Randox.

Documents released by the Food Standards Agency under Freedom of Information legislation show that from the autumn of 2016, the Chair of the FSA wrote four letters addressed to you at your parliamentary office .[1] Those letters were dated 30 November 2016, 10 February 2018 and 10 December 2018. The FSA has not published any letters from you which form part of this correspondence.

Documents released by the FSA show that you have met FSA representatives on four occasions since 1 January 2016. These were on 15 November 2016, 15 November 2017, 9 July 2018 and 18 December 2018. The meeting on 9 July 201[8] was to take place on parliamentary premises.

Information needed

(1) Please forward any correspondence relating to, and notes of, the above meetings/discussions between yourself and the FSA or DfID, and any others which have taken place since 1 January 2016.

(2) Please give a brief history of your dealings with FSA and DfID on behalf of Randox and Lynn's Country Foods.

(3) Please confirm whether you at any time wrote from your parliamentary office, or used it as a correspondence address, when corresponding with FSA or DfID about the concerns of Randox or Lynn's Country Foods.

(3a) if you did so, please provide details.

(4) Please confirm whether you at any time corresponded with FSA or DfID about the concerns of Randox or Lynn's Country Foods using parliamentary resources such as the parliamentary email or pre-paid postage or parliamentary headed paper.

(4a) If you did so, please provide details.

[1] Actually three.

(5) Please review your answers above. How far do you consider that your use of parliamentary facilities and services met the requirements of paragraph 16 of the Rules of Conduct?

Paid advocacy

Paragraph 11 of the Rules of Conduct prohibits paid advocacy:

> *11. No Member shall act as a paid advocate in any proceeding of the House*.

Chapter 3 of the Guide to the Rules amplifies this. Paragraph 8 of that chapter says:

> *8. The rules place the following restrictions on Members:*
>
> *a) When initiating proceedings or approaches to Ministers, other Members or public officials. Subject to paragraph 10 below, Members must not engage in lobbying by initiating a proceeding or approach which seeks to confer, or would have the effect of conferring, any financial or material benefit on an identifiable person from whom or an identifiable organisation from which they, or a family member, have received, are receiving, or expect to receive outside reward or consideration, or on a registrable client of such a person or organisation;*
>
> *b) When participating in proceedings or approaches to Ministers, other Members or public officials. Members may lobby by participating in such proceedings or approaches which would confer a financial or material benefit on the identifiable person from whom or identifiable organisation from which they, or a family member, have received, are receiving or expect to receive outside reward or consideration (or on a registrable client of such a person or organisation) provided that they have not initiated those proceedings or approaches and that their approach or participation does not seek to confer benefit exclusively on that person or organisation (or on their client) and provided that that person or organisation (or their client) has not initiated the event.*

Information needed

The Guardian article details your approaches to the FSA on behalf of Randox and Lynn's Country Foods between 2016 and 2018, and your approach to Priti Patel in DfID on behalf of Randox in 2016. It also alleges that you made approaches to Rory Stewart on behalf of Randox when he was in DfID in 2017.

(6) Please advise whether your approaches to the FSA and DfID since 1 January 2016 were initiated by you, or by Lynn's Country Foods or Randox – or by someone else.

(7) Do you consider that on any of these occasions your activities conferred, or sought to confer, a financial or material benefit on the company for whom you worked? Please give reasons for your answers.

(8) Do you consider that on any of these occasions your activities conferred, or sought to confer, a financial or material benefit on other companies in the same sectors as Randox (or Lynn's Country foods)?

Disclosure of interests.

Paragraph 13 of the 2015 Code of Conduct says

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

Chapter 3 of the Guide to the Rules provides more detail about the requirement for ad hoc disclosures. Paragraphs 2 and 7 include the following:

> *2.The declaration of interests ensures that Members, the public and others are made aware at the appropriate time, in proceedings of the House and on other occasions, of any interest relevant to those proceedings or to the actions or words of a Member. The requirement to declare an interest complements the registration requirements and applies from the time the House first sits after the Member is elected and to almost every aspect of a Member's parliamentary duties. It covers a broader range of interests than registration*.
>
> *…*
>
> *7) e) When approaching others:*
>
> *Members must declare a relevant interest in any communication, formal or informal, with those who are responsible for matters of public policy, public expenditure or the delivery of public services. That includes communications with Ministers, either alone or as part of a delegation: with other Members; with public officials (including the staff of government departments or agencies and public office holders).*

If those communications are in writing, then the declaration should be in writing too; otherwise it should be oral.

(9) Please advise whether, and if so when, you declared your business interests in approaches to the FSA and DfID since 1 January 2016.

Important information

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

Procedure

I enclose a copy of the Commissioner's Information Note, which sets out the procedure for inquiries. Please note that this has not yet been updated to reflect the changes flowing from the decision of 19 July 2018.

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

I should say now, as a matter of courtesy, that I may seek the advice of the House authorities or others in the course of this inquiry.

Finally, this letter and any subsequent correspondence between us in connection with this inquiry is protected by parliamentary privilege. It should be kept confidential until the outcome of my inquiry is published. All the relevant evidence, including our correspondence, will be published when I have concluded my work.

Action

Please acknowledge receipt of this letter by return. I would be grateful to have your full response to this letter as soon as possible.

While I must cease work on this inquiry during Dissolution, I would expect to return to it in the new Parliament.

30 October 2019

Enclosure to Commissioner's letter of 30 October 2019: FSA freedom of information materials

3i. The freedom of information request

My request relates to meetings between Owen Paterson, the MP for North Shropshire, and the chief executive and chair of the Food Standards Agency.

Under the act, I would like to ask how many times a) the chief executive and/or b) the chair of the Food Standards Agency have held meetings with Mr Paterson since January 1 2016.

Under the Act, I would also like to ask on what dates did each of these meetings take place.

Under the Act, I would also like to request complete copies of the minutes and agenda of each of these meetings. I would also like to request complete copies of all and any documents (such as briefing material, letters, memos, emails, memorandums of conversations) which were prepared for or connected with each of these meetings, either before or after the event.

3ii. FSA's response

There have been four meetings between the Chief Executive and/or Chair of the FSA and Mr Paterson since January 01 2016. These meetings took place on the below dates:

15 November 2016

15 November 2017

09 July 2018

18 December 2018

Searches were conducted for emails, letters, briefing material, minutes, agendas and all other notes or records of conversation relating to or resulting from these meetings. This documentation and correspondence is provided in Annexes C and D of this letter. Please note that some information has been withheld under section 31, section 40 and section 43 of the Act. Further information regarding the use of these exemptions can be found in [the Annex to] the letter.

Annex

Section 31 (Law Enforcement)

Some information which relates to the regulatory functions of the FSA and/or other public authorities has been withheld under section 31 (1)(g) and 2(a) and (c) of the Act.

Section 31 (1)(g) and 2(a) and (c) states that:

Section 31(1) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2);

(2)(a) the purpose of ascertaining whether any person has failed to comply with the law;

(2)(c) the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise.

This information is being withheld under section 31(1)(g) and (2)(a) and (c) as the information is held for the purposes of law enforcement and disclosure would be likely to prejudice future regulatory action by appropriate authorities.

We consider section 31(1)(g) and (2)(a) and (c) are engaged as we feel that disclosure of information would be likely to prejudice a public authority's ability to determine the course of any future investigations and furthermore could hinder any enforcement action that may be taken as a result of future incidents.

As a qualified exemption, section 31 requires the undertaking of a public interest test to decide whether the balance of the public interest weighs more heavily in favour of withholding the information or releasing it. There is a lot of public concern about food safety particularly in relation to the enforcement of food safety issues. It is also in the public interest for there to be confidence in the FSA and other public authorities that where food safety breaches occur, we are prepared to take appropriate action.

Against disclosure, however, is a stronger public interest in ensuring compliance with relevant legislation and in ensuring that public authorities are not prejudiced by the inappropriate or premature disclosure of information. The FSA is reliant on retaining the confidence of public authorities that information supplied to the FSA will be used appropriately and proportionately and that the regulatory and enforcement role of that authority will not be undermined by inappropriate disclosure.

We have, therefore, concluded that the balance of the public interest weighs more heavily in favour of withholding this information.

Section 40 (Personal Information)

Some information has been withheld as it contains personal details relating to third parties or staff below Civil Service Grade 7. We consider that it would be disproportionate to publicly disclose these personal details, unless there was a strong public interest to do so.

These individuals have a legitimate and reasonable expectation that their personal details will not be disclosed in the context in which it is held. Disclosures under the Act are not just to those who request it but to the world at large.

Article 5(1)(a) of the General Data Protection Regulations (GDPR) and Section 35 (1) of the Data Protection Act 2018 (DPA) requires the processing of personal ata to be fair and lawful.

On balance, we do not consider there to be a legitimate public interest in disclosing this information. Disclosure of this information would contravene the first data protection principle, particularly that to process the data in this way (i.e. by disclosure to the public) would not be fair in all the circumstances. Furthermore, we do not consider that Art 6 (1) of the GDPR is satisfied in that disclosure would not be lawful. Therefore, the information is exempt under section 40(2) and (3) of the Act.

Section 43 (Commercial Interest)

Information which names specific company involvement and/or contains details of the formulation of their products (such as ingredients or their methodology) has been withheld from disclosure under Section 43(2) of the Act.

Section 43(2) states the following:

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

As section 43(2) is also subject to a public interest test, we have undertaken a public interest test to decide whether the balance of public interest favours disclosing or withholding the information.

Whilst there is a general public interest in increasing transparency and openness, particularly with regards to the provision of safer food, there is also a need to protect the legitimate commercial interests of companies. If food business operators believe that information provided to the FSA, including sensitive information such as production practices of their company, will be published, they would likely to be reluctant to provide the FSA with all the information it requires to carry out its statutory functions in future.

This could be damaging to the FSA's objective of protecting public health in relation to food. It is not in the public interest to disclose information that could be used by competitors and weaken a company's position in an already competitive market. This would give rise to commercial disadvantage, reputational damage and a loss of confidence in both the FSA and the companies concerned.

We believe, therefore, that the balance of the public interest favours withholding the information.

Attachments relevant to work for Lynn's Country Foods

3iii. Document headed "'All Natural' labelled ham complaint"

This appears to be briefing for a meeting. It is undated, but the emails of November 2017 which follow suggest that it was prepared for the meeting of 15 November 2017.

Issue

[Section 31] our advice regarding the indirect use of vegetable extract nitrates e.g. celery in a product and quoted the following extract from the FSA Additives Guidance:

"VEGETABLE EXTRACT NITRITES

86. The indirect addition of nitrates to foods via nitrate rich extracts of vegetables such as spinach or celery should be considered an additive use, and not a food use. In such cases the extract is being added for preservation as it contains a standardised level of nitrate and consequently such use would not be permitted by Regulation 1333/2008 as these extracts have not been approved as preservatives."

[Section 31]

FSA policy position

- FSA guide to compliance on food additives legislation states that the indirect addition of nitrates to foods via nitrate rich extracts of vegetables such as spinach or celery should be considered an additive use, and not a food use. In such cases the extract is being added for preservation as it contains a standardised level of nitrate and consequently such use would not be permitted by Regulation 1333/2008 as these extracts have not been approved as preservatives as they do not meet the specifications for nitrates. This guidance appears to be generally well understood by UK industry,

- This advice reflected the conclusions of a meeting of the EU expert Working Group on Food Additives in September 2006, the outcome of which was endorsed by the Standing Committee on the Food Chain and Animal on 14 December 2006, and subsequently at a Standing Committee meeting in May 2010. All EU Member States considered that such a practice would be a deliberate use of a food additive if used for the intended technological purpose of preservation in the final food. Consequently, such a use of a food additive should comply both with the food additive legislation and also be labelled in compliance with the appropriate food labelling legislation.

- More recently, the issue of nitrite rich vegetable extracts was discussed at the EU food additives expert Working Group meeting in December 2016 in response to concerns that these extracts are added to meat products which are then labelled as "additive free" which misleads consumers. At that meeting the German delegate confirmed that a manufacturer had been successfully prosecuted for misusing

nitrate-rich extracts in meat products. The Irish delegate considered that, in some cases, a vegetable may be used as an ingredient which may contain naturally-occurring nitrates. This would not be a misuse of an additive. The Commission re-iterated its earlier advice that if the intention of adding vegetable extract is to achieve a technological function in the food, this is an unauthorised use of an additive.

Cross-border co-operation and collaboration between SAN/ and FSA/

FSA and FSAI have close working relationships at both strategic and operational levels. A memorandum of understanding exists between the two organisations that sets out the principles for cooperation ·concerning food safety and authenticity incidents that impact on either or both jurisdictions. Senior management officials in FSA in NI and FSAI meet formally on a regular basis, and this is underpinned by regular liaison between operational colleagues.

Exchanges of emails between November 2017 and January 2018

3iv. Internal FSA email of 14 November 2017

From: [Section 40]

Sent: 14 November 2017 17:03

To: [Section 40]; [name redacted]

Cc: [FSA staff names redacted]

Subject: Briefing - 'All natural' labelled ham complaint

Hi [names redacted]

Please see attached a short brief for the FSA Chair's meeting with Owen Paterson tomorrow. [Section 31]. I have included this in the brief. FSAI are content that these lines can be shared with Owen Paterson.

Kind regards,

[Section 40] I Senior Advisor I Standards and Dietary Health Team I Food Standards Agency in Northern Ireland 10a-c Clarendon Road Belfast BT13BG I [Section 40]

3v. Second Internal FSA email of 14 November 2017

From: [name redacted]

Sent: 14 November 2017 17:22

To: [Section 40]

Cc: [FSA staff names redacted [Section 40]

Subject: RE: Briefing - 'All natural' labelled ham complaint

Hi [Section 40),

Many thanks. Could I ask one more favour please? Just a general line on cross-border co-operation and collaboration between FSANI and FSAI. These can be used to highlight the positive working between the countries and the need for sensitivity to maintain these working arrangements as we move towards EU exit and beyond.

Many thanks, [name and contact details redacted]

From: [name redacted]

From: [Section 40]

Sent: 15 November 2017 09:00

To: [Names redacted][Section 40]

Subject: RE: Briefing - 'All natural' labelled ham complaint

Good morning [name redacted],

Please see below a general line on cross-border co-operation and collaboration between FSANI and FSAI.

FSA and FSAI have close working relationships at both strategic and operational levels. A memorandum of understanding exists between the two organisations that sets out the principles for cooperation concerning food safety and authenticity incidents that impact on either or both jurisdictions. Senior management officials in FSA in NI and FSAI meet formally on a regular basis, and this is underpinned by regular liaison between operational colleagues.

I have included this in the brief. We also received updated lines from FSAI late last night. The only change they made was to add “the FSAI will be monitoring the

situation closely" to the last sentence. I have also reflected this amendment in the attached.

[Section 40] if you require anything further please contact [name redacted].

Kind regards,

5 [Section 40] | Senior Advisor | Standards and Dietary Health Team | Food Standards Agency in Northern Ireland 10a-c Clarendon Road Belfast BT13BG | [Section 40]

3vi. Internal FSA email of 16 November 2017

From: [name redacted]

Sent: 16 November 2017 16:51

To: [Names redacted]

[Section 40] Cc: [Section 40]

Subject: FW: Briefing - 'All natural' labelled ham complaint

Hi All,

A quick update from yesterday's meeting with Rt. Hon. Owen Paterson MP (OP) and the NI company.

FSA confirmed once more that use of "natural" extracts / flavourings etc to perform additive functions in products is only permitted where they are authorised food additives and properly labelled as such. I referred to the legal definition of 'food additive" and highlighted the fact that the same substance could potentially fall under a number of regimes depending on purpose and level of use and that the intention of use and actual function in the product is key to determining whether a product falls within the food additives definition.

OP and the company were pleased with the progress made by FSA NI via their interactions with FSAI [Section 31]. The need for continued good relations with FSAI was fully appreciated and acknowledged by OP and the company.

During the meeting the company described their own "innovative" bacon product(s) which are being prepared for launch in the new year and apparently use [Section 43] and a mixture of flavourings which are already on the market to achieve natural antioxidant and preservative functions, without involving nitrates. I challenged the company to explain how this was different to what their competitor is currently doing in terms of the additives legislation. In responding, the company focused on the safety of their new products and the health benefits of not using nitrites, the fact that the [Section 43] / flavourings mixture was already being used in other EU countries (France and Spain) and that because a very large international food business had been involved in its development it "must be ok". We said that whilst opening a choice up to people wishing to avoid nitrites in meat products was laudable, as a regulator we were still concerned how the product might fit with the additives legislation and suggested that the company should bottom this out properly sooner rather than later.

Key point: Despite the clarification given at the beginning of the meeting, the company did not seem to recognise that, in terms of the additives legislation, the use of trojan substances containing nitrites to perform additive functions and the use of

trojan substances that do not contain nitrates to perform additive functions are one and the same thing. It is clear that where substances are performing additive functions in a product they must be authorised food additives. It seemed that, to the company, taking the nitrites out of the equation somehow made everything alright.

Question: Have FSANI colleagues had any discussions with the company about their new product(s)?

Action agreed: FSA (officials) to write to company, copied to OP, confirming the policy/legal position with regard to trojan additives.

[Section 40]: As discussed, grateful if you could distil the policy position into a letter which should – after consulting Private Office [Section 40] and FSANI - go forward from [name redacted] as Head of Food Additives, Flavourings and Contact Materials Policy. In view of the discussion, the letter should be clear that trojans of any kind, not just those containing nitrites, are not permitted.

Happy to discuss, [Section 40]

3vii. Internal FSA email of 26 January 2018

Sent: 26 January 2018 13:12

To: [FSA staff names redacted] [Section 40]

Cc: [Section 40]

Subject: FW: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Importance: High

Hi All,

Please find attached a draft response for [the Chair] to send to Owen Paterson MP, on which I would be grateful for your comments.

My aim is not only to correct the inaccurate assertions about the outcomes of the meeting of 15 November (at which I was also present) but also to dispel any impression that the FSA is trying to be difficult, obstructive or stifle innovation and put the spotlight on the key issue at this stage of whether the substances being used by the company are selective extracts or otherwise. This response should be sent by [the Chair] at some point after [staff name redacted] questions go forward to Finnebrogue and I have drafted on that basis.

As per [name redacted]'s e-mail below this response also provides a useful opportunity to include an update from colleagues in FSANI. As such, I have e-mailed them seeking a contribution which I will need to weave in on receipt.

Responses by close today, Friday 26 January, would be helpful. Kind regards,

[name and contact details redacted]

3viii. Internal FSA email of 29 January 2018

From: [name redacted]

Sent: 29 January 2018 12:56

To: [Section 40]

Cc: [Section 40]; [FSA staff names redacted]

Subject: FW: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson

MP - 15 November 2017

Importance: High

Hi [Section 40),

With thanks to [names redacted], please find a revised draft attached.

Ordinarily, I would be trying to keep things as high level as possible, but I think that [the Chair's] involvement necessitates a level of detail in this response beyond that which we would normally be recommending. As such, I have revised the draft to cover points which I feel remain helpful/necessary, but in less detail. Overall, I think [the Chair] needs to show that she is engaged to a sufficient level, is clear about the current position, indicates that there are discussions to be had between the FSA and the company at the technical level, and encourages a collaborative approach.

Your views would be appreciated. I think this could go with or without an update from FSANI (they currently seeking an update from FSAI), depending on [the Chair's] preference.

Happy to discuss. Kind regards,

[name and contact details redacted]

3ix. Second internal FSA email of 29 January 2018

From: [name redacted]

Sent: 29 January 2018 14:07

To: [Section 40]

Cc: [FSA staff names redacted]

[Section 40]

Subject: RE: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP -15 November 2017

Hi [Section 40],

I have amended the draft further to [the Chair's] comments which you kindly conveyed when we met earlier this afternoon.

As we discussed, whilst a progress update from FSA NI is still required (and would be appreciated) it will not be included in [the Chair's] response which will now be sent as soon as practicable.

Kind regards,

[name and contact details redacted]

3x. Third internal FSA email of 29 January 2018

On 29 January 2018 at 16:52:46 CET, [FSA staff name redacted] wrote:

Hi [name redacted]

Many thanks for sharing.

5 [Section 31 and Section 43] Hopefully we will receive a response.

Regards [name and contact details redacted]

3xi. Fourth internal FSA email of 29 January 2018

From: [Section 40]
Sent: 29 January 2018 16:37
To: [FSA staff names redacted]
Subject: RE: ACTION: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP - 15 November 2017

Hi [name redacted],

Thanks very much for making those amendments. Please could you send the finalised version through to the Correspondence Unit (Cc'd) for processing and dispatch.

[name redacted]- thanks for the update.

All the best,
[Section 40] Private Secretary

3xii. Fifth internal FSA email of 29 January 2018

On 29 January 2018 at 17:47:34 CET, [name redacted] wrote:

Hi [Section 40),

Many thanks. Just to be clear, is the intention for this to go as a formal letter from [the Chair] or just as an e-mail response? (I had been assuming the latter).

Regards,

[name and contact details redacted]

3xiii. Sixth internal FSA email of 29 January 2018

From: [name redacted]

A letter please - though no need to send a hard copy. All the best,

[Section 40]

5 Private Secretary to the Chair and Deputy Chair [Section 40]

3xiv. Briefing headed Chair meeting with Owen Paterson MP - 9 July 2018

Lines to take

- The FSA has been unable to determine whether the use of the Prosur natural flavouring in Finnebrogue's nitrite-free meat products falls within the regulatory framework. This is due to Prosur and Finnebrogue not providing sufficient information (despite numerous requests) to establish whether it is a food additive or not.

- Although the FSA has regularly engaged with the parties and Mr Paterson since November 2017 and accommodated every request for a meeting, all avenues for resolution at a national level have been exhausted.

- Food additives and flavourings are EU-harmonised areas. EU legislation provides for the possibility to refer interpretation questions to the EU Commission for a decision. The FSA agreed with Finnebrogue and Prosur in May 2018 that it would seek a Commission interpretation and would facilitate their presenting a case to EU Member States (MSs).

- A referral to another MS instead of the Commission, as more recently requested by Finnebrogue and Prosur, would be inappropriate and would not provide clarity for a practice which is alleged to be widely spread across Europe.

Background

The FSA met with Finnebrogue and Prosur[2] on three occasions, on 15 November 2017, 15 January 2018 and 24 May 2018. Mr Paterson also attended the meetings.

Eight months on from the initial meeting, despite numerous exchanges between the FSA and Finnebrogue and Prosur (and their lawyers), no progress has been made. The FSA has devoted considerable resources to explaining the EU requirements concerning food additives and flavourings.

We have come to the view that an EU-harmonised approach is required in this instance due to Finnebrogue and Prosur's unwillingness to accept the FSA's interpretation of the law, together with the allegation that this type of product has received official sanction by several MSs. As agreed with Finnebrogue and Prosur on 24 May 2018, we will refer the matter to the EU Commission for interpretation.

---

[2] Finnebrogue is a manufacturer of meat products based in Northern Ireland. Prosur is a Spanish producer of fruit and spice extracts which are marketed as natural flavourings with nitrite replacement properties. [Section 43]

In the latest exchange with Finnebrogue and Prosur lawyers on 26 June 2018, they are no longer content with a referral to the EU Commission (despite Finnebrogue's initial strong support). They have requested we refer the case to the Spanish Authorities to rule on the matter (which would be inappropriate as it is outside their remit).

3xv. Document headed Chair meeting with Owen Paterson MP - 9 July 2018

We have been working with the Spanish Authorities and other MSs from the outset and they are following developments closely. As part of a referral to the Commission, we have offered Finnebrogue the opportunity to make a case directly to MS experts (at an EU Expert Group meeting).

There is a growing concern across Europe about the excessive use of antioxidants in fish and meat products.

Food additives must be listed on the product's label indicating the function they perform (e.g. 'preservative: sodium nitrite', 'antioxidant: sodium ascorbate'). There is a perceived premium associated with 'clean label' products. Products that do not contain additives are perceived as 'healthier' or 'more natural'. Food manufacturers will go to great lengths to find 'natural' alternatives to food additives that may indirectly carry similar functions but are not subject to the additive labelling requirements. An example is the use of nitrite-rich vegetable extracts instead of added nitrates/nitrites. In 2006 and 2010 the EU Commission issued statement to clarify that those extracts, when added to food, have a food additive purpose and are subject to food additive requirements (including labelling).

Not for the meeting

[Section 31]. However, MSs are now considering the need to clarify the status of this type of product. This is likely to go ahead independently of the UK's proposal to refer the matter to the EU Commission for interpretation.

3xvi. Internal FSA email of 10 July 2018

Sent: 10 July 2018 09:18

To: [Section 40)

Cc: [Section 40)

Subject: Fwd: Finnebrogue Hi [Section 40),

Thanks for your help on this. Please see the suggested wording by [the Chair] below, grateful for any thoughts as soon as possible.

Please could you also confirm the Member States where Prosur products are sold? Many thanks,

[Section 40]

3xvii. Briefing for meeting of 18 December 2018

PR/14Dec18v1.1

Chair's meeting with Owen Paterson on 18 December 2018 - Finnebrogue's naked bacon

Lines to take

- We welcome Finnebrogue's assurances that it will amend labels to declare the presence of ascorbic acid and to remove the 'no E number' claims. We hope to see these changes reflected on their own and third-party websites, as well as on other marketing information (including packaging) as soon as practicable

- Finnebrogue agreed to these in October but are yet to explain when they expect to make the changes. [Section 43]

- Closure of this matter is dependent on the satisfactory amendment of its product labelling; the sooner this is addressed the sooner Finnebrogue may be able to obtain export certificates from DAERA for its products.

Handling

The FSA has been in discussion with the company since November 2017 over the legal status of the extracts they use in the production of their bacon. They currently state these are natural flavourings. Following a Commission statement in September 2018 on the use of plant extracts in foods, we were informed Finnebrogue intend to change the label of their bacon to indicate the presence of food additives. We would like to see these changes made without delay.

The labelling change is important as consumers should be given adequate information on the nature of the product i.e. the fact that it contains a food additive. The Local Authority and the FSA are waiting to see mock-ups of the new label. Whilst the FSA will not be formally approving the new labelling, if this does happen, we will consider the matter closed as the function of the extract is accurately described.

Background

Finnebrogue have been very vocal about the impacts the delays in obtaining export certificates are having on their company and UK trade in general, however, they have not provided adequate reasons for the delays in changing the labelling of their bacon.

A note on the recent developments on Finnebrogue's Naked Bacon was provided on 16th November which gives further background information on this matter.

In October Finnebrogue agreed to change the labelling of their product to mention the presence of food additives and to remove claims on the absence of E numbers. They said they would provide mock-ups of the labels to the local authority before the end of October but have now said this will not happen until a week before Christmas. Currently, the product is not compliant as they are not declaring the presence of an additive.

It is also important that the marketing material on Finnebrogue's website and also that available on retailer's websites (e.g. Ocado, Tesco) is revised to remove any 'no additives or 'no E number' claims.

Internal FSA emails from 18 to 19 December 2018

3xviii. FSA Chair's internal email of 18 December 2018

Sent: 18 December 2018 09:48

To: [Section 40)

Cc: [Section 40)

Subject: Re: Owen Paterson Briefing

Thank you for this briefing. The points we covered were:

Randox - I explained yet again to Mr Paterson that we do not have policy responsibility for milk testing equipment and monitoring et cetera. I again advised he needed to contact Defra and Daera, (since a lot of the issue he is talking about appears to be in Ireland) to take this forward. I could cast no light on why Defra had decided not to pursue it. He is going to get in touch with [names redacted], the Permanent Secretary at Daera and the relevant chief vets.

Finnebrogue - he has not heard back from Finnebrogue in recent weeks. I reiterated that, I set out in my letter, there was no evidence received by the FSA that the Prosur product has been approved by other EU member states. Also, that I was pleased to see the company did now intend to follow the advice provided by the local authority, e.g. on labelling. If that happens, then there would be no further action on this issue. I confirmed that in our approaches to EU partners, we had concentrated on approvals of the product not the Finnebrogue bacon by name.

Thanks.

[Chair, contact details redacted]

3xix. FSA internal email of 19 December 2018

From: [Section 40]

Sent: 19 December 2018 11:47

To: [name redacted]

Subject: RE: OP letter

Hi [name redacted]

Unfortunately I couldn't attend the OP meeting in the end, but here is [the Chair's] readout from the Finnebrogue bit of the meeting:

Finnebrogue - he has not heard back from Finnebrogue in recent weeks. I reiterated that, I set out in my letter, there was no evidence received by the FSA that the Prosur product has been approved by other EU member states. Also, that I was pleased to see the company did now intend to follow the advice provided by the local authority, e.g. on labelling. If that happens, then there would be no further action on this issue. I confirmed that in our approaches to EU partners, we had concentrated on approvals of the product not the Finnebrogue bacon by name.

[Section 40]

All the best,

[Section 40]

Attachments relevant to work for Randox

3xx. FSA internal emails of 13 to 14 December 2018

From: [Section 40)

Sent: 13 December 2018 23:23

To: [name redacted]

Subject: OP letter

Hi [name redacted]

[The Chair's] letter was sent to OP [Section 40). I hope it hits all right buttons, it was crafted around the briefing that [Section 40) put together.

All the best,

[Section 40)

Head of Private Office [Section 40)

3xxi. First FSA internal email of 14 December 2018

Sent: 14 December 2018 09:26

To: [Section 40)

Subject: RE: OP letter

5 Thanks, [Section 40]. Let's see what OP has to say on 18 December. [name and contact details redacted]

3xxii. Second FSA internal email of 14 December 2018

On 14 December 2018 at 14:01:42 GMT, [Section 40) wrote:

Hi [Chair]

Please see the attached briefing for Owen Paterson on the 18th Dec. One of them is an earlier briefing from October 2018 by [Section 40] for reference.

Let me know if there is anything else you need.

Many thanks,

[name and contact details redacted]

[Section 40)

3xxiii. Briefing for meeting on 18 December 2018

Meeting 18/12/2018

Meeting titled: Meeting with Owen Paterson

Attendees: [FSA Chair], Owen Paterson

Purpose: Briefing requested by [Chair]

Purpose of meeting: Update which may involve discussion relating to Randox testing

Recent history

- In 2016, Randox Laboratories approached the FSA having developed a new technology (Infiniplex) for multi-platform screening of veterinary residues. Randox used the technology to identify low levels of antibiotics (florenicol) in milk and wanted FSA to adopt this new technology for routine testing.

- Samples tested by Randox could not be traced back to source as appropriate traceability information was not provided, FSA risk assessments indicated that the levels of antibiotics reported by Randox were low and that there was no risk to food safety.

- VMD (Veterinary Medicines Directorate) increased their testing regime under their approved procedures to include florenicol. There have been no further developments on this issue since April 2017.

Key facts

- It is not the remit of FSA to decide on the methodology to be used in milk monitoring.

- [Section 43]

Primary aim for discussion: Use of Randox Laboratories Infiniplex technology for multi-platform screening of veterinary residues.

Recommended outcomes

- Maintain current status quo

- Reiterate that is not the remit of the FSA to decide on methodology to be used in milk monitoring if new evidence from Randox Laboratories is presented.

Contentious Issues

What they think?

- Randox Laboratories believe that only limited surveillance is conducted against the number of drugs that are regulated within the EU leaving a gap in surveillance and therefore increased risk, and that Infiniplex offers technology to resolve this.

- Randox have previously indicated their wish to work in parallel with the FSA on a review of antibiotic residues in milk.

Who supports their view?

- As a paid consultant to Randox, Owen Paterson has previously supported this view.

What we think?

- It is not in the remit of the FSA to decide on methodology to be used in milk monitoring as it is down to VMD/Defra and those labs undertaking the monitoring programme to decide what methods are used. Therefore, if Randox wishes to conduct a comparative trial they should approach the National Reference laboratories through VMD.

- In response to Randox's concern, a total of 130 samples were collected in 2017 from farms across the UK and analysed for florfenicol at the very low sensitivity of around 1pg/kg (parts per billion). All were compliant.

- [Section 43]

Potential vulnerabilities?

- Randox may conduct further testing using Infiniplex technology to further challenge existing approved methodology.

Scope for negotiation?

- As methodology for milk monitoring is outside of the FSA's remit there is little scope for negotiation.

- The FSA have previously provided Randox with advice on how to go about accreditation but have made it clear that we are unable to provide opinion on the suitability of the new methodology for enforcement purposes.

Please see attached previous briefing note by [Section 40] produced on 24 October for [name redacted]

3xxiv. FSA internal emails of 18 -19 December 2018

Sent: 18 December 2018 09:48

To: [Section 40)

Cc: [Section 40)

Subject: Re: Owen Paterson Briefing

Thank you for this briefing. The points we covered were:

Randox - I explained yet again to Mr Paterson that we do not have policy responsibility for milk testing equipment and monitoring et cetera. I again advised he needed to contact Defra and Daera, (since a lot of the issue he is talking about appears to be in Ireland) to take this forward. I could cast no light on why Defra had decided not to pursue it. He is going to get in touch with [names redacted], the Permanent Secretary at Daera and the relevant chief vets.

Finnebrogue - he has not heard back from Finnebrogue in recent weeks. I reiterated that, I set out in my letter, there was no evidence received by the FSA that the Prosur product has been approved by other EU member states. Also, that I was pleased to see the company did now intend to follow the advice provided by the local authority, e.g. on labelling. If that happens, then there would be no further action on this issue. I confirmed that in our approaches to EU partners, we had concentrated on approvals of the product not the Finnebrogue bacon by name.

Thanks.

[Chair, contact details redacted]

3xxv. FSA internal email of 19 December 2018

From: [name redacted]

Sent: 19 December 2018 11:59

To: [Section 40]

Cc: [Section 40]

Subject: FW: OP letter

FYI

[name and contact details redacted]

Head of Private Office

[Section 40]

3xxvi. Emails between Mr Paterson's office and the Food Standards Agency, 29 June to 2 July 2018

On 29 June 2018 at 16:19:41 BST, [Section 40] wrote:

Dear [Section 40]

Further to our telephone conversation I confirm that I am holding Tuesday 3rd July at 5.45pm in Owen's diary to meet in Westminster. I look forward to hearing from you on Monday morning once you have been able to speak to [the Chair].

I hope you have a good weekend.

Kind regards [Section 40]

[Section 40] Office Manager to the Rt Hon Owen Paterson MP Member of Parliament for North Shropshire House of Commons, London SW IA 0AA [Section 40]

Sent: 29 June 2018 16:59

To: [Section 40)

Subject: Re: Re Owen Paterson meeting

Dear [Section 40],

Thank you very much, and wishing you a good weekend too.

All the best,

[Section 40]

[contact details redacted]

On 2 July 2018 at 17:43:38 BST, [Section 40] wrote:

From: [Section 40)

[Section 40]

Dear [Section 40]

Have you had any joy in confirming the meeting on 9th July? Would 6pm work for [the Chair]?

Kind regards [Section 40]

5

From: [Section 40]

Sent: 02 July 2018 17:51

To: [Section 40] ·

Subject: RE: Re Owen Paterson meeting

10 Dear [Section 40],

Apologies, I asked and then got distracted. It most certainly would, for both of us. All the best,

[Section 40]

15 [name and contact details redacted]

From: [Section 40)

Sent: 02 July 2018 17:58

To: [Section 40)

20 Subject: RE: Re Owen Paterson meeting

Dear [Section 40]

I know the feeling! Thank you for confirming 6pm next Monday. This will be in Owen's office at 1 Parliament Street.

If you have any queries, please do let me know.

Kind regards [Section 40]

[Section 40]

4. Email from Rt Hon Owen Paterson MP to the Commissioner, 15 January 2020

Further to our exchange of emails, I have composed a full reply in response to your letter dated 30 October.[3]

I am contacting you as the letter contains sensitive information which, if put into the public domain in an inappropriate manner, would have damaging implications for the dairy industry. I would be grateful if you could give me information about the process and timescale of the public publication of the letter. In the interests of transparency and to aid your inquiry, there are a number of documents which I intend to send as attachments in full. These will include the names and personal details of private individuals. I would be grateful for an assurance that, should these documents be published, all names and personal details will be redacted.

I would be grateful for a response as soon as possible in order to meet your deadline of 16 January.

15 January 2020

[3] Mr Paterson and the Commissioner had exchanged correspondence about when he might provide a substantive response to her letter of 30 October.

5. Email from the Commissioner's Office to Rt Hon Owen Paterson MP, 16 January 2020

Thank you for your email. I have been asked to reply.

It is usual for the outcome of the Commissioner's inquiries to be published at the end of the investigation process. It is published either by the Commissioner or by the Committee on Standards, depending on the outcome. The published material generally includes all the correspondence exchanged during the course of an inquiry, although there have been two recent exceptions to that general approach.

The Commissioner could not give you an absolute commitment not to publish names/personal details of individuals in advance of seeing the material but she would generally redact the personal details of third parties unless they are relevant to her decision. If you would make clear in your reply to the Commissioner the information you consider should be redacted, she will be able to take that into account when drafting her decision.

Members are given the opportunity to comment on the factual accuracy of the material to be published ahead of publication and, at that stage, you would have the opportunity to request redactions if you had concerns about the material to be published. The Commissioner would then decide whether to agree to any such request.

I hope this gives you the assurance you require in order to provide all the necessary information and supporting evidence.

16 January 2020

6. Letter from Rt Hon Owen Paterson MP to the Commissioner, 16 January 2020

I write in reply to your letter dated 30 October 2019 as agreed, the reply being delayed by the General Election. I am adopting your abbreviations.

You refer to the article published in The Guardian on 30 September 2019. I believe that this article is inaccurate and does not represent balanced reporting.

I have declared in the House of Commons Register of Interests and in any dealings that I am a paid consultant to Randox and Lynn's Country Foods. I have acted with transparency and integrity in ensuring that those I deal with know this.

You will note from the attachments to this letter that I advised both Priti Patel MP and Rory Stewart MP, in their capacity as Secretary of State and Minister of State for International Development, in writing and at the outset of my role as a consultant to Randox. I also advised the FSA of my role as a consultant to both Randox and Lynn's Country Foods. Everyone with whom I dealt, on behalf of either company, was on notice and aware that I was acting as a consultant.

In July 2015, having left Government a year earlier, I was advised by the Office of the Advisory Committee on Business Appointments ("the Committee") regarding my then proposed appointment with Randox as follows:

> *" …the Committee is content to approve this application subject to the following conditions:*
>
> *You should not draw on privileged information available to you from your time in Government, and*
>
> *For two years from your last day in Ministerial office, you should not become personally involved in lobbying UK Government on behalf of your new employer..."*

I have at all times abided by these conditions and did not become involved in any lobbying for 2 years.

My consultancy with Randox commenced on 1 August 2015 and was published on the Committee's website shortly thereafter and declared in the Register of Interests of the House of Commons.

My consultancy with Lynn's Country Foods commenced on 14 December 2016 and was entered in the Register of Interests in the House of Commons.

The Code of Conduct paragraph 6 states: "Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents." This is an express duty and requires Members to act in these interests.

This links to Chapter 3 of the Guide to the Rules relating to the Conduct of Members (17 March 2015 edition which is I believe the relevant one) dealing with lobbying and paragraph 9 which states:

> *"Exceptionally, a Member may approach the responsible Minister or public official with evidence of a serious wrong or substantial iniustice even if the resolution of any such wrong or injustice would have the incidental effect of conferring a financial or material benefits on an identifiable person from whom or an identifiable organisation from which the Member, or a member of his or her family, has received, is receiving or expect to receive, outside reward or consideration (or on a registrable client of that person or organisation).*" (my emphasis)

I was the Secretary of State for DEFRA from 2012 to 2014. In this role I became acutely aware of the importance of product integrity within the food industry and the devastating effect of integrity being compromised. For example, I was the Minister responsible for handling the horse meat scandal. I also saw the fallout of the melamine in baby milk powder scandal in China, where infants died as a result. In both cases consumer confidence was lost and exports damaged.

Food is a major export from the UK and if the integrity of dairy products was lost due to the presence of harmful antibiotics for example, then that would have an adverse financial effect on the economy, in addition to serious health issues. I was acutely aware of the damage an event such as this could cause.

In the case of both Randox and Lynn's Country Foods I became aware of major health concerns that needed to be raised and addressed. There was evidence of serious wrongs as set out below.

In summary:

Randox

Randox is a substantial and highly reputable company specialising in advanced diagnostics. Two issues came to my attention: (1) the presence of regulated and unauthorised substances (antibiotics) in milk at the point of sale, and (2) in some developing countries the lack of quality control systems within laboratories used to diagnose dangerous health conditions, which renders the results unreliable and wastes millions of pounds of public money. I will deal with these in turn.

Presence of Regulated and Unauthorised Substances in Milk

Antimicrobial Resistance (AMR) is a major and increasing cause of death. It is estimated that 25,000 annual deaths in the EU are due to AMR and by 2050 it is predicted by some researchers that this may reach 50 million deaths worldwide every year.

One of the major causes of AMR is the increased use of antibiotics in farming. The UN has recognised this as a major new threat to human health. [Name redacted], the Chief Medical Officer for England (2011-2019) and now the Special Envoy on Antimicrobial Resistance, has repeatedly warned of the threat that this poses and is now tasked with delivering a 'one health' response covering health, agriculture and the environment.

Dairy farming is a major industry in my constituency. I represent dairy farmers with substantial herds and dairy manufacturers such as [two company names redacted], which are significant employers; the integrity of dairy products and especially milk is essential to the well-being of my constituents.

In 201[6] following a private screening survey of milk in the UK with new, more sensitive technology, a greater than expected incidence of antibiotic contamination was detected. This included detection of florfenicol which is not authorised for lactating animals. Beta-lactams, sulphamethazine, tetracyclines and nitroxinil, amongst others, were also detected.

This was an extremely urgent and difficult situation. Potentially the UK dairy industry could be devastated, as the egg industry was when salmonella was identified in some eggs. It was essential that this information was provided to the relevant body (the FSA). I was acutely aware of the damaging effect that it could have on the national dairy industry if it was revealed that milk contained antibiotics that were regulated and unauthorised substances. What parent would then permit their child to drink milk or eat a UK dairy product?

I was particularly astonished to learn from a private study that 12.5% of milk at the point of sale contained regulated and unauthorised contaminants, one of which, as I have stated above (florfenicol), is not authorised for lactating animals; I was also advised that it is very harmful to infants. In 2017 the Veterinary Medicines Directorate (VMD) - the UK Government agency responsible for monitoring foods for veterinary medicine residues - stated that 99.9% of milk samples had been free of antibiotic residues for the past three years. Clearly this was in stark contrast to the 12.5% detected in the study.

The presence of food contaminants, such as antibiotics (and also anti-inflammatories, anti-parasitics, corticosteroids, growth promoters and mycotoxins) in milk is a cause of concern to both public health and the food industry. Antimicrobial, anti-inflammatory and anti-parasitic drugs are widely used in veterinary medicine and, if animal withdrawal periods are not maintained, residues of those drugs may be found in the resultant consumer products. The UK adheres to EU residue limits for such compounds and, to ensure regulatory compliance, consumer products are subject to screening programmes.

The European Medicines Agency has set maximum residue limits, the maximum concentration of residue accepted by the EU in a food product obtained from an animal that has received a veterinary medicine or that has been exposed to a biocidal product for use in animal husbandry. However, not all the regulated contaminants are assessed with the current analytical techniques at the required sensitivity.

One of the major concerns of antimicrobial residues within milk and other foodstuffs is the development of AMR, due to the ability of microorganisms to adapt for survival.

Detection of contaminants in milk is therefore relevant for consumer protection. Indeed, the EU requires that foodstuffs, such as meat, milk or eggs, obtained from animals treated with veterinary medicines or exposed to biocidal products used in animal husbandry must not contain any residue that might represent a hazard to the health of the consumer.

Although the EU legislation for the presence of residues in milk has been set at the individual animal, milk is by nature a commingled product and therefore undergoes a mass dilution from the individual animal to final commercial product. Without a sensitive comprehensive screening tool, contaminants can bypass current control measures into commercial milk. A broad range of analytical techniques for the single or multiplex screening of contaminants in milk samples are utilised globally as part of control measures against contamination.

I repeat that florfenicol is not authorised for lactating animals; it is unacceptable in milk. Since my intervention, florfenicol has been included in the national surveillance plan for UK milk - a significant benefit. Prior to my intervention, as florfenicol is not authorised for lactating animals, it was not incorporated within the related surveillance plan. Florfenicol is associated with dose-dependent bone marrow suppression and may cause allergic reactions in susceptible individuals. Repeated doses of florfenicol caused changes in hematologic parameters and atrophy of testes in rats and an increase of liver weight in dogs. Florfenicol levels in milk powder could be up to 8-fold higher than the milk from which it was manufactured. This processing hazard therefore poses a substantial risk during the manufacture of milk powder-based infant formula.

Clearly, florfenicol is a dangerous substance. It is unauthorised in milk with a Maximum Residue Limit (MRL) of zero (0). Since I reported its presence in milk, the addition of florfenicol within the related national surveillance plan has improved product safety. As national surveillance takes place at farm level, closer to the point of antibiotic use, this is much more effective in supporting control measures.

It was my duty to bring this serious wrong to the Government's attention. Not to have done so would have meant that I was not acting in the best interests of my constituents, or the general public. I had evidence of a serious wrong and so was compelled to act.

Randox is not the only company that provides equipment to test milk. The point of this exercise was that its testing equipment revealed antibiotics that should not be present.

Quality Control Systems for Healthcare Laboratories

The same considerations applied to Randox diagnostics who had evidenced poor or non-existent quality control systems within healthcare laboratories in a number of developing countries. This means that the associated blood tests cannot be relied upon for accurate diagnosis or decisions on treatment. There is then a significant associate cost both in human lives and wasted healthcare resources within societies of greatest need. Again, this is a serious wrong. It is not possible to overstate the significant impact this could have on health.

The UK Government has been investing millions of pounds for years in international development projects and is committed to assisting in achieving better global public health, which includes the most infectious diseases such as malaria, ebola and drug resistant infections. Unless blood tests are reliable then the British taxpayers' money is being wasted in investing in and setting up expensive laboratories across the world to help combat disease. This can be remedied by implementing effective quality control systems.

The "UK Aid: tackling global challenges in the national interest" paper issued by DfID in November 2015 stated that there is no distinction between reducing poverty, tackling global challenges and serving our national interest as they are all inextricably linked. It is reported that 70% to 80% of key clinical decisions are based on blood tests.

Where results are inaccurate, any related diagnoses are unreliable, which exposes people to increased risk and significant resource wastage. This is an important phenomenon for the UK in both its domestic and global efforts to achieve dramatically better health outcomes.

Randox is only one of a number of companies that provide quality control systems.

Lynn's Country Foods

Nitrites are commonly used to preserve bacon and ham and related products. When nitrites are added to meat and that meat is cooked and ingested, they produce carcinogenic nitrosamines in the stomach. They have been directly linked to colorectal cancer. It is reported that 42,000 people in the UK are diagnosed with colorectal and bowel cancer every year.

The World Health Organisation has classified processed meats including bacon and ham as a category 1 carcinogen. In the UK 6 out of 10 people will contract bowel cancer. It is the 4th most common cancer and those who eat two rashers of bacon a

day, preserved by nitrite, increase their risk of contracting bowel cancer by 18%. This is a serious wrong.

Lynn's and other producers have developed nitrite-free alternatives which could have major health benefits. Lynn's are not the only producer.

Two issues arose:

(1) Kerry Foods were selling Denny's Natural Ham, which contained nitrites and nitrates derived from vegetable extracts. These nitrites were not declared on the label and thereby misled the public by calling the product "natural" when it was not. The practice of adding nitrites derived from vegetable extracts is not permitted by the EU; and

(2) The ability of companies producing nitrite-free products to use natural flavourings that are commonly used throughout Europe.

It would be a serious wrong not to seek to reduce the incidence of bowel cancer by encouraging the further adoption of nitrite-free alternatives and ensuring that, where companies incorrectly label a product and particularly where that concealed a carcinogenic additive, it was drawn to the attention of the relevant authorities.

Use of Parliamentary Resources

In answer to your questions and adopting your numbering:

(1) I attach the relevant correspondence and I have referenced my meetings with the FSA and DfID below and enclosed emails which often summarise the meeting content. I do not have any other meeting notes.

(2) I have set out below a brief history of dealings with the FSA and DfID as requested.

Randox

The Presence of Prohibited Substances in Milk

In early November 2016, I became aware of the point of sale milk testing undertaken by Randox and that regulated and unauthorised substances had been found to be present in milk at a higher frequency than was expected. As stated above, I believed this information had the potential to undermine the UK dairy industry in much the same way that salmonella had done for egg production. I was very concerned that milk was being sold with a higher frequency than expected of antimicrobial drug residues, noting the significant public health threat from antimicrobial resistance - caused by the unnecessary exposure to, and improper use of, antibiotics. Indeed.

Professor Dame Sally Davies, previously NHS England's Chief Medical Officer is on record as saying:

> "*Antimicrobial resistance poses a catastrophic threat. If we don't act now, any one of us could go into hospital in 20 years for minor surgery and die because of an ordinary infection that can't be treated by antibiotics.*"

I was acutely aware that if this information was mishandled, we could have damaged our dairy industry and jeopardised dairy exports.

It is also worth noting that Maximum Residue Levels (MRLs) for antibiotics are set at the individual animal level. To find any residues in milk at the point of sale, after large scale dilution and commingling, may indicate significant lack of control further up the supply chain. I felt it would be a gross dereliction of my duty to stay silent on such a matter.

In the week commencing Monday 7 November 2016 I called [the Deputy Chairman] at the FSA and explained to him what had been discovered.

An urgent meeting was then convened with the FSA and Randox on 15 November 2016, which I attended. I believe all present recognised the enormity of the findings and the potential risk to the dairy industry.

Following this urgent meeting, on 16 November 2016 I emailed [official's name redacted] and others (copy enclosed). My email references our meeting and records:

> *"We rapidly agreed that what Randox's superior technology has uncovered is shocking and potentially incredibly damaging to the UK Dairy Industry. It is not good that illegal products have not been detected by the current testing regime in retail milk. It is also bad that the current system misses certain illegal products which Randox [testing] can detect. You agreed to begin an enhanced programme of testing for the illegal substances which Randox have discovered ... . You suggested discussing the revelations on antibiotics with* [name redacted], *the Chief Vet...We agreed that you should agree defensive lines on immediately increasing testing should the news get out."*

This email sets out the fact that I and others including the FSA were shocked at the findings and that this could undermine the dairy industry. Where an MP has information regarding serious health concerns, he or she has a duty to act. It is a fact that Randox identified the presence of regulated (at a higher frequency than anticipated) and unauthorised antibiotics in milk and it was this which led me to act. Had I not acted and the test results had leaked out, or health issues had arisen, then I would rightly have been criticised for not intervening. At the end of the day I had no choice but to disclose what I knew. Based on my experiences in DEFRA I

understood the massive damage that could be caused if this leaked out and was not properly investigated, so that the Government was in control of the problem.

[The Chair of FSA] wrote to me on 30 November 2016 (copy enclosed). The advice she had received was that the antibiotic contamination was low and that meant that there was no risk to food safety. However, she accepted that florfenicol was not regularly tested for and the FSA had limited information on this antibiotic.

[The Chair] set out a further testing programme and stated that the FSA was taking appropriate action with respect to the issues raised; the FSA accepted that further testing and engagement with industry stakeholders was required.

It is a fact that milk was found to contain an unauthorised substance and the FSA admitted that they had limited information on florfenicol; that called into question the assertion that there was no safety issue in my view. I remained concerned that unauthorised antibiotics were present in milk which should not be present.

Randox continued to test milk and find regulated and unauthorised substances and I raised this again with the FSA in November 2017. I remained concerned at the threat to the dairy industry and to my constituents. The fact is that regulated and unauthorised substances were continuing to be detected at the point of sale, a year after I alerted the FSA to this issue. I met [the Chair] on 15 November 2017.

I remain concerned by the presence of regulated and unauthorised substances in milk. I had a further and last meeting with [the Chair] in December 2018.

I and others remain very concerned at the presence of regulated and unauthorised substances in milk and dairy products at the point of sale. The fact is that florfenicol is unauthorised and it should not be present in milk at all. When it was discovered that it was present, the FSA very quickly formed the view that it was safe, with what the FSA admits is limited information. To be clear the EU MRL for florfenicol in milk is zero (0).

I intend to continue to raise this issue with the FSA as milk is an essential health food and should be tested to ensure that unauthorised substances are not present. The presence of such items should be eradicated. It is also a concern that applying MRLs, which are set at the individual animal level, to point of sale milk may be furthering antimicrobial resistance by exposing the public to more frequent low levels of antibiotic residues. The UK Government should follow other Governments in this regard. It is a fact that some other countries test milk to a higher standard than we do and thereby we do not pick up significant antibiotic contamination.

Quality Control Systems for Healthcare Laboratories

On 28 July 2016 Randox wrote to [the then] Secretary of State for International Development (copy enclosed).

This letter requested a meeting regarding DfID Overseas Aid programmes and improving the reliability of laboratory results. Randox was certain that its technology could deliver far better health outcomes for the same cost.

On 12 October 2016 I met [the Secretary of State] by chance in the House of Commons and, as Randox had not received a reply to their letter, I mentioned this. I stated that I worked for Randox. I followed this up with a letter the following day, 13 October 2016. This letter was incorrectly sent on House of Commons paper (see below for the explanation) for which I unreservedly apologise.

I met [the] Minister of State for the Department for International Development on 12 January 2017 with a representative of Randox.

I followed this up with a letter on 16 January 2017 (copy enclosed). Again, this letter was incorrectly sent on House of Commons letterhead in error and for which I apologise and explain below.

My letter stated that "I am a consultant to Randox". I was clear and transparent as to my position. I explained that Randox was able to deliver calibration of blood tests which is fundamental to clinical decision making. What Randox was able to deliver was improved global health care and that is something any politician would promote. I saw this as addressing a genuine health concern.

[The Minister] replied to me on 1 February 2017 (copy enclosed).

Lynn's Country Foods

Lynn's Country Foods produces nitrite free bacon and ham. It is not the only company producing such products. Many others produce them. These products have significantly more health benefits and it is in the interests of the nation as a whole and my constituents that these products are widely available. I have referenced the relevant health statistics above.

It is also in the interests of national health that food products are correctly labelled especially where additives may cause significant health issues, such as nitrites and nitrates, or where there is use of nitrites derived from vegetable extracts, a practice not permitted by the EU.

In February 2017 Lynn's Country Foods approached the FSA regarding Denny's Ham which was being sold as an "All Natural" product, when it contained nitrites derived from vegetable extracts, which are recognised as a serious risk to health. This occurred well before I was asked to assist. Lynn's were frustrated by the lack of response of the FSA in the UK to a clear and serious breach of EU law; carcinogenic nitrites were being added to the product and that was concealed on the labelling. This breached EU law.

I met with the FSA (Chair) on 15 November 2017 and followed that up with an email (copy enclosed). The Irish FSA agreed to ensure that Kerry Foods trading as Denny's stopped using unapproved additives.

I was supporting the report of a serious wrong, namely that Kerry Foods were acting in breach of EU law, misleading the public and concealing that their product contained carcinogenic nitrites.

The FSA subsequently wrote to Lynn's Country Foods on 24 November 2017 (copy enclosed). This letter referenced that such additives were not permitted under EU law, so my approach was accepted.

Following this the FSA raised issues regarding Lynn's Country Foods nitrite free bacon. I became involved in these discussions because of my prior involvement.

I helped explain to the FSA that natural flavourings used in nitrite-free bacon and ham had been used in *whether or not natural food additives* for over a year and were gaining worldwide traction. I attach my email following my meeting with the FSA on 17 January 2018, the content of which is self-explanatory.

The Chair replied to me on 10 February 2018 (copy enclosed).

There were then communications with [name redacted] of the FSA, Head of Food Additives, Flavourings and Contact Materials. I was copied into some emails to my private email address. Solicitors acting for Prosur, who supply Lynn's Country Foods natural flavourings, were then engaged in challenging the position of the FSA.

I met the FSA on 24 May 2018 and as you will see from the minutes I am referred to as a consultant.

I met [FSA's Chair], with representatives of Lynn's Country Foods, on 9 July 2018 and the FSA proposed to write other European Agencies who had approved. I emailed [the Chair] following that meeting on 11 July 2018 (copy enclosed).

The FSA then conducted its research with other EU members and wrote to me on 10 December 2018 (copy enclosed). The matter was then resolved by Lynn Country Foods amending its labelling and continuing to apply its natural flavourings. This concluded the matter although I did subsequently have a wrap-up meeting with [the Chair] on 18 December 2018.

I have been mindful throughout this matter that there are considerable health benefits in the consumption of nitrite-free bacon and ham and in making sure that products sold in the UK containing nitrites are correctly labelled. This is an industry-wide issue and all producers of nitrite free bacon and ham benefit.

(3) & (4) Use of Parliamentary Headed Paper

The vast majority of communications have been by email and I have used my private 'gmail' account.

Letters have been sent to me at my Parliamentary address by the FSA for example. But emails have been to my private email account. I cannot control where letters are physically sent.

I have located two letters sent by me on House of Commons paper.

I apologise for this error. My long-term PA was on maternity leave at this time and I had a temporary secretary. The incorrect headed paper was used for these two communications and that was an unfortunate oversight on my part. I have enclosed the letters in question.

I would ask that my apology is accepted for this inadvertent breach which I should have spotted and for which I take full responsibility. I have been an MP since 1997 and this is the first occasion that I have breached a House of Commons rule.

(5) The requirements of paragraph 16 of the Rules of Conduct

In this matter I have acted to promote important issues of health as set out above. I have made clear at all times that I am a consultant to Randox and Lynn's Country Foods. I do not believe that my actions caused "significant damage to the reputation and integrity of the House of Commons as a whole or its Members generally".

Paid Advocacy

(6) Approaches made

I have set out above that the approaches to the FSA and DfID were initiated by Randox regarding the quality control for equipment used in Quality Control Systems for Healthcare Laboratories, Lynn's Country Foods regarding Denny's Ham and by me regarding the presence of regulated and unauthorised substances in milk.

I have set out a brief summary of my dealings as requested. If you require further material, I would be pleased to assist you.

I note that your letter does not refer to paragraph 6 of the Code of Conduct or paragraph 9 of Chapter 3 to the Guidance Notes.

I will deal with each of the matters in turn:

(7.1) Presence of regulated and unauthorised substances in milk

My contact with the FSA regarding regulated and unauthorised antibiotics in milk was made solely because I was concerned that such information had to be passed on urgently. The fact that regulated and unauthorised antibiotics were in milk at the point of sale could have undermined the entire dairy industry. It may also have had significant health considerations - it was not for me to assess this risk.

My email 16 November 2016 sets out these concerns.

It is a fact that Randox had discovered the regulated and unauthorised antibiotics and so naturally their diagnostic equipment was referred to. I was acting to draw the FSA's attention to serious concerns for the dairy industry and health concerns and I did so as soon as I was made aware of the facts.

The question I am asked is "do you consider that your activities conferred or sought to confer a financial or material benefit on [Randox]?". The answer is no. My activities were to draw what I and others considered to be a serious issue of public health and risk to the national dairy industry to the FSA attention and I then followed that up. The FSA took action as a result of the information provided.

(7.2) Quality Control Systems for Healthcare Laboratories

My contact with DfID was to follow up the approach made by Randox. I was seeking to improve health care worldwide which is of great interest to me. As a matter of fact, Randox had no financial benefit.

I was not in a position to seek to confer a financial benefit on Randox. All I was doing was drawing DfID's attention to the importance of better diagnostics and the serious health consequences of inaccurate diagnostics.

Whether or not DfID undertook any testing of Randox diagnostic services or materials, or any other, was entirely a matter for DfID. It would only be once testing happened and if that proved successful that consideration of the services or materials could begin. Then numerous factors would fall to be considered before there could be any financial benefit.

(7.3) Lynn's Country Foods

My contact with the FSA relating to Denny's Ham did not confer any financial benefit on Lynn's Country Foods. I sought to ensure that an unlawful product was not sold in the UK unless it was correctly labelled so that the public was not misled.

I then sought to resolve the issue of whether or not natural food additives can be used as preservatives in bacon and ham and so avoiding nitrites. This was a technical issue and not a financial one conferring any benefit.

(8) Financial or material benefit

You asked me to advise if on any occasions my activities conferred or sought to confer a financial or material benefit on other companies in the same sector as Randox and Lynn's Country Foods.

My actions did not confer or seek to confer any benefit on any particular company.

Recognising, for example, that bacon cured with nitrites is harmful may benefit all companies supplying nitrite-free products. The reality is that many companies worldwide including Nestle are moving this way. So there is no simple analysis that a particular company would benefit.

I believe that the larger international companies cover all bases by supplying nitrate-free products and also those with nitrates, so the analysis is far from straightforward.

Each of these matters was dealing with a health concern and seeking to improve health with improved technologies. This is of particular interest to me. If a substance is banned it simply should not be in a dairy product. I am sure that my constituents and all consumers would prefer to avoid nitrates if they knew the risks and had an alternative. Better blood diagnostics is a matter of concern worldwide in order to deliver vastly improved health outcomes.

Disclosure of Interests

(9) I have disclosed my business interests to the FSA and DfID as detailed above.

Other Points

Further to my email 11 January 2020 and [your colleague's] helpful reply 12 January 2020, I confirm that, should you decide to publish this letter and/or the enclosures, I would be grateful if you could redact all names and personal details of those mentioned. We could discuss this further prior to publication.

If you wish to interview me, I would be pleased to meet you. If you require any additional information, please let me know.

16 January 2020

Attachments relevant to work for Randox (milk testing)

6i. Email exchange between Mr Paterson and Chair, FSA 16 and 17 November 2016

Email from Mr Paterson to the Chair FSA, copied to various addresses at FSA and Randox, 16 November 2016

Subject: Randox meeting

Many thanks for reacting so quickly to my call to[name] last week and agreeing to meet key technicians from Randox Laboratories. It was great to meet you all again. We rapidly agreed that what Randox's superior technology has uncovered is shocking and potentially incredibly damaging to the UK Dairy Industry. It is not good that illegal products have not been detected by the current testing regime in retail milk. It is also bad that the current systems miss certain illegal products which Randox can detect. You agreed to begin an enhanced programme of testing for the illegal substances which Randox have discovered. We agreed Randox should test the same samples in parallel so results can be compared. You were interested in using the Randox technology within the FSA. You offered to help with ISO 7025 accreditation at a suitable laboratory. Once established the application of the technology could be discussed not just within the FSA but across the whole dairy industry. This could lead to a much rapider and more thorough testing regime of huge value to U.K. Dairy promotion at home and abroad in the future. You suggested discussing the revelations on antibiotics with [named redacted] the Chief Vet. In the meantime, although none of us could have reacted quicker to the information I was given 10 days ago by Randox, we agreed that you should agree defensive lines on immediately increasing testing should the news get out. Looking further ahead, [one of your FSA colleagues] mentioned the issue of mycotoxins in maize and I have long been worried about the potentially explosive danger of campylobacter in chickens. It would be good if he could liaise with Randox and discuss further how their latest technologies might help on grain and meat. Thank you once again for agreeing to meet so quickly and for reacting in such a constructive manner to what is very unwelcome news for us all. Let's keep in touch and plan to meet again in the New Year.

Email from Chair of FSA to Mr Paterson, copied to various addresses at Randox and FSA, 17 November 2016

Subject: RE: Randox meeting

Thank you for the meeting and notifying us about the results Randox have detected. The FSA incident management team are already reviewing the data you shared and determining next steps, as our first priority. When I have more information we can share, I will let you have an update.

6ii. Letter from the Chair of FSA to Mr Paterson, 30 November 2016

Randox Laboratories - antibiotic residues in milk

I wanted to update you on action the FSA has taken following our meeting of 15 November with Randox Laboratories, at which they presented testing results showing antibiotic residues in milk purchased at UK supermarkets.

Since our meeting, FSA officials have completed an initial risk assessment with regard to the protection of public health. The antibiotic levels that Randox reported are low and the team here consider that there is no risk to food safety. We have contacted the Veterinary Medicines Directorate (VMD) to collate the results of recent antibiotic surveillance in milk to enable comparison to the Randox results. Assessments of these results suggest that non-compliance is not a widespread issue. However, since one of the antibiotics Randox detected, Florfenicol, is not included in routine surveillance by VMD, we have very limited information available.

The FSA now intends to conduct a targeted on-farm raw milk surveillance programme with VMD to investigate use of certain antibiotics in dairy cattle in the UK and to further evaluate the resilience of this sector. The selection of antibiotics to be included will be decided in discussion with VMD. National Reference Laboratories are being approached to discuss appropriate methodologies. This will help us understand the scale and extent of any issue, in the light of the data you shared with us.

FSA officials have been in contact with Randox to better understand their results. As we discussed, Randox's technology, lnfiniPlex, is not validated to EU standards. Randox have advised that their analysis was confirmed by a laboratory based in Germany, but full accreditation details and therefore the validity of the methodology used are not clear at this stage. When we [are]able to confirm the validity of the positive results, we will consider whether the Randox screening test has addressed the validation requirements of new technology to that stated in Commission Decision 2002/657/EC. As you know, screening and analytical methods used for enforcement purposes are required to meet EU standards.

The FSA can advise Randox on how to go about accreditation but is unable to provide an opinion on the suitability of a new methodology for enforcement purposes. We can provide Randox information on other organisations who may be able to provide advice on validating lnfiniPlex to EU standards.

Officials are also shortly due to meet with industry stakeholders to inform them of the issue, seek views on the subject, encourage onward communication and ask for information on surveillance they have carried out.

I hope you will be assured by this update that the FSA is taking appropriate action with respect to the issues Randox have raised. Once again, thank you for bringing these issues to our attention.

6iii. Email from Owen Paterson to the Chair FSA, 15 November 2017

Many thanks again for your time today. We discussed illegal substances which are still being detected in retail milk by Randox's equipment at levels which are too low for other current testing technologies to detect. Several large commercial dairies are extending their use of Randox testing. It would be great if you could call a meeting with the VMD to ensure that Government agencies do not fall behind. I look forward to hearing from you. Many thanks again.

Attachments relevant to work for Randox: blood testing and diagnostics

Correspondence with the Department for International Development

6iv. Letter from Randox to the Secretary of State for International Development, 28 July 2016

I am writing to highlight a valuable opportunity for the DFID Overseas Aid programme, and to request a meeting to discuss the matter further. The issue in question is one of healthcare 'diagnostics' and the implications for developing economies, and their healthcare systems, of poor laboratory quality management. This is a significant problem and aligns with the Department's priority of tackling extreme poverty and helping the world's most vulnerable.

The key point to make is that over 70% of healthcare decisions are based on laboratory results - and if those results are inaccurate then any related diagnosis will be unreliable - leading to increased human suffering and significant resource wastage.

Laboratory systems are highly sensitive - with error potentially introduced via ineffective management, operators, sample handling, analysers, reagents, data handling and transfer. Well run laboratories use both Internal Quality Control (IQC) and External Quality Assurance (EQA) systems to confirm the accuracy of results - indeed, use of IQC and EQA is mandatory for laboratories in developed economies. Even so, the cost of poor quality has a real impact with clinical negligence litigation costing the NHS, for example, well over £1 billion per year.

However, we know from experience that in developing economies IQC and EQA systems are very poorly understood and under-resourced, particularly in public health systems where training and budgets for IQC and EQA capabilities are simply not a priority. As a result, laboratory results, and any related diagnoses, are not reliable - leading to inefficient healthcare, human suffering and resource waste.

Randox, a UK company, is a world leader with considerable experience in both IQC and EQA laboratory capabilities - our IQC materials are highly stable and accurate and are used globally. Our EQA scheme (RIQAS) is the largest global scheme with over 40,000 participants. Importantly, we fully understand the importance of education and support in these matters, and we provide both educational and on-going technical support to users.

By way of further background, Randox is the largest life sciences company from the UK and has been active in developing blood-science diagnostic capabilities, including quality control systems, for some 34 years. We have over 1300 staff, including 300 research scientists and engineers, and currently export to 145 countries. This includes significant experience in the developing world, including activities in the majority of the 28 countries upon which DFID focus.

With regard to IQC/EQA needs we would propose, in order to optimise the effectiveness of DFID resources allocated to health that, 'establishing internal quality control and external quality assurance systems within public health service laboratories' should be considered as an Overseas Aid priority- a cost effective bed-

rock upon which improved health, for the world's most vulnerable, can be developed.

With Randox's considerable expertise in this area - in IQC/EQA development, establishment of schemes at individual sites and up to national level, and in education, global distribution and support - we believe we have much to offer.

We would welcome the opportunity to discuss these matters further with you - both laboratory quality management and, if of interest, the development of diagnostics against new and emerging infectious disease threats. There are real unmet needs here. We believe there is clear potential for DFID, with only a limited resource commitment from the Overseas Aid budget, to make a significant, real and lasting impact on healthcare in developing economies.

I would be grateful for a meeting to discuss these matters further.

[name redacted]

6v. Letter from Mr Paterson to the Secretary of State for International Development, 13 October 2016, on House-provided stationery bearing the crowned portcullis

Following our brief chat last night, I previously mentioned to you that I work with Randox Laboratories in Northern Ireland. They are convinced that their state of the art technologies could deliver dramatically better health outcomes with the same funds which DfIID currently grant to health schemes in developing countries.

[Two of my colleagues at Randox] will be in London on Monday 24th October and it would be brilliant if you could find time to meet me with them.

Look forward to hearing from you.

6vi. Letter from Mr Paterson to the Minister of State at the Department for International Development, 16 January 2017 - on House-provided stationery bearing the crowned portcullis

Thank you very much for your time on 12th January; it was a very interesting discussion. I am a consultant to Randox. I have from the outset been struck by their conviction and commitment to improving healthcare both here and across the globe. They are a privately-owned business with, in my view, a highly ethical purpose and culture.

Randox are offering not so much a 'Laboratory Project' as a proposal that should be viewed as securing the 'bedrock' of healthcare - as reliable blood tests are the core of clinical decision making. In developing countries we know that public healthcare blood testing now happens to varying degrees in cities, towns and villages, both automatic and manual processes. Without effective quality control the results are not reliable. That unreliability then restricts the value of further investment; a key limitation on the wider advancement of healthcare. For example, effective malaria patient management should involve monitoring and treating liver failure, kidney failure and glucose levels - all basic tests that can be run on straightforward systems. You will see from the attached press release that Randox have been involved in providing reliable processes to monitor the wider health of HIV/AIDS patients in very small clinics in Cameroon. Randox are very experienced and global leaders in this area.

Randox's request is not to look at their 'ensuring quality' proposal as a niche part of some laboratory project, but rather as a capacity building project worthy of active consideration in its own right. This would appear to be an excellent use of UK Aid resources.

Beyond that key point, I took the following follow-ups from the meeting:

- That the Department would facilitate contact between Randox and the DFID personnel within the King Salman Relief Fund, for their laboratory projects.
- You would discuss and review internally the Randox proposal and how it may complement UK Aid programmes.
- The Department would facilitate a Randox presentation to your in-country health advisors in London.
- Up to date information on DFID Tier 2 providers would be forwarded to Randox.
- The Department would work with Public Health England on the matter of laboratory quality, with Randox as required.

Thank you again for your time. I suggest that we keep in close touch and catch up on progress in a couple of weeks.

6vii. Letter from the Minister of State, DfID, to Mr Paterson, 1 February 2017

Thank you for your letter of 16 January, following up on our meeting with [name redacted] to discuss the work of Randox on laboratory quality assurance.

It was very interesting to meet with Randox and hear about their work to improve health systems and services by strengthening the quality of laboratory diagnosis. I was especially interested to learn about the global contribution of a British company as a leader in this field.

My officials are following up on the points you raise in your letter:

The King Salman Relief funding mechanisms are at an early stage of development. DFID's representative in Riyadh is [details redacted], whom Randox may wish to contact to explore whether there may be suitable funding opportunities.

DFID's health teams have discussed Randox's work and where this may complement UK-funded health programmes in developing countries and have also raised Randox with colleagues at the Department of Health and Public Health England. The Fleming Fund, a major UK aid programme that is managed by the Department of Health, aims to improve laboratory capacity and diagnosis as well as data and surveillance of antimicrobial resistance in low and middle-income countries. This programme will include investments in laboratory capacity and quality assurance, as part of a large portfolio of country and regional level grants (to be designed and delivered by a Management Agent, [name redacted]). Randox may wish to discuss potential opportunities as a commercial supplier with the Fleming Fund Programme Director, [details redacted].

As we discussed, DFID support for health does not typically include direct funding for laboratories or associated quality assurance. DFID health advisers in London would be pleased to meet with Randox to explain DFID's approach to improving health for poor people in developing countries in greater detail; and hear more about Randox's work. [Randox] can contact the head of our Health Services team, [name redacted], to arrange this.

DFID's Procurement and Commercial Department (PCD) is currently collating analysis on bidding behaviour of Tier 2 suppliers, which has not yet been finalised. PCD officials would be happy to meet with Randox to explain our supply chains, how we buy, and who we work with. [name redacted] will be happy to arrange a meeting.

Randox may also be interested in the work of Healthcare UK. This is a joint initiative of the Department of Health, NHS England and the Department of International Trade that promotes the British healthcare sector internationally, and drives export opportunities to win more business overseas. Dr [name redacted] is their Deputy Director of Futures, International Development and Investment (email address redacted).

Thank you again for bringing Randox's work to my attention. I trust that this progress update and further points of contact are helpful.

Attachments relevant to work for Lynn's Country Foods:

Exchanges between Mr Paterson and FSA Chair, 15 November 2017 to 10 February 2018

6viii. Email from Mr Paterson to Chair, FSA 15 November 2017

Cc: Finnebrogue

Subject: Finnebrogue

Many thanks for your time today. It was good to meet you again with [names]. It was very encouraging to learn of your work with the Irish FSA agreeing that [firm's name redacted] product uses a material that is not approved and that they must change it. We agreed that you would write to Finnebrogue confirming this and that this letter could be used to warn the multiples and other suppliers not to use this material. Many thanks for your help on this.

6ix. Letter from FSA to Lynn's Country Foods Ltd, 24 November 2017

Vegetable and fruit extracts used in meat products.

Further to your meeting with [the FSA Chair] and the Rt Hon Owen Paterson MP last week, I am writing to confirm the position under food additives legislation relating to vegetable and fruit extracts used to perform antioxidant and preservative functions in meat products.

As was pointed out at the meeting, only additives listed in Regulation (EC) No 1333/2008 on food additives can be added to food for a technological function, such as a preservative or antioxidant In essence, where a substance performs an additive function in a product, to be used lawfully, it must be an authorised food additive and labelled as such.

This means that the indirect addition of nitrates to foods via standardised nitrate rich extracts of vegetables such as spinach or celery is considered to be use of an additive rather than a food ingredient. In such cases the extract is being added for the purposes of preservation given the standardised level of nitrate. Consequently, such use would not be permitted by Regulation (EC) No 1333/2008 as these extracts are not authorised as preservatives, having not met the specifications for nitrates.

The above advice reflects the conclusions of a number of meetings at EU Expert Working Group and Standing Committee level that the practice described above would constitute deliberate and illegal use of an unauthorised food additive. The addition of fruit extracts or other substances to foods for a preservative or antioxidant function would constitute additive use and, to be used lawfully to perform these functions, they would require authorisation under Regulation (EC) No 1333/2008, even if they are authorised for other uses under food law.

You raised a particular case with the Food Standards Agency about a Republic of Ireland company and their use of celery extract for additive purposes. As explained at your meeting with my colleagues, the Food Safety Authority in Ireland (FSAI) has confirmed to us that they looked into this matter afresh, together with officials from the Department of Agriculture, Food and the Marine, taking into account more recent developments within the European Commission and in other EU Member States. FSAI also discussed the matter with the food business operator and the company has agreed to reformulate and relabel the products in question. FSAI is currently in discussions around the timing of these actions but expects matters to be resolved in the short term and will be monitoring the situation closely.

As advised at the meeting, you will wish to assure yourself of the status of your new products under food law, with particular regard to the provisions of the food additives legislation discussed above, to ensure their compliance prior to placing them on the market.

During the meeting, the possible existence of a requirement to use nitrates or nitrites in certain meat products was mentioned, based on potential customers'

reaction to your product. We can clarify that use of nitrates or nitrites is not a statutory requirement but rather the approach generally adopted to ensuring that certain meat products are safe and have an appropriate shelf life. In terms of food safety, EU food additives legislation stipulates the nitrite and nitrate substances that are permitted to be used as additives and sets maximum use levels for these additives.

I recommend that you contact your local District Council's Environmental Health department for further information as the enforcement authority for your premises.

6x. Email from Owen Paterson to Chair FSA, 17 January 2018

Cc: Finnebrogue; QUB and Prosur

Subject: FSA Meeting with Finnebrogue and the Rt Hon Owen Paterson MP

Thank you for arranging the meeting yesterday with [names redacted]. I was sorry that you couldn't make the meeting yourself but given the time pressure, it was thoroughly worthwhile going ahead and the conclusions were positive.

We covered the following points:

Finnebrogue's Made without Nitrite Products:

I was pleased by the reaction of [FSA officials] to the information provided by [the] CEO of Prosur. We agreed that [FSA] would send [name redacted] from Finnebrogue some further queries with regard to the Natural Flavourings they are using in their bacon and hams.

Finnebrogue anticipate that they will get these responses back to your team quickly; this should settle the remaining questions around the labelling of these products.

[Firm's name redacted] Natural Ham [product]:

It is very disappointing that [the firm] have continued to sell their [name redacted] Natural Ham range in NI since our last meeting.

[The firm] have recently amended their back of pack labels (attached)[4] and still declare the celery as a 'Natural Flavouring' and that Celery contains 'naturally occurring nitrites'.

As you know, this contravenes FSA and EU guidance on Nitrates/Nitrites from Vegetable Extracts; their use as a food additive is not permitted in Regulation 1333/2008 and they would not meet the purity criteria laid down in Directive 2008/84/EC.

Finnebrogue provided [FSA] with the [firm's] patent on how they extract the Nitrates from the vegetables, ferment it using a starter culture and add it back to the meat within the brine to 'cure' the product providing the cured meat colour.

Finnebrogue also provided specifications and lab analysis results to show that the [firm's 'E number-free'] ham and bacon brine ingredients and the product made from it contain Nitrites and are being used as curing agents in the product.

[4] Images not reproduced

The products continue to be misleading to consumers who believe they are buying something 'natural'. The products carry the same health risk implications due to N-Nitroso compounds being formed in the gut as those products made with traditional nitrites. [The firm] are also going one step further by declaring on the pack that these are 'naturally occurring nitrites' which is misleading; there is no such form of nitrite in nature. As per their patent, they are extracting the celery and converting it to nitrite.

During our meeting on the 15th November it was agreed that:

(1) [The firm] should reformulate their products following your challenges to their adherence to the FSA and EU guidance on nitrates/nitrites from vegetable extracts.

(2) The FSAI would inform you of the changes before the product was released back into the UK market.

(3) You would write to Finnebrogue or the trade press confirming the above action. This letter could then be used to warn the multiples and other suppliers not to use this form of additive/technology in the future.

It is clear that the above has not happened. Other processors in the UK are also carrying out their own trials on products made with Vegetable derived Nitrites as a way to compete with the Finnebrogue 'Made without Nitrite' products. Professor [name redacted] highlighted how, in the US and Canada, customers created a backlash when they perceived they were being conned by this nitrite technology and I fear that this could also happen in the UK.

Any backlash will dilute customer confidence further. It will actually destroy the potential health benefits that the Finnebrogue products and similar future competitive products could bring to the health of the nation by removing nitrites, with their long-associated health concerns.

Many thanks once again for setting up the meeting. I look forward to receiving your confirmation that the above actions will now be undertaken.

6xi. Letter from FSA Chair to Mr Paterson, 10 February 2018

Thank you for your e-mail of 17 January. I'm glad that you found the meeting with FSA officials on 15 January helpful and that the conclusions were positive. I am sorry I could not be there.

Further to your points on the outcomes from our meeting on 15 November 2017, I thought it important to be clear about the FSA input at that meeting and the commitments that followed.

I do want to be clear that we did not - and indeed could not - require that the Republic of Ireland company reformulate its products. I did advise that we had raised the issue with the Food Safety Authority of Ireland (FSAI), and that FSAI had confirmed to us that they had looked into the matter in conjunction with their colleagues in the Department of Agriculture, Food and the Marine, and that the company had agreed to reformulate and relabel relevant products. Whilst we will continue to engage with FSAI colleagues, as you are aware, the FSA has no jurisdiction in the Republic of Ireland.

I confirmed that we would write to Finnebrogue summarising the relevant legislative provisions and guidance, and the steps that FSAI had taken. Accordingly, the FSA's Head of Food Additives, Flavourings and Contact Materials, [name redacted], wrote to [name redacted] at Finnebrogue on 24 November 2017. This letter also picked up on points about Finnebrogue's product that had emerged from our discussions with them during the meeting.

As regards the sale of the Republic of Ireland company's products in Northern Ireland, as there is no evidence to suggest that the products are 'unsafe' under food law, we are not in a position to remove the products from, or prevent them being placed on, the UK market on that basis.

As I said when we met, the FSA recognises the conclusions of the WHO's International Agency for Research on Cancer (IARC) report on red and processed meat and also the potential risks from nitrosamines. We support innovation within the legislative framework and recognise the role that Finnebrogue's products could potentially play by providing consumers with choices that could help them reduce their nitrate/nitrite intake.

As I hope was in evidence at the meeting on 15 January, we want to work with Finnebrogue to ensure that products are compliant with relevant food law. However, it seems to me that discussion around whether or not products contain nitrites/nitrates, or relative safety of products, may be clouding things. Lying at the heart of the matter is the indication, in food additives legislation, that substances selectively extracted from foods and other natural source materials that are intended to have a technical effect in the final food, can be regarded as food additives and require authorisation as such.

We therefore need to work through some technical questions with Finnebrogue concerning the substances being used in their products. To this end, further to the meeting on 15 January, I understand that [one of my colleagues] e-mailed Finnebrogue's Technical Director, [name redacted], on 26 January with some further queries. We look forward to receiving Finnebrogue's response in due course and to working collaboratively with the company going forward….

6xii. Note of meeting with FSA, Prosur and Lynn's Country Foods, 24 May 2018

Attendees: 2 representatives of Finnebrogue; Finnebrogue's legal representative; representative of Prosur; Mr Paterson; and another consultant; 6 FSA staff

Aim

The FSA explained the aim of the meeting was to better understand the nature of NATPRE T-10 HTS extract, produced by Prosur, and how it was used in Finnebrogue products. This improved understanding would enable the FSA to consider how the product sits within the regulatory framework. The FSA stated that it was aware of growing discussion across the EU about these types of product.

Finnebrogue and Prosur Perspectives

Finnebrogue explained it is trying to deliver in a safe and practical manner, products that respond to growing consumer demands in the light of potential concerns about consuming nitrites and nitrates in cured meat products. Finnebrogue highlighted growing innovation in the 'nitrite-free' meat product sector across the world and the European Union (EU), particularly in France.

Finnebrogue and Prosur contended this to be a simple dried fruit extract.

[Name redacted] declared it was acting on behalf of Finnebrogue and not Prosur in this discussion. It confirmed the Finnebrogue position to be that NATPRE T-10 HTS is a food within the meaning of EU General Food law, and as a food it falls outside of the EU Additives legislation and opinion sought from senior counsel would appear to support this position. [Finnebrogue's legal representative] waived legal privilege with the agreement of its client and shared a copy of the opinion with the FSA. [The legal representative] went on to explain that its client uses NATPRE T-10 HTS as a flavouring because the consumer testing of that product against comparators demonstrated a consumer preference (96%) for bacon with the Prosur product. Finnebrogue explained the studies were undertaken with sensory panels, and that work had focused on flavour and consumer preference.

Finnebrogue also raised concern about it being denied export certificates on the basis that DAERA believed the FSA were investigating Finnebrogue. The FSA clarified that it had not entered into any communications with DAERA on its discussions with Finnebrogue and declared that at no point had it dealt with or termed this matter as an investigation.

The FSA assured Prosur and Finnebrogue that it would undertake an obligation of confidence under the SCoPAFF procedure with regard to information shared with it. Finnebrogue were positive about this outcome.

6xiii. Email from Mr Paterson to Chair FSA, 11 July 2018

Cc: Finnebrogue; FSA

Many thanks for meeting me on Monday with [name redacted]. I'm sorry that it was all a bit rushed, but it was a particularly fraught day. However, it was helpful that [name redacted] was in London and managed to change his plans to join us. We had a very constructive discussion and your proposal to write to all the other European agencies who have approved products using the Prosur process seems a good way forward. I would be grateful if you could send me a copy of the email that you are sending out. In the meantime, you confirmed that you had not so far referred the Finnebrogue bacon to the European agency. Many thanks once again for your time and your proposal to help resolve this issue. I look forward to hearing from you.

6xiv. Letter from Chair FSA to Mr Paterson, 10 December 2018

I am sorry that I had to rearrange our meeting, and we are now catching up on 18 December. Given the delay, and just in case you are otherwise engaged next week with EU Exit matters, I thought it would be useful to update you in advance about developments regarding Finnebrogue's naked bacon range.

When we last met in July, Finnebrogue assured me that the sale of food products containing Prosur Natpre T-10 (the vegetable extract used in the 'Naked Bacon' range) had been authorised by several EU member states and that the FSA should therefore rely on this and cease any further requests for information either by us or by the local authority. In response to this claim, I proposed in that meeting to write to the nine Member States identified by Finnebrogue as having approved Prosur's Natpre T-10 use in food. Immediately following the meeting, we wrote to the relevant food safety authorities in those countries, enquiring what authorisation had been agreed, and what Member States had determined as the function of Natpre T-10. To date, four of the national agencies in countries referenced by Finnebrogue have replied stating that they have not approved the use of Natpre T-10, and all four have said that they found Natpre T-10 to function as an additive. This information does not bear out Finnebrogue's claim that these countries have authorised similar uses of the Prosur product, and definitely cannot be used by the FSA to bypass our usual authorisations and processes.

In a further development, the European Commission issued a statement on the 17th September, on the use of plant extracts in food (such as Natpre T-10), which states that these extracts are a deliberate use of food additives if they have a technological function in food. I understand that subsequently, Finnebrogue has informed its local enforcement authority - Newry, Mourne and Down District Council - that the company will be changing the labelling of their bacon to mention "antioxidant: ascorbic acid" in the ingredients list and remove the no E numbers statement. I welcome the change in labelling, which will offer consumers clear information on the nature of the product. Subject to my colleagues receiving mock-ups of the new label from Finnebrogue, I consider this matter closed.

I would like to thank you for your efforts in facilitating communication between the FSA and Finnebrogue, and I am glad to see that we have come to a conclusion that is accepted by all sides.

7. Letter from the Commissioner to the Registrar of Members' Financial Interests, 27 January 2020

I would like to ask for your advice on a matter concerning Rt Hon Owen Paterson MP, the declaration of his financial interests and about the application of the rules concerning paid advocacy.

I enclose a copy of the relevant correspondence I have exchanged with Mr Paterson.

As you can see, I have asked a series of questions about approaches Mr Paterson made to the Food Standards Agency and to DfID which may have conferred a financial or material benefit on two companies with which Mr Paterson is associated.

In his reply of 16 January, Mr Paterson asserts that paragraph 9 of chapter 3 of the Guide to the rules applies and that, in the particular circumstances, his approaches were justified because he had evidence of a serious wrong or substantial injustice which needed to be brought to the attention of Government. Mr Paterson has provided supporting evidence, a copy of which I have enclosed.

It would be helpful to know how you would have advised Mr Paterson had he sought your advice before making these approaches. Please let me know if there is additional information that you would have sought from him before giving advice. Any other comments you may wish to make would be most welcome.

It would be helpful to have your reply by 12 February 2018.

27 January 2020

8. Letter from the Commissioner to Rt Hon Owen Paterson MP, 27 January 2020

Thank you for your letter of 16 January 2020, providing your substantive reply to my letter of 30 October 2019.

When I first wrote to you, I explained that I might seek the advice of the House authorities. Having considered your letter very carefully, I have decided – in line with my customary practice - to ask the Registrar of Members' Financial Interests about the advice she would have given, had you consulted her about the advocacy rule before making the approaches to the FSA and to DfID. I enclose a copy of my letter to her for information.

I will share the Registrar's advice with you, and give you an opportunity to comment on it, before I reach any decisions.

27 January 2020

9. Letter from the Registrar to the Commissioner, 12 February 2020

Thank you for your letter of 27 January and the correspondence relating to Rt Hon Owen Paterson MP. You ask what advice I would have given Mr Paterson before his approaches to the FSA and to DfID Ministers between 2016 and 2018.

My advice to an MP who takes up a role as an adviser or consultant to a commercial entity would cover these topics:

- Use of parliamentary resources
- Registering and declaring the interest
- The advocacy rule.

I set out below the advice I would have given under each of these three headings.

Use of parliamentary resources

Had I been asked, I would have drawn Mr Paterson's attention to what is now rule 16 in the Code of Conduct, which says "…Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation." (This was Rule 15 until 1 August 2018.) I would have advised him to make sure there was a clear separation between his outside work and his parliamentary duties, so that there was no danger of his using resources funded from the public purse (such as offices, phones, ICT, stationery or the time of his parliamentary staff) to support his outside work.

Mr Paterson has told you that he used a private email address for his communications with Randox, and this is evident from the documents you have forwarded. This was right and proper. However, it seems that parliamentary email was also used on occasion, for example for the exchanges organising the meeting of 9 July 2018. And I can see two parliamentary footers included with the attachments to Mr Paterson's email of 17 January 2018 to [the FSA Chair], which might suggest that the parliamentary email system had been used to forward these attachments at some stage.

I am also concerned that a meeting between Mr Paterson and the FSA, to take place in 1 Parliament Street, was arranged for 9 July 2018. Such business meetings should not take place in MPs' parliamentary offices or on the parliamentary estate. From looking at the emails, it also seems that this meeting may have been arranged by his parliamentary staff. If so, and if his staff were paid from parliamentary expenses, this is a matter for concern.

The letters from the FSA to Mr Paterson which you have forwarded were addressed to him at the House of Commons. Mr Paterson has said that he had no control over

where the FSA sent their letters to. I do not agree with this; if the FSA habitually wrote to him at the House of Commons he should have asked them to write to him at another address. However, it may have been that not all the FSA letters were sent in hard copy.

I note that Mr Paterson wrote on two occasions to DfID Ministers using parliamentary headed paper. Following a meeting on 12 January 2017 the Minister of State replied to him at his House of Commons address. Mr Paterson has apologised for using parliamentary headed paper for these two letters, which he says was attributable to the work of a temporary secretary. If this person was paid from parliamentary expenses he/she should not have been engaged on Mr Paterson's outside work other than on a very occasional basis.

Registering and declaring interests

Chapter 2 of the Guide to the Rules deals with registering and declaring interests. Subparagraph (e) of paragraph 7 of that Chapter says:

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

Registration

Mr Paterson's contractual arrangements with Randox began on 1 August 2015, he received his first payment on 9 September 2015, and he registered it on 7 October 2015. Because he took up the role within two years of leaving Ministerial office, Mr Paterson had very properly consulted the Advisory Committee on Business Appointments and he recorded this in his Register entry. On 20 April 2017 Mr Paterson's pay was increased to £8,333 a month and his hours to 16 hours a month. He registered these changes on 26 April 2017.

Mr Paterson's contract with Lynn's Country Foods began on 14 December 2016; he received his first payment on 25 January 2017 and registered it on 27 January 2017. He earned £12,000 a year for an expected annual commitment of 24 hours. Mr Paterson had also registered an earlier visit to Northern Ireland to meet Lynn's Country Foods, which predated the start of the contract.

While it would have been good practice for Mr Paterson to register these contracts within 28 days of their start dates, rather than within 28 days of receiving payment, the wording of the registration rules focusses on the payments received and so I

believe he has met the letter of the House's rules. I could not say that rules required him to register earlier.

Declaration (ad hoc disclosures)

I can see that Mr Paterson declared his outside employment with Randox when he approached DfID ministers. The declarations are in his letters to Ms Patel of 13 October 2016 and to Mr Stewart of 16 January 2017 respectively. From the correspondence it also appears that he declared his interests at a meeting between the FSA and Randox in late 2017 or early 2018. And the internal FSA briefing for his meeting on 18 December 2018 shows that FSA officials knew he was a paid consultant to Randox. I cannot see any other declarations in the evidence you have forwarded.

Mr Paterson was right to disclose his business interests to DfID and FSA when he did. But the Guide to the Rules requires MPs to disclose interests not just in their initial communication with a Minister or agency, but in "any communication, formal or informal". Since his dialogue with the FSA spanned some three years, and included a number of officials from different teams, I would have advised Mr Paterson to make frequent declarations in emails and at meetings, and to make sure these were included in any minutes of meetings.

There was a danger of confusion about Mr Paterson's status when he lobbied Ministers and officials. MPs who undertake paid lobbying do not have any formal status above other lobbyists. But in some of his dealings with the FSA and DfID Mr Paterson seemed to assume a status which others would not have. For example, he followed up his meeting with the Minister of State by sending an action list, as if he had authority. When he met the Minister, he argued from the national interest in favour of using Randox's diagnostics. Being an MP also gave Mr Paterson greater access to Ministers than someone else would have had; he used a chance House of Commons encounter with the Secretary of State for International Development to open a correspondence and to secure a Ministerial meeting for Randox representatives, when their initial letter to DfID had not received a reply. More frequent declarations would have reminded those involved that Mr Paterson was not acting in his capacity as an MP or ex Minister.

Advocacy rule

The House of Commons rules on paid advocacy or paid lobbying changed at the 2015 Election, and restrictions were relaxed in some ways. Had I been consulted in July/August 2015 before Mr Paterson took up his role I would have explained to him the scope of the new rule. Sometimes when explaining this rule to an MP considering outside employment, I ask to see their employment contract or - as in this case – their contract for services. If I had known that Mr Paterson was to provide parliamentary advice, I might well have done so in this case. I might also have suggested adding a clause (if not already included) to make plain that the services to be provided would not include paid advocacy.

The rules on paid advocacy by MPs say in paragraph 8 (a) of chapter 3 of the Guide to the Rules:

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

Mr Paterson has told you that his approaches would not have conferred a financial or material benefit on either Randox or Lynn's Country Foods. I have seen no evidence that the companies gained a direct financial or material benefit. However, it seems to me likely that Mr Paterson approached the DfID on behalf of Randox because he aimed to get the company's name in front of Ministers and because the company wanted to become an approved supplier; and that he approached the FSA on behalf of Finnebrogue because the company wanted to stop another from selling products which they believed to be mislabelled, as well as to promote Finnebrogue's own products. These things would have resulted in a business advantage and in the end a financial benefit to the companies. You will wish to consider whether these approaches, and the approach to the FSA about contaminated milk, amounted to breaches of the advocacy rule if any benefit to the company concerned was indirect rather than direct.

Mr Paterson has told you that he approached the FSA and DfID on each occasion because he was concerned about a "serious wrong". He said that paragraph 9 of chapter 3 of the Guide to the Rules provided the authority for this:

> *9. Exceptionally, a Member may approach the responsible Minister or public official with evidence of a serious wrong or substantial injustice even if the resolution of any such wrong or injustice would have the incidental effect of conferring a financial or material benefit on an identifiable person from whom or an identifiable organisation from which the Member, or a member of his or her family, has received, is receiving or expects to receive, outside reward or consideration (or on a registrable client of that person or organisation)*.

In my view it would have been possible for Mr Paterson to approach DfID or the FSA about the issues he regarded as "serious wrongs" without involving his client companies, or bringing their representatives to meetings, although I would still have advised him to declare an interest. Had Mr Paterson told me that he was planning approaches under this paragraph I would have advised him not to use the same meetings to promote the company paying him, as it confused the picture. For example, although Mr Paterson sought the meeting of 15 November 2016 with the FSA to discuss his concerns about the findings of Randox's milk testing and the implications for public health, he also used the same meeting to promote what he called Randox's "superior technology".

In my view if a Minister or an official is being lobbied by an MP, it is important for them to know whether that person is speaking as an MP, or as a lobbyist. As a matter of good practice and to avoid confusion, I would have advised Mr Paterson against styling himself Rt Hon Owen Paterson MP in his communications if he was not acting in his capacity as an MP.

Consultant lobbying

Had I known that Mr Paterson's outside work involved lobbying Ministers I would have suggested that he take advice on whether he needed to register as a consultant lobbyist. This is a matter for the Registrar of Consultant Lobbyists and not for us.

Please let me know if you need anything else.

12 February 2020

10. Letter from the Commissioner to Rt Hon Owen Paterson MP, 25 February 2020

When I last wrote to you, I said that I was seeking the advice of the Registrar of Financial Interests. I have since received her reply, a copy of which is enclosed. I would like to give you the opportunity to comment before I take any decisions.

In addition to any general comments you wish to make, I would be grateful to have your responses to the following specific points.

(1) It would be helpful if you would check your records and tell me what, if any, light you can shed on how the parliamentary footer came to appear in the attachments to your email of 17 January 2018 to the Chair of the FSA.

(2) Please check your records and list any meetings involving Randox and/or Lynn's Country Foods which took place anywhere on the parliamentary estate (location and date).

2a. If there were specific reasons for holding any such meetings on the estate, please explain.

(3) Please describe the extent to which staff funded through the public purse (temporary or otherwise) have been engaged in matters arising out of your employment by Randox and by Lynn's Country Foods.

(4) Please describe any other steps you took to ensure that your work with both Randox and Lynn's Country Foods has been kept separate from your parliamentary role.

(5) Please list any other declarations you made to DfID and the FSA. For example,

5a. did you declare an interest when you spoke to Priti Patel on the 12 October 2016 or to [the Deputy Chair, FSA] on 7 November 2016?

(6) Did you consider raising the issues you regarded as "serious wrongs" in any other ways with Government and the regulatory authorities, with or without Randox and Lynn's Country Foods representatives?

6a. If you did, please tell me about those considerations and any other action you took.

Please provide as much supporting evidence as you can, including copies of each of your contracts with Randox and Lynn's Country Foods

I realise that you may need some time to trace and collate earlier correspondence and to interrogate your diary. Rather than ask for a reply within the customary one or two weeks, I would be grateful if you would acknowledge receipt by return and give me a full response by 18 March 2020.

5 In the meantime, this matter remains protected by parliamentary privilege and you should continue to observe strict confidentiality.

25 February 2020

11. Email from Rt Hon Owen Paterson MP to the Commissioner, 19 March 2020

Thank you for your letter dated 25 February 2020 enclosing [the Registrar's] letter of 12 February 2020.

I have at all times sought to comply with the rules of the House. If I have breached any rule, then that has been inadvertent on my part, for which I unreservedly apologise. I have always sought to comply with Parliamentary rules in conjunction with my office staff. My Parliamentary Assistant, [redacted], was not engaged in any private work. I refer you to [the] letter to you as enclosed.

After I ceased being a Minister (2014), I sought the advice of the Office of the Advisory Committee on Business Appointments (2015) before I accepted any external consultancies. Had I been referred to [the Registrar], I would have taken her advice. The written advice that I received is enclosed. I complied with this advice.

Your questions are based on the premise that my work with Lynn's Country Foods and Randox were always separate from my Parliamentary role. This was not the case due to the serious wrongs, which it was compellingly in the public interest should be urgently addressed and to which I referred in my earlier letter.

Randox showed me the milk tests they had undertaken and that these revealed the presence of prohibited antibiotics. This was a matter that related directly to my Parliamentary duty. It was not distinct. I had a duty to act, as I have set out, in the public interest. As a former Secretary of State for DEFRA, this was a close interest of mine. Moreover, my constituency is a major milk-producing area, so this was an important issue for many of my constituents. Better blood testing and potential savings on international aid for taxpayers are also matters which I raised in accordance with my Parliamentary duty.

The issue of the use of nitrites in preservatives for bacon is another instance where I had a duty to act. Not to do so would have been an abdication of my responsibility as an MP; the public was being unknowingly exposed to the risk of cancer. I acted as I did because of my Parliamentary duty. It would have been wrong not to have drawn these matters to the attention of the FSA and DfID. However, as I state below, I was at pains to inform those to whom I spoke on these matters that I was a consultant to the relevant companies.

You ask me questions:

(1) I have no recollection of this email. I have looked into this and the obvious explanation is that the photographs attached to my email 17/01/2018 (sent from my gmail account) were sent in error to my Parliamentary email first. [One of my staff] would have forwarded the email to my gmail account and, when I sent on the attached photographs, that picked up the

footer in error. The email itself was from my gmail account. I refer you to [the member of staff's] letter enclosed.

(2) I attach a list of meetings on the Parliamentary Estate with their locations and dates, along with the reasons why each meeting took place.

In summary, I held a number of meetings in my office when or because:

2.1 The matter related to the disclosures to the FSA/DfID and that was in discharge of my Parliamentary duty;

2.2 I had to be on the Parliamentary Estate because of a 3-line whip;

2.3 My constituency is in Shropshire and so not accessible during the Parliamentary week;

2.4 I could not travel to Northern Ireland as I had done in the past because of Parliamentary business;

2.5 In January 2018 I broke my neck in 3 places, I was then severely constrained as to my ability to move. I couldn't fly for 5 or 6 months and so meetings had to be outside Northern Ireland and I wasn't able to move much from the Parliamentary Estate due to the injury.

The House of Commons sitting hours are typically:

Monday 2.30pm – 10.30pm

Tuesday and Wednesday 11.30am – 7.30pm

Thursday 9.30am – 5.30pm

Friday 9.30am – 3pm

I held a number of my meetings outside these hours.

(3) I have kept my consultancy business separate from my Parliamentary business. However, because I was Secretary of State for Northern Ireland, there are times when the roles overlap.

When I visit Northern Ireland, my office has to arrange the travel, because there are security protocols to be complied with. The fact

that I am visiting Northern Ireland is highly sensitive information. I cannot simply book a flight and turn up. I have to give notice to the Police Service of Northern Ireland and I am advised not to use public transport and taxis in Northern Ireland. Accordingly, my office deals with these matters, which arise from my Parliamentary role and related security issues.

Meetings in my Parliamentary office are organised by me or my staff. My office manages my diary as they need to know where I am at all times.

(4) My work with both Lynn's Country Foods and Randox is kept separate from my Parliamentary duties. See [my office manager's] letter. Also please note the following:

4.1 I undertake my consultancy work on my personal email and mobile phone. If emails have to be sent, I send them myself; and

4.2 I meet both companies outside Parliament; I used to travel to meet them in Northern Ireland. With the increase in 3-line whips leading up to Brexit and the small Government majority, my presence on the Parliamentary estate was often required, so I could not travel to Northern Ireland as much as before.

(5) You ask me to list "other declarations I made to DfID and the FSA".

My consultancies with Randox and Lynn's were both declared [registered] in the Register of Members' Interests of the House of Commons. This is on the public record.

I would invariably inform those I spoke to regarding either company that I was a consultant to them. I no longer recall all conversations I have had, but I can say that I made it a consistent practice to tell people that I was a consultant.

You ask me if I disclosed my consultancy to Priti Patel when we spoke on 12 October 2016. I no longer recall the detail of that brief conversation. However, my letter to Priti Patel the following day states: "Following our brief chat last night I previously mentioned to you that I work with Randox Laboratories in Northern Ireland." I had, therefore, told Priti Patel of my role and I was reminding her of that.

You also refer to my call with [name of FSA official redacted] in the week commencing 7 November 2016. I do not recall the exact conversation, but I am certain that I did mention that I am a consultant to Randox.

Beyond other oral disclosures, which I frequently made, I note the following:

5.1 My letter to Rory Stewart dated 16 January 2017 states, "*I am a consultant to Randox*";

5.2 Further, the FSA's Finnebrogue Meeting Notes dated 24 May 2018 described me as "*Owen Paterson MP (Consultant)*"; and

5.3 Those within the FSA including [the Chair] and [Deputy Chair] were aware of my consultancy with Randox. The FSA Meeting Notes dated 18 December 2018 state, "*As a paid consultant to Randox, Owen Paterson has previously supported this view*". The FSA were well aware of my status as a consultant from disclosures I had made.

(6) The FSA and DfID were approached as they are the relevant authorities.

The FSA is the correct body to which issues of milk testing and nitrites in bacon/mislabelling should be referred. The FSA acted on these matters and did not suggest that another body should be notified.

DfID is the correct body for the calibration of blood testing machinery. Again, DfID did not suggest another body.

Discussing these issues inevitably involved naming the companies. It would not, for example, have been possible to refer to the milk testing without naming Randox as the source and the FSA then wanted to discuss the issues with Randox on a technical level. The same applies to the blood calibration and nitrites in bacon.

You refer me to [the Registrar's] letter, which in turn refers to Rule 16 (Rule 15 until 1 August 2018) of the Code of Conduct. This expressly states that:

"*Members are personally responsible and accountable for ensuring that their use of any expenses, allowance, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their parliamentary duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.*"

I have not received any undue personal benefit from any public resource. I have at all times sought to discharge my duty as a Parliamentarian in these matters.

I do not claim by way of expenses for refreshments served in my office.

When I book events, I disclose my interest in the invitation and on the register. I attach an example of this.[5]

I do hope that these answers are helpful and look forward to hearing from you in due course.

5 *19 March 2020*

[5] Not reproduced

11i. Letter from ACOBA to Rt Hon Owen Paterson MP July 2015

You asked for the Committee's advice about taking up appointments with Randox Laboratories Ltd having left Government in July 2014.

Randox Laboratories Ltd develops diagnostic solutions for hospitals, clinical, research and molecular labs, food testing, forensic toxicology, veterinary labs and life sciences. It has offices and distribution in over 145 countries and over 1300 employees globally. You have explained to the Committee that you have been offered a paid, part-time (1 day per month) position as consultant advising on long term strategy, and that this may involve discussions with ministers.

The Committee noted that your contact with Randox began when you were Shadow Secretary of State for Northern Ireland (2007-10) and then as Secretary of State for Northern Ireland (2010-12) in the context of the debate about the devolution of responsibility for corporation tax to the Northern Ireland Assembly. You supported the campaign to see responsibility devolved. This involved making a range of contacts with businesses across Northern Ireland during which you met and visited Randox.

You subsequently became Secretary of State for the Environment, Food and Rural Affairs (2012-2014), in which capacity you have stated that you did not have any official dealings with Randox, or its parent company.

Since leaving DEFRA in 2014 you were invited back to Northern Ireland to become involved in the corporation tax campaign and met Randox again.

You are not aware of any relationship, either contractual or non contractual between Randox and your former departments.

Although Randox will have engagement with government in pursuit of its business, you have informed us that it will not be part of your role with the company to be involved in such engagement.

Taking into account all the circumstances, including the views of your former Departments, the Committee is content to approve this application subject to the following conditions:

- you should not draw on privileged information available to you from your time in Government and

- for two years from your last day in Ministerial office, you should not become personally involved in lobbying UK Government on behalf of your new employer, its parent companies, subsidiaries or its clients.

It might be helpful if I add that lobbying is defined in the Business Appointment Rules in the following way – "Lobbying in this context means that the former

Minister should not engage in communication with Government – including Ministers, special advisers and officials – with a view to influencing a Government decision or policy in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted."

I should be grateful if you would inform us as soon as you take up the appointment, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with Randox Laboratories Ltd as, depending on the circumstances, it may be necessary for you to seek fresh advice.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

11ii. List of meetings held on the parliamentary estate

Meetings attended by Randox and / or Lynn's Country Foods

Randox [at 1 Parliament Street unless stated]

Monday 24th October 2016 – meetings at 09.30am and 15.15pm with 3- line whip in the evening. To discuss milk and blood testing equipment.

Monday 31st October 2016 – meeting held at 15.30 &16.00 with 3-line whip in the evening with Policing Minister Brandon Lewis on blood testing equipment.

Tuesday 15th November 2016 – pre-meeting with Randox held at 14.00 with a 3 -line whip from 12.30 - to discuss milk testing, antibiotics and national issues followed by meeting with the FSA at 15.00.

Wednesday 12th January 2017 – pre-meeting at 16.00 before travelling to and meeting with Minister, Rory Stewart held at DfId.

Thursday 26th January 2017 – Private social visit at 09.00 with 1 line whip.

Tuesday 7th February 2017 – meeting at 11.00 with 3-line whip from 12.30. Private meeting re Grand National but had to be on the estate due to a 3-line whip.

Monday 11th September 2017 – meeting in House of Lords by invitation re the Life Sciences Reception held at 19.00 with 3-line whip at 9pm so had to be on estate.

Wednesday 6th December 2017 – meeting at 09.00, 3-line whip from 12.30 to discuss the implications for the French dairy industry.

Wednesday 23rd May 2018 – meeting at 12.00 with a 3-line whip from 12.30 so OP had to be on estate re the Life Sciences Reception.

Wednesday 20th June 2018 – meeting at 10.30, 3-line whip from 12.30 with deferred divisions from 11.30 re the Life Sciences Reception.

Tuesday 17th July 2018 – meeting at 09.00, 3-line whip from 12.30 re the Life Sciences Reception.

Wednesday 10th October 2018 – meeting at 10.00, deferred divisions from 11.30.

Tuesday 9th July 2019 – meeting at 09.00, 3 -line whip from 12.30.

Lynn's Country Foods

Wednesday 15th November 2017 – held at 13.00 with a 3-line whip. Meeting re classification of ingredients.

Monday 15th January 2018 – at 15.45, 3-line whip that evening. Meeting re classification of ingredients.

Owen Paterson met with [name redacted] from Lynn's Country Foods on the following days to discuss current issues:

10th January 2019

6th February 2019

6th March 2019

10th April 2019

18th May 2019

12th June 2019

17th July 2019

30th October 2019

15th January 2020

12th February 2020

11iii. Letter from one of Mr Paterson's staff, 18 March 2020

I am writing in response to your letter dated 25th February addressed to Owen Paterson which also enclosed [the Registrar's] letter dated 12th February. I have worked for Mr Paterson for 18 years. I began in January 2002 as a Parliamentary Assistant; I was his Office Manager for several years. I now look after all of his constituency work including casework and research. I work in his Westminster office and also from home.

For the last 18 years, I have worked closely with Mr Paterson as he performs his parliamentary duties and would make the following comments:

- Mr Paterson is particular about registering and declaring his interests. He reviews them carefully before the office registers his expenses and interests.

- Mr Paterson keeps his personal business entirely separate from his duties as an MP. I am not involved with his consultancy matters and he has never asked me to be.

- I manage Mr Paterson's parliamentary email account. The office receives in the region of 300 emails per day to this address. It is my role to review these emails first and send them to the appropriate person in the office or to deal with them myself. As Mr Paterson's parliamentary email address is publicly available, from time to time non parliamentary emails are sent incorrectly to this address. When this happens, I immediately forward them to his private email. I believe that this is what is likely to have happened regarding the footer mentioned in your letter.

- Mr Paterson never makes business calls from his office and uses his personal mobile for both calls and emails related to his consultancy work. From time to time, I overhear Mr Paterson's telephone conversations where he states that he is acting as a consultant.

Accordingly, there are robust practical measures in place which ensure the separation of constituency and parliamentary matters from personal.

I hope that this letter is helpful as you proceed with your investigation. Please feel free to contact me if you have any questions or you require further information.

12. Letter from the Commissioner to Rt Hon Owen Paterson MP, 29 May 2020

Thank you for your email of 19 March 2020. I am very sorry that I have not replied sooner. I have not done so because of an unusually large volume of work in my office coinciding with the pandemic and the move to remote working.

When I wrote to you on 25 February, I asked a series of questions. Thank you for your responses to them. I also asked for copies of your contracts with Randox and Lynn's Country Foods. You did not provide them, and I would be grateful if you would do so now.

Having reviewed the information about meetings you have held on the parliamentary estate involving Randox and Lynn's Country Foods, I have some additional questions. I also have one request for additional documentary evidence.

Please let me have your answers to the following questions.

(1) From what time did the 3-line Whip apply on 24 October 2016?

(2) From what time did the 3-line Whip apply on 31 October 2016?

(3) On 31 October 2016 you and colleagues from Randox met with the Policing Minister about blood testing equipment. Please explain:

a. At whose request this meeting was held

b. What the meeting was about, and what the outcome was

c. From what time the 3-line Whip applied

(4) From what time did the 3-line Whip apply on 15 November 2017?

(5) On 15 November 2017 you had a meeting on the parliamentary estate with Lynn's Country Foods. You had a meeting the same day with the Chair and representatives of FSA about milk testing; was that meeting also held in 1 Parliament Street, and at what time was that meeting?

(6) From what time did the 3-line Whip apply on 15 November 2017?

(7) How long was your meeting with Randox scheduled to last on 6 December 2017?

(8) From what time did the 3-line Whip apply on 15 January 2018?

(9) On 24 May 2018 you met with representatives of Finnebrogue/Lynn's Country Foods, Prosur and the FSA, about the classification of ingredients in bacon. Where was that meeting held?

(10) On 18 December 2018 you met the Chair and representatives of FSA about milk testing and about the classification of ingredients in bacon. Where was that meeting held?

(11) How long was your meeting with Randox scheduled for on 9 July 2019?

(12) Please identify which, if any, of the meetings you have listed in the attachment to your email of 19 March 2020 were originally scheduled to take place off the estate and were moved because of the imposition of a 3-line Whip.

(13) Please explain the nature of the relationship between Finnebrogue and Lynn's Country Foods.

I note that since the start of my inquiry you have continued to hold meetings about "current issues" connected with your consultancy work on the parliamentary estate. Without prejudice to the outcome of this inquiry, I recommend that for the future you hold any such meetings elsewhere.

I said there was one extra piece of evidence I would like to see. Please provide any letters or other material you have relating to the increase in your pay from Randox in April 2017.

Please let me have the copies of your contracts, the material relating to your increased pay, and the answers to the above questions by 19 June 2020.

Once again, please accept my apologies for the delay in writing to you.

29 May 2020

13. Letter from Rt Hon Owen Paterson MP to the Commissioner, 18 June 2020

Thank you for your letter of 29 May 2020. My responses to your questions follow.

I do not have written contracts with Randox or Lynn's Country Foods and the increase in my fees from Randox in April 2017 was dealt with orally. There are no letters or emails relating to this.

You ask a number of questions relating to the 3-line Whips and the relevance of this requires a more detailed explanation than just stating the time.

The period in question was extremely busy. The Brexit referendum took place on 23 June 2016. Theresa May then replaced David Cameron as Prime Minister. The Government had a majority of only 12 and there was much contentious parliamentary business. This led to the General Election in June 2017 and the Conservative Party returned as a minority Government. It was a time of major constitutional debate, with Parliament bitterly divided. The Brexit issue was only resolved within Parliament after the December 2019 General Election.

It was essential during the time in question, for me to be on the parliamentary estate in the discharge of my duties as an MP. Frequently when there was a 3-line Whip, the Government would take the opportunity to make Statements and Opposition MPs to ask Urgent Questions, often at short notice. There were numerous impromptu meetings between MPs to discuss the latest developments and courses of action. This was time-consuming and required my attendance on the parliamentary estate at all time, not just for particular votes.

Meetings with outside parties are usually arranged well in advance and sometimes this can be months in advance. At the time these meetings were being set up it was not known what the parliamentary business would be on the proposed day. The Whip only comes out on Thursdays for the week following. To be safe, it was necessary to arrange meetings at my parliamentary office as it was almost certain that I had to be in and around the parliamentary estate at this time.

In answer to your questions

(1) From what time did the 3-line Whip apply on 24 October?

The 3-line Whip was at 9pm for 10pm

(2) From what time did the 3-line Whip apply on 31 October 2016?

The 3-line Whip was at 9pm for 10pm.

(3) On 31 October 2016 you and colleagues from Randox met with the Policing Minister about blood testing equipment.

Please explain at whose request this meeting was held? I do not recall who requested this meeting.

What the meeting was about, and what the outcome was? The meeting was to discuss Home Office Policy on forensic testing and the need for diversity which is essential to deliver an effective forensic market. The Home Office were considering a single supplier arrangement. A group of companies who were providing specialist forensic science services were concerned that this policy would damage the independent forensic services which are essential to, amongst other areas, the criminal justice system. The meeting clarified that there was no intention to go to a single supplier.

From what time the 3-line Whip applied? The 3-line Whip was at 9pm for 10pm.

(4) From what time did the 3-line Whip apply on 15 November 2017?

There was a running 3-line Whip from 12.30pm

(5) On 15 November 2017 you had a meeting on the parliamentary estate with Lynn's Country Foods. You had a meeting on the same day with the Chair and representatives of FSA about milk testing; was that meeting also held at 1 Parliament Street and at what time was that meeting?

The meeting with [FSA] was at 14.00 and was held in 1 Parliament Street

(6) From what time did the 3-line Whip apply on 15 November 2017?

There was a running 3-line Whip on Wednesday 15 November from 12.30pm.

(7) How long was your meeting with Randox scheduled to last on 6 December 2017?

The meeting was scheduled to last 30 minutes.

(8) From what time did the 3-line Whip apply on 15 January 2018?

The 3-line Whip was at 9pm for 10pm

(9) On 24 May 2018 you met with representatives of Finnebrogue/Lynn's Country Foods, Prosur and FSA, about the classification of ingredients in bacon. Where was that meeting held?

The meeting was held at the Food Standards Agency Office, Clive House, 70 Petty France, London SW1

(10) On 18 December 2018 you met the chair and representatives of FSA about milk testing and the classification of ingredients in bacon. Where was that meeting held?

The meeting was with [the Chair]. It took place at 9.00 at 1 Parliament Street.

(11) How long was your meeting with Randox scheduled for on 9 July 2019?

I did not meet with Randox on 9 July 2019. A meeting was scheduled on that day which, in the event, Randox did not attend. It was, however, left in the diary in the name of Randox.

It is a practice of mine to hold time in my diary for possible meetings. Sometimes these meetings do not take place and the entry remains in the diary. The diary is therefore a record of what was intended to happen. It is a tool for forward planning. Over the course of a day it is frequently changed, but it is not corrected retrospectively if a meeting does not happen.

(12) Please identify which, if any, of the meetings you have listed in the attachment to your email of 19 March 2020 were originally scheduled to take place off the estate and were moved because of the imposition of a 3-line Whip.

My office does not have records of the movement of meetings. Meetings are routinely changed due to parliamentary business and rescheduled. The period during which the above referenced meetings took place was extremely busy within Parliament. When there is a 3-line Whip, then the day in question I would be required to attend meetings to discuss the parliamentary business which was subject to the Whip. A typical day at this time would involve meetings in the morning to discuss that day's business in Parliament which I would attend. Further, there was urgent business being brought before the House at short notice. Arranging meetings away from my office was simply not practical. I was generally required to be in and around the parliamentary estate at this time.

(13) Please explain the nature of the relationship between Finnebrogue and Lynn's Country Foods.

Finnebrogue is the trade name, Lynn's Country Foods, the registered name at Companies House.

If you have any further questions, I would be very happy to answer them. If it would be helpful, I would also be happy to meet you now that we are back from the lockdown.

18 June 2020

14. Letter from the Commissioner to Mr Paterson's solicitor, 2 November 2020

In September you wrote to ask me to suspend my inquiry until the beginning of November to allow Mr Paterson to spend time with his family following his bereavement.[6]

Before resuming my work, I wanted first to check whether Mr Paterson is now feeling well enough to be able to participate fully in the inquiry process.

As I said in my last letter, I expect to need to correspond with Mr Paterson before I can conclude my inquiry but hope that I will be able to decide the outcome reasonably soon. I would share my decision with Mr Paterson and allow him time to comment before concluding my inquiry.

2 November 2020

[6] I had in the interim written to Mr Paterson to express my condolences and to let him know that I had suspended my inquiry until November.

15. Letter from Mr Paterson's solicitor, 5 November 2020

This written evidence includes redactions, authorised by the Committee, of material which is of a sensitive personal nature or material which in the view of the Committee might be legally actionable were it not subject to parliamentary privilege.

Mr Paterson is well enough to proceed although he and his children remain deeply traumatised by his wife's death.

I enclose for your information a letter from Nigel Pleming QC dated 14 September 2020. Mr Pleming was retained by the Speaker's Office in the cash for questions matter and he is very familiar with investigations within the House. Mr Pleming has reviewed all correspondence in this matter and he concludes that Mr Paterson has fully answered all your questions, as he clearly has.

In our view, and that of highly experience Leading Counsel, Mr Paterson has satisfactorily answered the questions put to him and has met the standards required in the Rules of Conduct. After assessing this letter from Nigel Pleming, we believe the matter should now be concluded.

One aspect of this matter is that the original inquiry was answered and then additional and different lines of inquiry were raised in successive letters. [redacted] Now [redacted] is expressing the same concern. This emphasises the need for this very long-standing matter to be concluded for the sake of his family, which continues to suffer enormously.

15i. Letter from Nigel Pleming QC, 14 September 2020

I have been provided with a complete set of the correspondence (with attachments) passing between the Commissioner and Mr Paterson - covering the period 30 October 2019 to 26 July 2020.

I note that "It is for the Commissioner to determine the enquiries necessary in order to conduct a fair and impartial investigation." - *Parliamentary Commissioner for Standards, Commissioner's Information Note, paragraph 12.*

Having read the correspondence, and attachments, it is my opinion that Mr Paterson has provided full and detailed answers to all the questions raised by the Commissioner in her various letters, and supplied supporting documentation.

It is difficult to see what further enquiries could now be necessary in order for the Commissioner to be satisfied that she has conducted and completed a fair and impartial investigation.

Note I had received a copy of Mr Pleming's letter earlier in week commencing 2 November 2020 from unnamed "concerned colleagues" of Mr Paterson via the office of a senior Member of the House.

16. Letter from the Commissioner to Mr Paterson's solicitor, 9 November 2020

Thank you for your letter of 5 November 2020, enclosing one dated 14 September 2020 from Nigel Pleming QC, the contents of which I have noted. This had already reached me through an indirect route.

As you will be aware, as soon as I learned of Mrs Paterson's death, I suspended my inquiry. The inquiry remained suspended until after the inquest and I have waited for a suitable period to pass before asking if Mr Paterson is well enough to continue. Having received confirmation that Mr Paterson is well enough to correspond, I will now resume my work. I expect to be able to share my decision with Mr Paterson shortly.

I was very sorry to learn that Mrs Paterson was distressed by my enquiries. I realise that this is a very difficult time for Mr Paterson and his family, and I am sorry to learn that [redacted] is distressed. I would like to remind Mr Paterson that, as a Member of the House, he has access to support through the Parliamentary Health and Wellbeing Service.

I will write to Mr Paterson direct about my decision as soon as I can. In the meantime, please assure him I that I will conclude my inquiry as quickly as possible while ensuring that he has a proper opportunity to participate.

9 November 2020

17. Letter from the Commissioner to Rt Hon Owen Paterson MP, 23 November 2020

I am conscious that it is now almost three weeks since your solicitor confirmed that you are well enough to engage with my inquiry and since I resumed work on the investigation. I thought it might be helpful to let you know that I am now very close to completing my work and I expect to be able to share a draft decision with you shortly.

In the meantime, there is one point of fact which I need you to clarify. What was the nature of your relationship to Randox and Lynn's Country Foods? By that I mean, were you an employee or were you an external consultant, or were you in some other form of working relationship with each of these companies?

You will be aware that your solicitor has told me that [redacted] is very distressed by my investigation and I am acutely aware that the continuing uncertainty will be very difficult for you too. With that in mind, I would like to ask how you would like me to communicate my decision. I would be happy to call you first to give you an overview of my decision before sending you the document, if that would be helpful. And it would be helpful to know if you would prefer me to send it to you direct, or via your solicitor. If the latter, please would you name the person to whom I should send it and provide their email address and telephone number. (I have received correspondence from [two names redacted].)

I would be grateful to have your responses to the above questions by 30 November 2020.

In the meantime, I would like to remind you again of the availability of confidential support through the Parliamentary Health and Wellbeing Service – [contact details redacted].

23 November 2020

18. Letter from Rt Hon Owen Paterson MP to the Commissioner, 24 November 2020

I write in reply to your letter 23rd November 2020.

The answer to the question you ask regarding the nature of my relationship with Randox and Lynn's Country Foods, is a matter of public record, see the Register of Members' Financial Interests (copy attached).[7] I am a consultant.

This has been extensively dealt with in our prior correspondence, going back to my letter to you of 16th January 2020 (copy attached),[8] where I explained that I am a Consultant to Randox and Lynn's Country Foods. I attached documentary evidence showing disclosures I made as to my status as a consultant.

I also drew to your attention the advice I was given by the Office of the Advisory Committee on Business Appointments (ACoBA) before my consultancy with Randox commenced on 1st August 2015.

There can be no doubt as to my status as a consultant which has not changed since I received advice from ACoBA.

Please ring my solicitor, [details redacted] when you are ready to communicate your draft decision.

24 November 2020

[7] Not reproduced here

[8] WE6

19. Letter from the Commissioner to Rt Hon Owen Paterson MP, 1 December 2020

Thank you for your letter of 24 November 2020 and for confirming that you are retained as a consultant by Randox and Lynn's Country Foods. I was aware of your register entry but felt it necessary to check with you because ACoBA's letter to you of July 2015 (item 12.i. in the written evidence) made reference to your "new employer".

I have now completed my inquiry and am writing to tell you the outcome of my work and that I have decided to conclude this matter by referring a formal memorandum to the Committee on Standards. This is because I have found that you acted in breach of paragraphs 11, 13, 15 of the 2015 Code of Conduct for Members, and that your breaches of paragraph 11 are so serious and numerous as to put you in breach of paragraph 16 of the Code.

I attach a pdf copy of the draft of my memorandum to the Committee, along with the written evidence on which I have relied. This is in accordance with the arrangements agreed with the Committee on Standards and outlined in the Commissioner's Information Note, a copy of which I sent to you when I began this inquiry.

There are several things I should explain about the draft report. The first is, as I am sure you are aware, that the content of my report is a matter for me alone. However, I would welcome your comments on its factual accuracy. As you can see, I have included a heading under which any other comments you wish to make might be included. (If there is nothing you wish to add, I will remove that heading.)

I have included in the written evidence appended to the memorandum the evidence I have considered during the course of my inquiry. When the Committee publishes its own Report after considering a memorandum from me, they routinely publish the written evidence in a separate volume. My decision is based on my consideration of all of the evidence but, to assist readers of the final Report, I provide a summary of the evidence within the main text of each memorandum. If you think I have omitted any relevant evidence from the summary (see paragraphs 9 to 81 of the draft memorandum), please let me know what it is and I will add that to the summary.

I should also emphasise that, while I have included my draft analysis, this might change in the light of any comments you make on the factual accuracy of the report.

You will see that I have redacted the personal details of third parties where that information is not relevant to my decision. If you think I should consider redacting any additional material, please identify the material and explain why you think it should be redacted. I will consider carefully any such request.

I would be grateful to have your comments as soon as possible and by no later than 15 December 2020. Subject to any such comments, I would hope to submit my memorandum to the Committee early in the new year for their consideration.

I will let you know when I send the memorandum to the Committee and the Clerk would then let you know when a date has been arranged for the Committee to consider the report. He will send you a copy of the final text shortly before the Committee meeting. The Clerk will also offer you the opportunity to submit written comments or to address the Committee should you wish to do so before it reaches a conclusion.

A copy of this letter and the draft memorandum has been sent to your legal adviser, as requested. In the meantime, our correspondence about this inquiry remains protected by parliamentary privilege and you should continue to keep this matter strictly confidential.

I am very sorry that this matter is coming to a conclusion so close to Christmas and at a particularly difficult time for you and your family. I know that you have supportive colleagues and I hope that you are accessing support through other routes too. The Parliamentary Health and Wellbeing Service provides confidential support and counselling [details redacted].

1 December 2020

20. Letter from Mr Paterson's solicitor to the Commissioner, 10 December 2020

I write in response to your letter to Mr Paterson dated 1 December 2020.

Mr Paterson wishes to provide you with detailed evidence in the form of witness statements addressing facts relevant to the key findings in your draft memorandum. The reason being that the draft report is factually inaccurate. It is not possible fully to comment on the factual accuracy of the report without submitting this additional evidence.

Having considered the content of the draft memorandum, and the imminent Christmas/New Year break together with Covid-19 restrictions, we anticipate it will take 6 to 8 weeks to obtain and provide you with this evidence.

I am mindful that you are to conduct a "fair and impartial investigation" and observe the principles of natural justice and so it is important that witness evidence is provided to you to meet these fundamental objectives.

I see from your draft report that in your investigation you have not spoken to witnesses, not sought or obtained expert evidence or and not put allegations to Mr Paterson where you have made provisional findings based on emails.

I undertake investigations including for government agencies and it is fundamental to a fair process that witnesses are engaged and spoken to, where there are issues requiring an expert's input that is obtained, and allegations put to the subject of the investigation (usually face to face) so they can give an explanation.

By way of example you have not taken evidence or investigated the seriousness of the issues: contamination of milk, nitrites in bacon and the calibration of equipment in medical laboratories. These issues are at the heart of the matter. It is difficult to understand how you can fairly form a view as whether or not there was a real risk of serious wrong or harm without this evidence.

Your draft does not seek to assess if these issues, as a matter of fact, were a serious wrong or harm.

You have also not investigated how these issues came to be raised save by looking at emails which only ever tell part of a story.

I mention these points as examples of the lack of a proper and fair investigation. This extends to other important evidential issues.

We will provide the evidence to you and a detailed critique of the factual accuracy of the content of draft memorandum.

In this process it will be necessary for us to discuss the subject matter of the draft memorandum with witnesses. We will not reveal any part of the draft memorandum itself, or any of the correspondence. Much of the background is in any event in the public domain as it has been put there by the Guardian.

I mention this as, in your letter and in the draft memorandum, you have referenced parliamentary privilege and the need to keep this matter strictly confidential.

In order to achieve a fair process and comply with the rules of natural justice Mr Paterson requests that he is given the opportunity to provide this evidence.

10 December 2020

21. Letter from the Commissioner to Mr Paterson's solicitor, 15 December 2020

Thank you for your letter of 10 December 2020. I have considered very carefully your request that I extend the deadline for Mr Paterson to comment on the factual accuracy of my memorandum by six to eight weeks.

You say Mr Paterson wishes to submit additional witness statements and that these would include evidence of the harm caused by milk contamination, by nitrites and nitrates in bacon, and the dangers of poorly calibrated health service equipment. For the reasons I explain below such expert evidence is not material to my decision. I am not willing to delay submission of my memorandum to the Committee on Standards while Mr Paterson commissions that evidence. He will have the option of offering evidence to the Committee if he wishes. You have not said what other evidence Mr Paterson wishes to submit and so I cannot form a view on it.

I notified Mr Paterson of the scope of my inquiry at the outset and I invited him to respond. Its scope has not changed. My finding of a breach of paragraph 16 is a direct consequence of the breaches of paragraphs 11, 13 and 15 of the Code of Conduct. When I began my inquiry, I said that I did not know whether it would be necessary to interview Mr Paterson and that I would be "*very happy to meet with* [him] *at any stage if* [he] *would find that helpful*". Although Mr Paterson indicated his willingness to be interviewed, that was not necessary. He has not asked to meet me. I took advice from the Registrar of Members' Financial Interests and gave Mr Paterson the opportunity to comment on her advice before I made any decisions. And, I have shared my draft memorandum with Mr Paterson so that he has had the opportunity to comment before I make a referral to the Committee on Standards. He has, therefore, had opportunity to respond to the allegations and to provide explanation.

The question of whether there were serious wrongs or substantial injustice arose from Mr Paterson's defence of his approaches to FSA and to DfID. You say it is difficult to understand how I can fairly form a view as to whether or not there was a real risk of serious wrong or harm without expert evidence about the contamination of milk, nitrates in bacon and the calibration of equipment in medical laboratories. I have had to consider whether Mr Paterson's approaches to FSA and DfID met the conditions set out in paragraph 9 of chapter 3 of the Guide to the Rules. I have not considered whether the issues were, as a matter of fact, serious wrongs or injustices because the issue is one of conduct, not science. The pivotal point is not whether Mr Paterson's belief about the issues was scientifically justified but whether or not he breached the paid advocacy rule.

I have not found that Mr Paterson breached the paid advocacy rule when he first approached FSA about residues in milk in November 2016. In paragraph 93 of my draft memorandum I made it clear that I did not question the risks associated with antimicrobial residues in milk and I acknowledged in paragraph 94 that the timing of Mr Paterson's approach suggested he regarded the matter as urgent and that FSA responded with urgency. I did, however, find that his subsequent approaches to FSA

were not consistent with attempting to put right a serious wrong or injustice with the incidental effect of conferring a benefit on his client.

I have not drawn any conclusion about the calibration of equipment in medical laboratories. My analysis of Mr Paterson's approach to DfID and whether it met the exceptional circumstances criterion expressed in paragraph 9 of chapter 3 of the Guide to the Rules did not question Randox's premise that calibration could be significantly improved nor did it question the impact such improvement might have. I did, however, address the question whether or not Mr Paterson's intervention was addressing a serious wrong or substantial injustice with the incidental effect of conferring a financial or material benefit on his client. And I also considered whether his approach, which began "by chance", was consistent with a concern to draw attention to a serious wrong or substantial injustice.

I also did not question the premise that nitrites are harmful to health. I did consider whether Mr Paterson's approaches to FSA were seeking to reduce or end the sale of bacon containing nitrites or to promote nitrate free products in general, with only the incidental effect of conferring a benefit on his client. I concluded that his approaches were more limited than that, focussing on one other company's product and those of his client.

Mr Paterson is, of course, at liberty to seek his own expert witness statements and to submit those to the Committee on Standards if he believes they will assist their consideration of his compliance with the House of Commons' Code of Conduct. If he wishes to do that, Mr Paterson may share relevant information with an adviser, provided he explains clearly to them the confidentiality requirements and the implications of parliamentary privilege, and requires them to adhere to those restrictions. He must not share with my draft report with them.

More generally, you say that I have "*not investigated how these issues came to be raised save by looking at emails which only ever tell part of a story.*" It was open to Mr Paterson to submit any evidence that he considered relevant during my inquiry. On 25 February 2020 I shared with him the Registrar's letter of 12 February 2020 in which she provided advice about the paid advocacy rule. I asked a series of questions and invited Mr Paterson to submit any comments he wished to make, which might reasonably have prompted him to provide more evidence on this point. However, if Mr Paterson has additional evidence, other than expert evidence described in my second paragraph, which he now considers to be relevant, I would be happy to receive it by 10 January 2020 alongside details of any factual inaccuracies (with relevant supporting evidence) in the memorandum. For the avoidance of doubt, I should say now that I expect to receive that response from Mr Paterson, to whom this letter is copied. While Members are permitted to take legal advice, the House expects that they will respond personally to my enquiries.

Finally, please accept my apologies for the duplication of the Registrar's letter in the written evidence pack; it was reproduced as item 9 and again as item 10 in the material sent to you and to Mr Paterson on 1 December. This will be rectified before despatching the memorandum to the Committee on Standards.

Please send all future correspondence to [redacted].

15 December 2020

22. Email from Commissioner's office to Mr Paterson, 5 January 2021

Dear Mr Paterson

I am writing to introduce myself, I have taken over [redacted]. I would like to reassure you that I have been fully briefed by [redacted] prior to [redacted] leaving, and have properly acquainted myself with the investigation.

I understand that the Commissioner has asked you to comment on the factual accuracy of her memorandum; and that you have also asked to submit additional evidence, which is due to be provided to the Commissioner by 10 January. However, I have just identified a response to an FOI request published by the FSA which included notes from the meeting held on 15 January 2018 between you, Lynn's Country Foods, the FSA and others, and related correspondence. The FSA has recently changed its method of filing FOI requests, which is why this was not identified by the investigation previously. There is material in this document relevant to the inquiry, but I understand that the Commissioner has not had sight of it previously and it is therefore not reflected in her memorandum, although the meeting itself is referred to. It is important you have the opportunity to review this material before she finalises the memorandum, and I have therefore linked to the response to the FOI request for your consideration here (https://fsa-catalogue2.s3.eu-west-2.amazonaws.com/FOI+2476+-+Annex+C.pdf). I would like to draw your attention to Communication 1 (page 1) and the meeting note (page 20), which the Commissioner considers relevant to the inquiry and will be included in the evidence pack. Should you have any comments on the material, or the purpose of this meeting, please provide a response as soon as practicable.

Please may you check your emails to confirm whether there is any other correspondence relevant to this inquiry which the Commissioner has not had sight of and provide any outstanding material.

I note the request received yesterday from your solicitor to extend the deadline to 13 January. The Commissioner will agree this extension, however if you believe you will need time past the 13 January to respond to my additional requests, please make us aware promptly.

5 January 2021

23. Email from Mr Paterson's solicitors to Senior Investigations and Complaints Manager, 8 January 2021

I write further to our telephone conversation of Wednesday.

You have selected extracts from the FSA FOI that you consider to be relevant to the investigation and only disclosed these, when you have reviewed the entire FOI response and so did not draw to Mr Paterson's attention the other documents. Looking at the documents not disclosed by you but within the FOI, we believe these are relevant. This leads me to ask two questions on Mr Paterson's behalf:

1. Please advise of the relevance test that was applied, so Mr Paterson may understand why seemingly relevant material has been considered to be not relevant and so not disclosed; and
2. What other third party documents have been received and / or reviewed and not referred to Mr Paterson on the basis they are believed to be irrelevant. I ask that all such material is now disclosed, perhaps in a portal for a ease of access and the provenance of these documents provided. It is important that there is a level playing field and Mr Paterson has access to the documents the Commissioner has seen and discarded.

It is important that there is not selective disclosure, as this is an independent investigation being conducted to find the truth, in accordance with the principles of natural justice.

Mr Paterson should have full access to the source material the Commissioner has reviewed and obtained, as we may have a different view on relevance, as we do in relation to the FSA FOI response.

So far as timing is concerned, Mr Paterson does wish to submit evidence relating to the material you disclosed on Tuesday and also in relation to the material provided within the FSA FOI response which you do not consider relevant. I expect this to be in the form of a third party witness statement, with whom I will liaise as to availability. I estimate it will take a minimum of two additional weeks to do this, taking us to 4pm on 27 January 2021.

I reserve Mr Paterson's position in relation to other non-disclosed documents and the timing to deal with these. Once we have disclosure we can then advise as to the time period in which we can respond. If there are none, then we just need that confirming.

For your information, Mr Paterson will be sending a detailed reply to the draft memorandum. It is customary when dealing with Salmon letters that to the extent a report which has been disclosed is then revised, then the amended report is disclosed, not just parts of it, so there is transparency in the disclosure process. I hope this legal process will be followed.

24. Email from Commissioner's office to Mr Paterson, 12 January 2021

I have received the attached email from your solicitors, but you will be aware that although Members may take legal advice if they wish, they are expected to respond to enquiries themselves. Accordingly, I will not be responding to communications from your solicitors, although I have copied them into this correspondence as a courtesy.

Your solicitors are concerned that only part of the FOI documents that we recently became aware of were sent to you. We have brought to your attention the FOI material that the Commissioner considers relevant to this inquiry. This material (Annexes C and D to the FOI request of 6 September 2019) relates to the meetings of 15.1.18 and 24.5.18 and is therefore relevant to this inquiry. The investigation already held some material from Annexes C and D, which is already included in the written evidence. The two documents I highlighted in my previous email were both new to the investigation and relevant.

Annexes A and B are respectively the original FOI request for information about contact between OP and FSA officials, and the reasons for redacting the information provided. Annex E is the schedule of docs disclosed. None of this material appears to be relevant to the inquiry, but if you wish to bring any of this material to the Commissioner's attention then please identify which material and why it is relevant.

In the autumn of 2019 there were 3 FOI requests for information concerning contact between you and the FSA that we are aware of. The responses are all published and available to see on the FSA website. Two of these requests related to contacts with the Chair / CEO and we were already aware of these, but we have only recently become aware of this FOI and so the relevant parts of the response were sent to you for comment. Although we only recently became aware of this material, as you were present at the meetings referred to, you were presumably already aware of this material. As explained above the Commissioner has drawn your attention to two particular documents which will be added to the evidence and on which she may well comment. You will have an opportunity to see and comment upon the revised memorandum. It is open to you to point out any further evidence which you consider relevant.

Your solicitors have asked what other third-party documents have been received but not disclosed or referred to. No other third-party materials have been received.

I appreciate that your solicitors raised this query with me on Friday, and there has been a two day delay to my responding. Please may you therefore confirm you will provide any comments on the memorandum by Friday, 15 January. Regarding the supplementary evidence referred to by your solicitor, I note your request for an extension of two weeks with a deadline of 27 January to provide this evidence. The Commissioner has agreed to this request, but I would ask this be provided as soon as practicable, and by 27 January at the very latest.

Finally, I remind you that you are under a duty to co-operate with the Commissioner's investigation. If you hold correspondence or other evidence relevant to this investigation, please supply it now.

5 *12 January 2021*

25. Letter from Mr Paterson to the Commissioner, 15 January 2021

This written evidence includes redactions, authorised by the Committee, of material which is of a sensitive personal nature or material which in the view of the Committee might be legally actionable were it not subject to parliamentary privilege.

Dear Ms Stone

I write in reply to your letter dated 15 December 2020, and the invitation in paragraph 9 of your draft Memorandum ("DM") received on 1 December 2020 (i) to identify any evidence which I felt was relevant that had not been included in the body of the DM, and (ii) to comment on your analysis and conclusions. This letter is also my substantive reply to the 5 January 2021 email from [PCS team], enclosing additional FSA material.

The additional evidence is lengthy and does not include expert evidence (which you have declined to receive and consider) save for the statement of [Professor of Food Safety] who, although expert, is principally a witness of fact.

For your convenience, what follows is in numbered paragraphs. Where it is necessary to refer to paragraphs in the DM I have used "DM /X", and for pages of the Written Evidence "DME/X".

For the reasons set out in this reply, you have not conducted a fair investigation to date and if you are to proceed to the Committee, as you have indicated, then you will not have complied with natural justice, as is required of you. Given that you may now refer this matter to the Committee I have set out below a brief chronology and summary before the detail of my reply.

Should the matter now to go to the Committee as per your draft memorandum, then I will provide further evidence on the breach of natural justice and the inadequacy of the investigation.

As I was only given by you until Sunday 10 January 2021 to reply, I had to work over Christmas on this matter and so wasn't there for my family as I should have been, bearing in mind this was our first Christmas without my wife Rose. It was hard to deal with this matter but I had no choice but to work to your short deadline.

Chronology

	Date	Event
1.	30 September 2019	The Guardian published the allegation that I had lobbied for firms I am paid to advise. This was part of a long running political campaign against me led by The Guardian which is opposed to my political beliefs such as Brexit.

2.	30 October 2019	I received your first letter to me giving notice of your inquiry, repeating The Guardian allegation and citing it as the reason for opening an inquiry. You asked me a number of questions. However, this letter was sent by you when you knew that Parliament was being dissolved for the election. You concluded by saying, "Whilst I must cease work on this inquiry during Dissolution, I would expect to return to it in the new Parliament." I do not know why you chose to start this inquiry and give notice at this time, as opposed to waiting for the new Parliament. There was no guarantee that I would be re-elected.
3.	16 January 2020	My staff and I went to great lengths to answer each of your questions. I replied in detail to your inquiry (12 pages), answering each and every question you put and offered to meet with you. Surprisingly, as you are investigating my conduct, you did not accept this offer and we have never met.
4.	27 January 2020	You wrote to the Registrar of Financial Interests asking a number of hypothetical questions. The Registrar reports to you and she had not been present at any of the meetings concerned.
5.	4 February 2020	Nonetheless, I wrote to the Registrar stating "If you have any questions or if I can be of any assistance to you please do not hesitate to contact me." I gave my contact details including my mobile phone. The Registrar also did not accept this offer.
6.	25 February 2020	I received a letter from you asking further questions broadening out your investigation beyond the original accusations in The Guardian.
7.	19 March 2020	Again my staff helped me reply in detail to all the questions in your letter of 25 February 2020.
8.	29 May 2020	You replied to my email 19 March 2020 apologising for your delay in responding (another 2 months had passed by). You asked a series of further questions. In this process you further expanded the issues you were investigating.
9.	18 June 2020	Once again I replied in detail to your letter 29 May 2020.
10.	24 June 2020	Rose's suicide by hanging. [redacted]

11.	26 July 2020	You wrote suspending your inquiry for the time being and saying you would leave it in abeyance until after the summer recess.
12.	7 September 2020	My solicitor wrote requesting that the inquiry be suspended until the beginning of November, as I was dealing with the Inquest.
13.	2 November 2020	You wrote asking if I was ready to proceed.
14.	5 November 2020	My solicitors confirmed that I was ready to proceed.
15.	9 November 2020	You wrote to my solicitors stating you would be in contact with me as soon as you could.
16.	23 November 2020	Two weeks later you wrote to me asking if I was an employee or external consultant to Randox and Lynn's. I found this an extraordinary question to ask after such a period of time investigating this matter. You ought to have known from the very outset that I was a consultant as stated in the Register of Members Financial Interests since 2015 and which I confirmed in my first letter to you 16 January 2020. This question calls into question your understanding, analysis and work. You should not have been asking a question that you knew the answer to.
17.	1 December 2020	You sent me your Draft Memorandum. You asked for my comments by no later than 15 December 2020. This was an impossible timeframe in view of the fact that it was only now that I became aware that you had not spoken to any witnesses and it was only having read your memorandum that I was aware for the first time that you didn't believe the detailed explanations I had given. It was essential that I obtained evidence from independent witnesses, who had actually attended the meetings, corroborating my account to you. It was surprising that you had not spoken to these witnesses. You stated that you had asked me if I was a consultant or an employee because you wished to check ACOBA's tetter of

		July 2015, which I referred to you and quoted from in my letter to you 16 January 2020. So you asked a question to which I had given you the answer nearly a year before.
18.	2 December 2020	My solicitor wrote to your assistant advising that further time was required to respond.
19.	10 December 2020	My solicitor wrote to you requesting six to eight weeks to obtain and provide you with evidence.
20.	15 December 2020	You replied to my solicitor extending the time for my reply to 10 January 2021. In this reply you stated that "expert evidence is not material to my decision." Each of the "paid advocacy'' issues you are investigating relates to public health and expert evidence is key to understanding these issues. This explains why you have not understood these issues and my involvement.

Brief Summary of My Case

On each occasion you have written to me I have answered all of your questions in detail. I offered to meet you at the outset and you did not accept my invitation.

It would seem that in over 14 months you have not interviewed a single witness. This helps explain why you have not established the facts and as a result reached incorrect conclusions.

You have misinterpreted the Rules. Even if your facts were right, you have not correctly applied the Rules and if you did, you would have concluded there was no breach. One reading is that you have strained to find breaches where there are none.

You gave me only 6 weeks to reply to your memorandum, from first receipt and that covered the Christmas break. In that time I have obtained witness statements and evidence by email from 14 witnesses, which contradict your analysis and preliminary findings. You should have interviewed a number of these witnesses and others. I have done my best in the short time available to me.

You are charged with undertaking a fair and impartial investigation in accordance with natural justice. I find it extraordinary that in a fact heavy matter, where you place my motives in issue that you have not spoken to me nor the corroborative witnesses who were engaged in these matters at the time. A fair investigation has not been conducted.

You accuse me of breaching the rule on paid advocacy, which is a most serious allegation. A Member cannot initiate an approach where it "would" confer or "would" have the effect of conferring, any financial or material benefit on, say, the company for whom they work as consultant (Guide to the Rules, Chapter 3, paragraph 8(a)), nor participate in such an approach where initiated by that

company (Guide to the Rules, Chapter 3, paragraph 8(b)). In your draft memorandum you insert the word "potentially" after "would". This is to deliberately misapply the Rules.

The guide is very clear that there may be occasions where an issue is so serious that this overrides the above rule. The exception, in Guide to the Rules, Chapter 3, paragraph 9, is where the Member is acting "with evidence of a serious wrong or harm or substantial injustice". I am absolutely clear that in each of the three cases that I was dealing with a serious wrong; so on any basis I was acting entirely within the rules in any interpretation. I was acting in accordance with my duty. I would definitely do so again in the same circumstances.

There are three matters in which I dealt with the FSA and DflD in connection with the two companies that I am a consultant to and this is the allegation of paid consultancy. I either referred the issue or participated in the referral. These matters are in summary:

Contaminated Milk

Randox using very sensitive diagnostic equipment discovered that prohibited and dangerous antibiotic residues were in 12.5% of randomly sampled milk. Whereas UK ' consumers are told that 99.9% of milk samples are contaminant free. I reported this alarming finding to the FSA. It was a serious harm that I was addressing.

The milk, randomly sampled by Randox contained Florfenicol, which is a totally prohibited antibiotic residue. Prohibited because it is dangerous. The significance of this being that Anti- Microbial Resistance will kill, it is estimated, 10m people a year by 2050 and this is caused by residues such as Florfenicol in milk. It is (a) a serious health issue and (b) if mishandled could have led to a catastrophic lack of consumer confidence in milk that could have destroyed the dairy industry.

The FSA line manage milk testing. The FSA doesn't have any contracts for testing. There was no prospect of any benefit and I was acting solely to protect public health and the dairy industry.
Due to the lack of action by the FSA I then set up the Milk Quality Forum and engaged with the Chief Vet and the National Milk Laboratory. As a direct result, milk safety has improved. I have done this without publicity or fanfare to protect consumers and for no reward. One of your allegations is that I didn't engage with the Chief Vet which is not correct as witnesses testify.
Laboratory Calibration

We spend millions on overseas aid, improving health by installing laboratories to test for all sorts of illnesses and diseases. However, if the machines are not correctly and regularly calibrated the results are not reliable. Then there are very poor health outcomes and substantial taxpayers' money is wasted. This is a serious wrong.

Randox referred this to DflD who didn't respond. I was told of this, took it forward and met the then Minister, Rory Stewart MP, with others. Mr Stewart has confirmed in evidence that there was no paid advocacy.

Nitrite in Ham

About 16,000 people die in the UK each year from colorectal cancer. A main cause of this has recently been identified as nitrite which is used commonly in curing processed meat.

Kerry Foods produced a product, 'All-Natural Denny's Ham'. This was targeted at children. It was concealed that it was not natural at all, but contained nitrite vegetable extract, which is so dangerous it is prohibited by EU law.

[Professor of Food Safety] is a leading UK and worldwide food safety expert, who was appointed by the UK Government (I appointed him in my then role as the Secretary of State) to report on the horse meat scandal, described the Denny's case as the worst case of mis- selling he has ever seen.

Lynn's reported this product and the serious health issues arising to the FSA in Northern Ireland. The FSA NI did not stop this product being sold as "all natural". I was advised of this and that the product was destined for shops in England, including no doubt my constituency. I am under a special duty to protect my constituents.

So I referred this to the FSA London. Surprisingly their reaction wasn't to protect the public but to suggest that Lynn's 'naked bacon' was using the same nitrite and launched, an attack on Lynn's. To be clear, I had been involved in contributing to discussions with the FSA about the incorrect labelling of the Denny's product. The FSA initiated and directed discussions about the Lynn's product, instead. I did not initiate discussions about the Lynn's product.

There was no benefit to Lynn's in getting Kerry Foods to correctly label a food so consumers were not misled. In the end Kerry Foods relabelled their product. Lynn's continues to produce nitrite free meat products. Knowledge of the danger of nitrite is spreading. France is about to ban nitrite and Nestle have made their leading product, the Herta Hot Dog nitrite free.

There was no benefit in this and there was a serious harm.

I acted properly and for correct motives and within the rules, as set out in more detail below.

I am also accused of using my office improperly for meetings. This allegation is also incorrect. I have produced evidence from various Members of the House, including from Rebecca Harris MP who is a Whip and so a Member of the Government confirming that your understanding of the Rules is totally incorrect.

INTRODUCTION

You have provisionally found me to have breached paragraphs 11, 13, 15 and 16 of the 2015 Code of Conduct. These are most serious and damaging findings and should only be made after a thorough and fair investigation undertaken in compliance with the rules of natural justice.

My request (dated 10 December 2020) for a short adjournment of 6/8 weeks to respond to the draft memorandum was refused. I was initially only given until Sunday 10 January 2021, which meant I had to work extensively throughout the Christmas break. As you know, this was the first Christmas for my family and me without my wife since her devastating suicide in June 2020. I would have preferred a longer adjournment to avoid working every day during Christmas in order to be a more available source of comfort to my children during this extremely difficult time. Nevertheless, I have worked to your deadlines. This deadline has now been extended to today, Friday 15 January 2021, with an additional 2 weeks allowed so I can obtain witness evidence dealing with documents you added to the 'evidence' last week. Whilst it is in my view illogical to require a response to your draft analysis before this evidence has been obtained as it may change the response, this is your position and you decide how to conduct your investigation.

In the short time available I have approached as many witnesses as practicable and obtained their evidence, which proves that the provisional findings made by you are factually wrong, and the provisional conclusions unsupportable. The contrast between the evidence given by these key witnesses and your findings is stark. Some witnesses have not been available to me at this time and my work is not in substitution for a proper investigation, which has not been conducted. All of these witnesses were available to you during the course of your investigation, but (so far as I am aware) not contacted. So far as I can see from the text of your draft memorandum, the only person you have contacted for a detailed response (somewhat surprisingly, but apparently in accordance with your customary practice) is a subordinate member of your team, the Registrar of Members' Financial Interests. You have treated her response as evidence supporting your provisional conclusions, when she had no contemporaneous dealings at all. This does not look to me like a fair process.

Within this letter, I will take the three allegations in turn (paragraphs 11, 13 and 15 of the Code), before turning to your preliminary findings on paragraph 16 of the Code. I will comment on your analysis and conclusions where it occurs within that structure and refer to my further evidence where it is relevant. Before I respond to each allegation in detail, I will address three preliminary matters:

The timing of my submission of this evidence, and the principle of fairness I natural justice;

A list of the witnesses whose evidence I have obtained in the limited time available to me and which is attached to this reply;

My role as a Member of Parliament and as a consultant to Randox Laboratories Limited ("Randox") and Lynn's Country Foods Limited ("Lynn's"), which uses the trade name of Finnebrogue.

The timing of my submission of this evidence, and the principle of fairness/natural justice

I note from your 15 December 2020 letter to my solicitor what you say about the opportunity available to me to submit evidence earlier in your inquiry. With respect, I was in your hands as to what you wanted from me, offered myself for interview (despite grieving my late wife), provided substantial written responses to your outline of what you were investigating, and quite expected you either to enquire directly of the sources from whom I have now obtained statements or to request the same from me, within your remit of conducting a fair and impartial investigation.

The Information Note approved by the Committee on Standards on 3 February 2015 at paragraph 12 states: "It is for the Commissioner to determine the enquiries that are necessary in order to conduct a fair and impartial investigation. (S)he will observe the principles of natural justice ..."

Although you have written to me, seeking responses and answers to your questions, you have never met me. Further, so far as I know, you have not approached or met with any witnesses. This is an unusual way to conduct an investigation, particularly one with such serious potential consequences and which is heavily fact dependent.

This process has been triggered by a piece in The Guardian newspaper, which has been conducting a long-running campaign against me. The Guardian has made other false and damaging allegations, including that I was involved in negotiations for contracts for Covid testing. I was not.

I consider that there has been a failure to conduct a fair investigation. The enquiry should have been completed in a very short time - weeks not months - and I consider would have been if you had accepted my invitation to meet and resolve any concerns you may have had arising from The Guardian article.

1.10 Instead of taking witness statements from those involved in the events into which you were enquiring, the section of the OM set out under 'Evidence' comprises articles from The Guardian newspaper, the results of a FOIA request of the FSA, your correspondence with me, and (as already mentioned) advice you have obtained from the Registrar of Members Financial Interests.

The Guardian articles do not scratch the surface of the facts pertaining to the matters which you are investigating and they begin from apparent biases as to my character and political beliefs. If we had met to discuss this I would have made you aware, as touched on above, that I have been the target of several derogatory articles by The Guardian in a long running political campaign.

The FSA FOIA response does not present the full picture, not least because of the FSA's understandable use of the law enforcement and regulatory action exemptions [DME/59]. Based on the recent email from [name redacted], it appears that the FOI response may be incomplete.

The correspondence with me took place in the absence of any indication of your views or findings you proposed to make, and represented my initial attempts to answer as fully as I was able what I could gauge were your concerns, not detailed evidence from the obvious witnesses.

The Registrar's advice is at best speculative opinion ("how she would have advised" me if her advice had been sought) and not in any sense of the word. evidence. Yet opinion based on the incomplete evidential picture, and from a junior person for whom you are responsible as Commissioner is used as prima facie evidence. Therefore even as opinion it lacks the independence to be treated as expert opinion.

Nonetheless, though it might be unfortunate that my enclosed evidence is only reaching you after detailed preliminary findings, I hope we are now effectively in the same position as we would have been in had you obtained this evidence earlier in your investigation. The timing will only be problematic if you decline to factor this further evidence into your analysis, or if your conclusions are now too fixed to allow you to revisit them. I very much hope that is not the case. If this is not a meaningful opportunity to respond to the case against me, now that it is formulated such that I can know precisely what is in issue, then there will have been departure from the principles of natural justice that you are required to follow (Parliamentary Commissioner for Standards, Commissioner's Information Note, 7.5.2015, para 12).

If, however, even with this additional evidence there remain issues that continue to cause you, or your investigating assistants, concern, I remain ready and willing to meet with you to discuss these issues. I cannot, of course, speak for others, but I expect all the witnesses who have now provided statements would be willing to offer themselves to you for further discussion.

List of witnesses whose evidence is enclosed:
[Professor of Food Safety], who is the leading food safety expert within the United Kingdom, a worldwide renowned expert, a Professor at Queen's University, Belfast, who also had equivalent positions in China and who led the Government's response to the horse meat scandal in 2013. He has been recognised for his work in the field of food safety with the OBE. His evidence relates to the serious harm caused by nitrites within processed meat, florfenicol in milk and confirms that when I met him and the FSA I was clear as to my status as a paid consultant to Lynn's. His witness statement is presented to you not only as expert evidence, but also as fact in relation to his dealings with the FSA, my involvement, and {in particular} the meeting with the FSA on 15 January 2018. As you will note, [Professor of Food Safety]'s statement is dated 20 December 2020, and was approved and signed before the recent additional disclosure of documents by the FSA relating to that meeting. If you consider that his evidence is in any way

affected by this new material, I am confident that [Professor of Food Safety] would welcome the opportunity of speaking to you. I can also obtain an additional statement from him, if you consider it to be necessary.

[Technical Director of Lynn's], the Technical Director of Lynn's, who was present at the meetings with the FSA in relation to the serious harm to consumers caused by Kerry Foods and the different matter then raised by the FSA relating to Lynn's labelling He confirms that I made it -clear at each meeting that I was a paid consultant. He confirms that Lynn's were dealing with the FSA in respect of the serious harm to human health posed by nitrates and it was the FSA which raised the unrelated issue concerning Lynn's labelling.

[Director] of Lynn's who deals with the substantial harm to consumers caused by Kerry Foods selling ham as naturally cured when it contained the banned additive, nitrite from vegetable extract which is carcinogenic. In addition [Lynn's Director] references the extensive contacts Lynn's have with the UK Government that are unrelated to me as I am not an interface with the UK Government as is implied.

[Lynn's Legal advisor], an independent solicitor with 25 years commercial law experience and director… who were advising Lynn's in connection with the issue of nitrites. [Lynn's Legal advisor] dealt extensively with the FSA during that period and was also present at meetings in which I expressed my status as a paid consultant.

[Senior Manager of Randox] who deals with the serious issue of milk contamination with the prohibited substance Florfenicol and the calibration of laboratory equipment. [Senior Manager at Randox] deals with the circumstances of my involvement in these two issues and the serious harm to human health. Further, [Senior Manager at Randox] comments on Randox dealings with the UK Government which do not involve me at all. I am not the interface between Randox and UK Government as is implied in your provisional findings.

[NML Director] of National Milk Records Plc which operates the National Milk Laboratory, which tests UK milk for food safety. [NML Director] comments on the serious harm caused by florfenicol and flukicides within milk and how the work that I led though the Milk Quality Forum has increased awareness of the significance of antimicrobial resistance caused by prohibited antibiotic residue and also of the harms of flukicides within milk for human consumption. Because you have not conducted a proper investigation you are unaware of the Milk Quality Forum which I set up and my engagement with the Chief Vet (with whom you have accused me of not engaging, when the opposite is true).

[NML Veterinary Advisor], also of the National Milk Records Plc, is a vet and was engaged with me and the Chief Vet. [NML Veterinary Advisor] was present at meetings to discuss the issues discovered with milk with myself, the Chief Vet, representatives from the APHA, the VMD and the FSA. You simply have made an assumption that no engagement took place which is wrong.

My Parliamentary Office Manager, who addresses the allegations of improper use of my Parliamentary office, noting the small number of meetings which took place there with either Randox or Lynn's. Alex has worked in Westminster for over 30 years.

My Senior Parliamentary Assistant, who also addresses the allegations of improper use of my Parliamentary office, having worked for me for the past 19 years.

The Former Minister of State for International Development, who chaired the meetings at DflD regarding the poor calibration of overseas aid laboratory equipment and the substantial injustices that can cause. He states that it was made clear that I was a consultant to Randox and that I did not use the meeting to act as a paid advocate - contrary to your provisional findings.

A former Conservative Member of Parliament and Cabinet Minister. He deals with the use of the Parliamentary office and the requirement to be on the Parliamentary estate when there is a whip in place.

Graham Stringer MP. Mr Stringer deals with the government procurement rules, as the former leader of Manchester City Council, and the requirement to remain on the Parliamentary estate during busy periods, such as during Brexit discussions.

Rt Hon Sir lain Duncan Smith MP, former Leader of the Conservative Party, former Cabinet Minister, and a current Member of Parliament. He deals with the issues surrounding use of the Parliamentary office and the requirement to remain on the Parliamentary estate when there is a whip in place.

Rebecca Harris MP, Government Whip. She deals with the use of Parliamentary facilities and dismisses the proposition that Members cannot have meetings in their offices. If there is such a rule the Government is not aware of it.

My role as a Member of Parliament and as a consultant

I am the Conservative Member of Parliament for North Shropshire and I have represented this constituency since 1997. In 1997 my majority was 2,195 and in 2019 it was 22,949.

North Shropshire is a rural constituency heavily dependent on agriculture and the dairy industry. Some of the UK's largest dairy herds are here and MOiier, the large international producer of dairy products, has a plant within the constituency and is a major employer. I come from a farming and tanning family. I spent over 20 years in the leather industry and I am familiar with the processing of animal products with complex and sometimes dangerous chemicals to meet the needs of the consumer safely.

I was appointed as the Shadow Secretary of State for Northern Ireland in 2007. Following the 2010 general election, a Coalition Government was formed between the Conservatives and the Liberal Democrats with David Cameron as Prime

Minister. I was then appointed the Secretary of State for Northern Ireland in 2010 and held the post until 2012.

I was next appointed the Secretary of State for the Department for Environment, Food and Rural Affairs (Defra) from 2012 to 2014. Prior to that I had been Shadow Minister when in opposition between 2003 and 2005. Representing a rural farming constituency I am very interested in agriculture and safe food production. These are long running interests of mine.

In July 2014, I returned to being a back-bench MP.

After I ceased to be a Secretary of State I sought advice from the Advisory Committee on Business Affairs ("AcoBA"), which is the correct advisory body, as to my ability to accept a consultancy with Randox. In July 2015 I was advised as follows:

"Taking into account all the circumstances, including the views of your former Departments, the Committee is content to approve this application subject to the following conditions:

You should not draw on privileged information available to you from your time in Government and

For two years from your last day in Ministerial office, you should not become personally involved in lobbying UK Government on behalf of your new employer, its parent companies, subsidiaries or its clients.

It might be helpful if I add that lobbying is defined in the Business Appointment Rules in the following way - "Lobbying in this context means that the former Minister should not engage in communication with Government - including Ministers, special advisors and officials - with a view to influencing a Government decision or policy in relation to their own interest, or in the interests of the organisation by which they are employed, or to whom they are contracted." (DME/122-133).

I accepted and have at all times followed this advice. I did not engage in any lobbying for 2 years from the end of my term as a Minister. I would ask you to note, and to accept, that I have at all times been wholly transparent as to my retainer as a consultant.

On 1 August 2015, in light of my family, constituency and ministerial background, I accepted the offer of a consultancy position with Randox, a company that develop advanced diagnostics and on 14 December 2016, with Lynn's, a company that is an innovative food producer.

It was from these companies and via my consultancies that I became aware of the serious wrongs that led to the approaches to the FSA and DfID ministers that have led to the present allegations, addressed below. The approaches concerned serious matters with which I have been concerned for the whole of my life as an MP. If

these concerns had been brought to me by a constituent, or otherwise, I would have followed them up in the same way that I did. My consultancy was not an issue in the actions I took. If I was put in the same situation again then I would act as I did.

The Register of Members Interests properly discloses my consultancies. I attach a copy of the register at Tab 1. I have been transparent as to my retainer as a consultant. As with my post-ministerial duties to ACoBA, I have been diligent in complying with these requirements. I have served as an MP 23 and a half years. I have not previously been accused of any improper behaviour as an MP, or of breaking any of the Rules of Conduct. I would expect my career, role and reputation to mean that my evidence is accepted unless there are good reasons to the contrary and then those reasons would be stated by you. I feel that my evidence has been rejected without any reasons being given and without a proper investigation. Witnesses who may corroborate my account have not been spoken to before a decision is taken.

Members may hold such consultancy positions and even take part in Parliamentary proceedings or in discussions with Ministers or public officials, which could affect that interest, so long as they do not initiate such discussions and so long as such discussions comply with Chapter 3 of the Guide to the Rules (Guide to the Rules, paragraph 12). This residual employment permission may be to ensure some measure of respect for MPs' private lives and economic activity, but another purpose is to ensure that the House benefits, within important ethical tramlines, from the up to date as well as past expertise of its members. As stated in 1995 when the Committee on Standards in Public Life (CSPL), chaired by Lord Nolan, affirmed:

"A Parliament composed entirely of full-time professional politicians would not serve the best interests of democracy. The House needs if possible to contain Members with a wide range of current experience which can contribute to its expertise." (Standards in Public Life, First Report of the Committee on Standards in Public Life, vol.1, p 14).

Whilst there are important checks on such employment, I believe this principle still holds. Indeed, the Seven Principles of Public Life adumbrated by Lord Nolan's report are still contained in paragraph 8 of the Guide to the Rules. Further recognition of the principle is seen in Chapter 3 of the Guide:

"These rules are intended to provide the right balance between enabling Members to bring to bear their experience outside the House on matters of public policy while avoiding any suggestion that the Parliamentary or policy agenda can be set by an outside individual or organisation making payments to a Member." (Guide to the Rules, chapter 3, paragraph 4).

From that statement of aim, the Guide then states:

"5. The lobbying rules do not prevent a Member holding a paid outside interest as a director, consultant, or adviser, or in any other capacity, whether or not such

interests are related to membership of the House." (Guide to the Rules, chapter 3, paragraph 5).

I note your expectation to see my consultancy roles delineated in a written contract or job description, but these simply have not been drafted and the role has not called for written contracts. I do not understand the Code, Rules, or Guide to require the same either; though I would of course adjust my affairs accordingly (by obtaining a written contract) should an amendment to this effect be inserted. These consultancies are based on mutual trust and I have never considered asking for a written contract.

I have obtained statements from both Randox and Lynn's covering my role with both companies. Given your provisional findings and criticisms· of me in relation to the absence of written contracts (see, for example, OM 88), I here emphasise that it was never suggested to me by the ACoBA that I obtain a written contract, or that I seek advice from the Registrar of Members Financial Interests at any particular time. These consultancies have been in the Register of Members Financial Interests since 2015 for Randox and 2016 for Lynn's and the Registrar has at no stage raised any concern regarding the absence of, or a need for, a written contract. Whilst you make reference to questions put to the Registrar, you do not make reference to the fact that the Registrar was satisfied with my disclosure, as is the case. This should have been your starting point when questioning the need for a written contract. Your own subordinate did not ask for a written contract to be put in place and the Registrar knew of the consultancies and was satisfied with the disclosure given, as it was correct and compliant. A fair investigation would clearly state this and the criticism you make is accordingly very unfair.

I can deal in this section with your preliminary finding on this general background matter of my roles with these companies:

You find that the role description that I provided to ACoBA when seeking their authorisation to begin work for Randox (advising on "long term strategy'), without engagement with government, was superseded (OM/88). My role has not changed. The approaches that are subject of your investigation were two exceptional matters. My role remains advisory.

You also find that "it is not clear what duties were expected of Mr Paterson after the initial phase of his work for Randox, or in his work for Lynn's Country Foods" (OM/88). I refer again to the descriptions of my respective roles in the statements [Lynn's Directors]. I would have had discussions with [Manager] at Randox and [Lynn's CEO]. Both companies wanted help outside Northern Ireland to assist with strategic issues with regulators and of course Brexit became a big issue for both companies. They were growing outside NI and wanted someone with international business and both domestic and European political expertise to help them strategically I would suggest my role is not clear to you as you have never discussed this with me, Lynn's or Randox.

PAID ADVOCACY (PARAGRAPH 11 OF THE CODE)

Summary of the relevant provisions

Paragraph 11 of the Code: "11. No Member shall act as a paid advocate in any proceeding of the House."

As noted above, Members may hold a paid outside interest, even if related to membership of the House (Guide to the Rules, Chapter 3, paragraph 5). They may also initiate or participate in approaches to Ministers, other Members or public officials, even where they have a financial interest (Guide to the Rules, Chapter 3, paragraph 6).

However, there are restrictions on Members "whose activities would provide a financial or material benefit'' to a person that pays them (Guide to the Rules, Chapter 3, paragraph 6). In such cases, if there is a conflict of interest between the private interest and the public interest, they must resolve it in favour of the public interest (Guide to the Rules, Chapter 3, paragraph 6; Code of Conduct, para 10). This means that a Member cannot initiate an approach where it (should read seeks to confer) "would" confer or "would" have the effect of conferring, any financial or material benefit on, say, the company for whom they work as consultant (Guide to the Rules, Chapter 3, paragraph 8(a)), nor participate in such an approach where initiated by that company (Guide to the Rules, Chapter 3, paragraph 8(b)).

Marrying these rules with paragraph 6 of the Code ("6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents."), paragraph 9 of Chapter 3 of the Guide states:

"9. Exceptionally, a Member may approach the responsible Minister or public official with evidence of a serious wrong or substantial injustice even if the resolution of any such wrong or injustice would have the incidental effect of conferring a financial or material benefit."

Issues in respect to the 'paid advocacy' allegation
I accept that I initiated and/or participated in approaches to and discussions with Ministers and public officials, in that:

In relation to the milk contamination issue, I initiated contact with the FSA;

In relation to the blood testing calibration issue, the initial approach to DfID was made by [Senior Manager at Randox], and I participated thereafter.

In relation to the nitrites in bacon issue, Lynn's initiated with the FSA NI, but having received no satisfactory response, I followed up with the FSA Chair. The issue regarding Lynn's labelling, to which you refer and criticise me for, was in fact initiated by the FSA not me or Lynn's and so is not within 'paid advocacy' on any basis.

Accordingly the following issues arise:

Whether those approaches "would provide" (Guide to the Rules, Chapter 3, paragraph 6) or "would have the effect of conferring" (Guide to the Rules, Chapter 3, paragraph 8(a)) or "would confer'' (Guide to the Rules, Chapter 3, paragraph 8(a)) a financial or material benefit to either or my employers; and

If so, whether the benefit that would be conferred would be the incidental effect of resolution of a serious wrong or substantial injustice, evidence of which I approached the Minister or public official with.

Whether such approaches were made "with evidence of a serious wrong or substantial injustice". "Would provide a financial or material benefit" ·

Your preliminary findings are that:
In relation to Randox and milk contamination: "Mr Paterson was seeking, on behalf of Randox, help with accreditation and an opportunity to partner with government on reviews of food contamination. He was not asking for government money these opportunities had the potential to deliver business advantage for Randox" (DM/106) (my emphasis).

In relation to Randox and blood testing: "These approaches - aided by his access to Ministers, which other companies did not have - were such as to lead to potential financial or material benefit for Randox" (DM/115) (my emphasis).

In relation to Lynn's and nitrites: "I agree with the Registrar about the likely purpose of Mr Paterson's approach to the FSA in November 2017" (DM/124), namely that: "[Mr Paterson] approached the FSA on behalf of Finnebrogue because the company wanted to stop another from selling products which they believed to be mislabelled, as well as to promote [Lynn's} own products. These things would have resulted in a business advantage and in the end a financial benefit to the companies." (DM/122).

In relation to Lynn's and nitrites, although the Registrar does not use "potential" in the above quote, with which you agree, and instead uses "would have resulted", she bases it on a mistaken picture of the facts: Lynn's did not approach the FSA "to promote [Lynn's] own products"; the only reason why Lynn's products were discussed at all is because the FSA's response to being apprised of the Kerry's problem was to turn their fire on Lynn's and say, essentially, your product is no different to Kerry's, which side-tracked the discussion into a defence of Lynn's. Lynn's had no intention of (and nothing to be gained with the FSA) from discussing their own product with the FSA. As witnesses have not been interviewed by you, it would seem you are not aware of what occurred between Lynn's and the FSA.

We are concerned in this investigation with lobbying rules in the Guide to the Rules that are engaged only when the approach "would provide" (Guide to the Rules, Chapter 3, paragraph 6) or "would have the effect of conferring" (Guide to the Rules, Chapter 3, paragraph 8(a)) or "would confer" (Guide to the Rules, Chapter 3, paragraph 8(a)) a financial or material benefit. Your application of these provisions would appear to insert "potentially" after "would" in each provision of the Guide, which isn't correct. The Guide uses "potential" elsewhere, and only once,

namely in relation to your powers for investigation, which are engaged upon "potential breach of the Code" (page 12, paragraph 15; page 40, paragraph 5). But whilst the Guide gives you power to investigate upon "potential" breach, it pointedly does not use the hypothetical when stating the substantive requirements, breach of which you must consider on the balance of probabilities (Parliamentary Commissioner of Standards, Information Note, paragraph 3). You must be satisfied on the balance of probabilities that actions in breach of the lobbying rule would have the effect of, or would, confer a financial or material benefit.

Equally, given the deliberate and consistent use of "would provide", "would have", and "would confer", to the exclusion of "potentially", the word "material" cannot be stretched to encompass "potential" benefit.

With the relevant provisions so clarified, it can be seen that the approaches that you are investigating do not fall within their scope, as the material or financial benefit to be gained from each of the approaches was only, to use your words, of "potential financial or material benefit" (DM/115). I will show this for each set of approaches:

Randox and milk contamination:

The FSA do not test milk. The FSA line manages milk testing but has no capacity itself. The testing body the National Milk Laboratory (NLM) already had Randox machines and technology, including lnfiniplex. NLM is a private company, owned by a pie, with its own purchasing procedures. NLM is not within the lobbying rules.

To reference this as promoting Randox for possible gain is to misunderstand the issue. There was no gain to be had. This is supported by the WSs of [Director] (of the National Milk Laboratories), and [Senior Manager at Randox] (Senior Manager of Randox).

Randox and laboratory calibration:

Whilst we were referred by the Minister to a procurement opportunity, this was not the aim of the approach and it was of course known to Randox that the strictures of public procurement rules would have to be followed if their product was to be procured. It is the very fact of that necessary bulwark against simply pitching for contracts that means that a 'serious wrong' such as inaccurate blood testing afflicting a significant element of the UK overseas aid can be discussed with a Minister, or officials, without it becoming advocacy.

The ex-Minister's statement (enclosed) confirms the same, namely his assessment that the discussion was not advocacy for the technology that had found the serious wrong. It was concerned with apprising him of the wrong itself. I understand you did not make enquiries of Rory Stewart. Had you done so he would have advised you that there was no advocacy.

This issue can be linked to possible contracts but the Minister who was present confirms there was no advocacy.

Lynn's and nitrites in processed meat:

To suggest that Lynn's would benefit from one ham product, Denny's Naturally Cured Ham, being correctly labelled without any evidence is a leap into the dark.

There are many ham products for sale. Kerry Foods were mis-selling and concealing a prohibited carcinogenic curing agent in one of their products. To get Kerry Foods to correctly cure and relabel, as happened, did not benefit Lynn's. It would have ensured the public were protected. That's all. This is confirmed by [Lynn's Director] - see his Witness Statement.

There is no evidence Lynn's sales benefited at all and save hypothetically or remotely Lynn's did not stand to benefit. The benefit to be gained, by way of a level playing field, was to the industry generally.

Nonetheless, if I am incorrect in this reading of the Guide, I will next set out why the exception in paragraph 9 of Chapter 3 of the Guide would still apply and justify my actions.

Serious wrong the resolution of which would have the incidental effect of conferring a benefit (paragraph 9 of Chapter 3 of the Guide)

Randox and milk contamination

You do not dispute the existence of the serious wrong ("I have no reason to doubt these": DM/93). Rather, you take issue with (a) whether I "believed" Randox had uncovered a serious wrong, and (b) whether that belief formed my "principal motivation" when I participated in approaches to government officials between November 2016 to December 2018 (DMl93).
I can assure you that, for the same reason you have no reason to doubt the existence of the serious wrong, I very much did and do believe that Randox had uncovered a serious wrong. In October 2016 Randox randomly tested milk purchased in supermarkets in Northern Ireland and the Republic of Ireland. Randox discovered that 12.5% of the milk was contaminated and that included a prohibited antibiotic residue. The drug in question is florfenicol and it is not permitted in dairy cattle or in the human food chain. There is no maximum residue level, it is totally prohibited. Your chronology reflects some of the urgency with which I then reacted: I first approached the FSA regarding milk testing (w/c 7.11.2016) less than a week after my becoming aware of Randox's milk testing results (w/c 1.11.2016) (OM/32). I refer also to the statements of… . I attach the Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin. This prohibits Florfenical as "Not for animals from which milk is produced for human consumption. Not for animals from which eggs are produced for human consumption."

I want to be totally clear in stating that I only acted for the best of reasons, to protect human health. I acted in the interests of the nation as a whole and with regard to my special duty to my constituents. The problems that arose relate to: safe agricultural food, which is a passion of mine and closely connected to my constituents, many of whom are employed in agriculture and food production; and better health delivery overseas which helps to avoid substantial sums of taxpayers' money being wasted and provides better healthcare, which is the key objective of DflD. If I was faced with the same problems again, I would unhesitatingly act as I did.

I was only motivated by the potential damage that the discovery of florfenicol in milk would do to the dairy industry and my constituents. Nothing else came into the decision-making process. I considered it to be dynamite, as threatening as salmonella in eggs was and that scandal badly damaged egg production. It is a fact that my actions have made milk safer. Florfenicol is now tested for, as are flukicides and this was achieved (at least in part) via the Milk Quality Forum. As stated above, there were no contracts or additional business to be won by Randox. It would have been senseless and disproportionate to go to such a huge amount of trouble for the primary motivation to be the remote potential benefit you have identified.

Two further reasons why you find the primary motivation behind my 2017 and 2018 approaches to the FSA not to have been to raise the serious wrong is (a) the "twelve- month gap" between my approaches (DM/105), and (b) your finding that I did not follow up on the FSA Chair's suggestions as to the correct bodies to approach (DM/105).

As to the timings of the approaches, you note the urgency of my initial approach to the FSA (DM/94), but are concerned that I "allowed twelve months to elapse between [your] approaches to the FSA", finding this "not consistent with seeking to right a serious wrong" (DMl101). This assumes that shorter gaps would have been more consistent with a desire to put evidence before the FSA of the serious wrong. That is misplaced; after the initial approach, of which you note the urgency (DM/94), I gave the FSA time to investigate and address the matter. They had notified me of credible plans to do so (DMEl95) . One result was that VMD increased their testing regime under their approved procedures to include Florfenicol (DMEl75), one of the antibiotics Randox detected (DME/95). Hitherto, Florfenicol, was not included in routine surveillance by VMD (DME/95); That is still inadequate: the testing was still done at a maximum residue level rather than at the prohibited level, even though Florfenicol is totally prohibited. That is why there were further approaches in 2017 and 2018. Using the language of paragraph 9 of chapter 3 of the Guide, there was no resolution of the serious wrong. My November 2017 follow up approach was prompted not by delayed pursuit of the same matter but by the fact that illegal substances were "still being detected in retail milk" (DME/96), in other words by the fact that the situation persisted.

As to approaching others (you consider that, if primarily motivated by righting the serious wrong, I would have "approach[ed] others') (DM/101):

The FSA suggested discussing the revelations on antibiotics with the Chief Vet (DME/94). You state that, whilst "FSA was the natural place to report a food safety issue, [the Veterinary Medicines Directorate ("VMD'JJ was the obvious place to approach about veterinary medicines and antimicrobial residues" (DM/101). The FSA made that approach themselves (DM/103), in response to Randox's approach. Further, I liaised with the chief vet when setting up the Milk Quality Forum. I refer you to the chief vet's email 18.7.2019, enclosed. The Milk Quality Forum led to flukicides being tested for by the NML, a demonstrable food safety improvement.

The FSA was the correct body to approach. The FSA is the body charged with the protection of food safety. It has a Science, Evidence and Information Strategy 2015-20 Delivery Plan, which states that the FSA will test and review the effectiveness of its current implementation of Official Controls to identify improvements to effectiveness and efficiency. This includes scoping and testing new approaches, including innovative uses of technology, which could deliver significantly different and better approaches in the future. See further statement of [NML Veterinary Advisor] at paragraph 6, who confirms, "the FSA have direct management of milk testing in the UK". It is absolutely the right body to have gone to. As a former Secretary of State to Defra I knew this.

You quote the FSA Chair's statement that "I explained yet again to Mr Paterson that we do not have policy responsibility for milk testing equipment and monitoring etcetera." (DM/103). However the FSA line manages testing by the National Milk Laboratory. See statement of [NML Veterinary Advisor], noted above.

If, despite this activity, you consider it misdirected or insufficient, that is not because my motivations in approaching the FSA were not primarily related to the serious wrong of which Randox and I brought evidence. I maintain that the right body was the FSA as they are responsible for food safety, but it did not matter to whom the disclosure was initially made, as between FSA and VMD, say. If the FSA was not the correct body to approach, and that was my error, it does not follow that there was a breach of the advocacy rules, there was just a mistake.

Although the Registrar has now expressed her opinion that it would have been possible for me to approach Df1D or FSA without involving the companies, or bringing their representatives to meetings (DM/80), you state: "I do not consider that the involvement of Randox in the meetings was in itself a problem" (DM/100). This appears to take into account, and accept, my explanation that: "discussing the issues inevitably involved naming the companies and, having raised his concerns they would have wanted to discuss technical issues with the companies" (DM/60). You take issue rather with what you see as the use of "some of these meetings to promote Randox's offer'', which in turn you consider to have "confuse[d] the picture" (DM/100). There are two points to be made here.

First, as to using "some of these meetings to promote Randox's offer", this is mistaken.

You focus on my 16.11.2016 meeting follow-up email to the FSA (DM/95-96). This did not "promote Randox's offer'' (DM/100). It was confirming discussions already

held, next steps already agreed, and the test result disclosed at the meeting (DMEl94). This was not a promotional email but a summary of matters already agreed: as noted by the letter, the FSA were already taking credible steps (DME/94).

My statements as to the potential for the Randox technology ("Once established the application of the technology could be discussed not just within the FSA but across the whole dairy industry') (DME/94) were in line with the breadth and seriousness of the issue, but also in line with the FSA's suggestions of wider points of dissemination ("You suggested discussing the revelations on antibiotics with [named redacted] the Chief Vef': DME/94). To the extent that there was mention of financial or material benefit, it was not Randox's benefit but a wider benefit for a different sector: "This could lead to a much rapider and more thorough testing regime of huge value to U.K. Dairy promotion at home and abroad in the future" (DMEl94) .

"Randox's superior technology" may read like promotion of a specific product, but the phrase was used to communicate the comparison at stake; between the then testing regimes that had failed to spot illegal substances and technology that had revealed them. In that context, if I had not used "superior'', the same would be implicit in the wider context and other statements of fact (e.g. "we rapidly agreed ... It is also bad that the current systems miss certain illegal products which Randox can detect'). The technology is superior as it tests milk to a higher standard than the Delvo system (see statement of NML Director). It was a statement of fact and "superior technology'' explained that finding. Further reason to use "superior'' was that, like the rest of the email and the reason for sending it, I was seized of the importance of conveying the matter to the FSA and wanted to reiterate the credibility of the findings in the evidence conveyed, so that, ultimately, there might be improvement to milk safety.

Further, as you accept, unlike the Registrar, the justification for the company being present to explain technical matters with the FSA, and if the technical matters being explained by the company include the techhology that has disclosed a particular concern, then in all these circumstances it is unsurprising that the discussion should mention the company and its technology. A letter seeking to summarise that discussion is also likely to make such mention.

As far as I or Randox know, there were at the time no other companies that had this sophisticated testing technology and capability. Accordingly, even if a more generic approach were taken, it would not have avoided discussing Randox's technology specifically.

Secondly, as to "confuse the picture" (DM/100), although I am doing my best to comment on the provisional conclusions in your DM, I find this is an unhelpfully vague phrase. You adopt it from the Registrar, which itself is problematic. It would be more helpful to speak by reference to the provisions. We are here talking about paragraph 9 of chapter 3 to the Guide. It either applies or it does not. Where it applies, the picture may contain both evidence of serious wrongdoing and an incidental benefit to, say, a company by whom the Member is employed. That is not

a confusion of the picture; the picture just comprises both. If "confuse the picture" is a reference to my use of "superior", then I hope I have now explained what I sought to convey by use of that word.

As the witness evidence covers there was no possibility of the FSA acquiring Randox machinery. The FSA doesn't test milk, it line manages NML. NML is a private company and so outside the scope of the rules but importantly NML already had Randox machines and so was an existing customer and didn't need any more.

Randox and laboratory calibration

Your 15.12.2020 letter confirms that your analysis of my approach to DflD and whether it met the exceptional circumstances criterion expressed in paragraph 9 of chapter 3 of the Guide to the Rules "did not question Randox's premise that calibration could be significantly improved nor did it question the impact such improvement might have" (Commissioner's letter, 15.12.2020, p 2). Insofar as further evidence of the seriousness of the problem is needed, I refer you to the statement of [Senior Manager at Randox] who addresses this issue and the serious harm caused or contributed to by poorly calibrated laboratory equipment. This was an important health issue.

You dispute however that the approach to the DflD Minister was with evidence of a serious wrong (DM/108-111). This is first because you do not consider Randox, in their 28.7.2016 letter, to have framed the issue in terms of correcting a serious wrong (DM/109).

I would dispute this reading of their letter; even if they focused on the value of its quality control systems rather than the 'wrong' of inaccurate blood testing, it was predominantly trained on the serious wrong to which these systems offered some remedy. E.g.:

"This is a significant problem and aligns with the Department's priority of tackling extreme poverty and helping the world's most vulnerable", "The key point to make is that over 70% of healthcare decisions are based on laboratory results - and if those results are inaccurate then any related diagnosis will be unreliable - leading to increased human suffering and significant resource wastage", "As a result, laboratory results, and any related diagnoses, are not reliable - leading to inefficient healthcare, human suffering and resource waste" (DME/96).

Even if your reading of Randox's letter were right and despite the above it was solely concerned with its product, and you were right that this contrasted with my focus on a serious wrong (DM/109), that would still not mean that I was not motivated by that wrong and thus within paragraph 9's exception. Inadequate calibration produced unreliable results, letting down those who relied on that testing, by serious illness not being detected. As much as anything else, I did not want my constituents' taxes wasted on machines that did not do their job due to improper calibration. Accurate calibration would mean investment was not wasted and that there were better health outcomes.

The Randox product was a good opportunity for DflD. Randox initiated this engagement, not me. Unless you consider that the paragraph 9 exception is somehow defeated or excluded by the presence of a private interest (which must be wrong given it inherently involves an incidental financial benefit), then the presence of discussion of the technology (that after all had found the serious wrong) does not lessen its application.

Lastly, I draw to your attention again to the statement of Rory Stewart, the then DflD Minister in question, who does not consider the approach to have been one of advocacy.

You take a similar approach to my 16.1.2017 follow up letter to the DflD Minister, in respect to which you find that I made no mention of a serious wrong or substantial injustice, nor provide any evidence of such a wrong or injustice (OM/110-111). Again, I must dispute your textual analysis as selective: I referred for instance to "Randox are offering not so much a 'Laboratory Project' as a proposal that should be viewed as securing the 'bedrock' of healthcare - as reliable blood tests are the core of clinical decision making. In developing countries we know that public healthcare blood testing now happens to varying degrees in cities, towns and villages, both automatic and manual processes. Without effective quality control the results are not reliable. That unreliability then restricts the value, of further investment; a key limitation on the wider advancement of healthcare. For example, effective malaria patient management should involve monitoring and treating liver failure, kidney failure and glucose levels - all basic tests that can be run on straightforward systems" (DME/98). I do not dispute that amongst these statements I was also speaking highly of Randox or its testing acumen. But I do not see how the two could reasonably be separated. The latter had led to discovery of the former. Given the urgency of the matter, it would have made no sense to obscure or avoid mention of the company that had identified the serious wrong. The same reason motivated my writing the letter in the first place. I accept that I could have left Randox and Minister to it, to take it forward without my further participation. It seemed polite, sensible, and good form to write follow up letters after meetings, to summarise and hopefully keep up the urgency. This has always been my custom, ever since I was in business, to confirm the outcome of meetings and relevant next steps in writing following a meeting.

You focus on the relative space given, in this and Randox's 28.7.2016 letter, to pure statements of the serious wrong versus mention of the technology that have identified the wrong. This may have led you to an incomplete picture. I hope that the enclosed evidence can encourage a broader compass. The public interest aim of paragraph 9 cannot be settled by such a narrow reading. Evidence of a serious wrong was being put before the DflD Minister. I was not under any results-based payment scheme, nor did Randox stand to gain benefit unless they successfully negotiated any subsequent public tender process, as per any other company, of which several were producing similar kits to that which Randox was producing. Indeed, Randox were already registered with DflD's Procurement and Commercial Department ("PCD"), so as to receive notifications of any tenders (see statement of [Senior Manager at Randox], paragraph 25). I accept that I did not use the

language of the Guide to the Rules in mind, but if your advice is that, besides formal declarations of interest, invocation of paragraph 9 should be made upon each approach, then fairness, precision and foreseeability of the Rules would invite putting that in a new edition of the Guide. I would be very happy to comply with the same going forward.

As to the 1.2.2017 response from the DflD Minister, stating that DFID's PCD would be happy to arrange a meeting to explain PCD's supply chains, how it buys, and whom it works with (DME/99), as stated, Randox were already aware of the PCD processes, but did subsequently meet with senior officials at Department for International Trade ("D IT") Life Sciences Organisation at the end of January 2017, in order to discuss export initiatives (see statement of [Senior Manager at Randox], paragraph 25).

You also reject my reliance on the serious wrong exception in that I first raised the matter with the DflD Secretary of State, Priti Patel, at a "chance meeting", which you consider inconsistent with the urgency of a serious wrong (DM/110). As soon as [Senior Manager at Randox] made me aware of his letter and the serious wrong it detailed, I made it my business to talk to Priti Patel at the first opportunity I could and so purposely looked out for her. My use of the word 'chance' is accurate, however you have taken this to mean a random meeting. In my years as a Secretary of State, I was frequently approached by Members without a prior appointment either in the Chamber or in the Voting Lobbies. This is very common practice when Parliament is sitting. I raised the issue very soon after it was drawn to my attention. I can't say how many days but soon after I was aware and began to look out for her. So I mentioned it to her, as it was a matter of very serious concern - a serious wrong within paragraph 9. It was important that DflD was aware of this wasted resource and its outcome in poor health diagnosis resulting in poor health outcomes. To suggest that, because I happened upon Ms Patel before I did anything else, does not mean that it was not a serious wrong, nor that this was not my motivation for raising it when I met her. It was clearly not as urgent an issue as milk contamination was, but it was nevertheless a serious wrong and it was important that DflD was aware of this wasted resource resulting in poor health outcomes. This is the problem of reducing paragraph 9 to a matter of subjective motivation. If anything, my raising it with her at the first opportunity rather than wait for a formal meeting should show the seriousness of the matter.

Lynn's and nitrites in processed meat

Again, you do not question the premise that nitrites are harmful to health (DM/117), from which it must follow (and I take you to accept) that misleading the public and concealing that a product contains carcinogenic lawfully prohibited nitrites is a serious wrong. In so far as more evidence is needed here, I refer to the statement of [Professor of Food Safety] who addresses the background to the discovery of the dangers of nitrites in processed meat. I cannot see anything in the Draft Memorandum, or in the Written Evidence to suggest that you have looked into the underlying science and health risks, or expressly accepted that nitrites are carcinogenic and a cause of a significant number of deaths each and every year.

They are as dangerous as florfenicol in milk, and I invite you to proceed on the basis that this discovery revealed a serious wrong.

However, you find that paragraph 9 does not apply to this approach to the FSA because in my discussion with the FSA I "was not seeking to reduce or end the general sale of bacon containing nitrites, or to promote nitrite-free meat products as a class" and instead my " approach seems to have been focussed on two named products: one from Kerry Foods and the other from, his client, Lynn's Country Foods." (DM/120). This is the reason reiterated in your 15.12.2020 letter (Commissioner letter, 15.12.2020, p 2).

The basis of this reasoning is firstly (DM/117) that this issue was already the subject of complaint to the FSA - "By approaching FSA himself, Mr Paterson was therefore not reporting a serious wrong". With great respect, this conclusion is not supported by the evidence you then had, is contradicted by the evidence you now have, and is inconsistent with the language of the Rules of Conduct, and the Guide to the Rules, including paragraph 9 of Chapter 3. A serious wrong remains a serious wrong, a substantial injustice remains a substantial injustice, until the wrong or injustice is resolved. The reason I became involved at all in this issue, and engaged with the FSA, is because notwithstanding the fact that Lynn's had identified their concerns in 2017, it still remained an unresolved serious wrong. I made this completely clear to you in my January 2020 letter where I said (DMEl90):

"This [the February 2017 approach] occurred well before I was asked to assist. Lynn's were frustrated by the lack of response of the FSA in the UK to a clear and serious breach of EU law; carcinogenic nitrites were being added to the product and that was concealed in the labelling. This breached EU law...../ was supporting the report of a serious wrong, namely that Kerry Foods were acting in breach of EU law, misleading the public and concealing that their product contained carcinogenic nitrites."

If you had any doubt as to the accuracy of this statement, then I could have, and would have, provided any necessary further explanation during a meeting. Again, with respect, the fact that the FSA did not understand that this was a serious health concern, a serious wrong that was being brought to their attention, is irrelevant. Even if the evidence had been sent to the FSA, the FSA had not taken the reference by [Professor of Food Safety] seriously. The statement of [Professor of Food Safety] describes the mis-selling by Kerry Foods as the worst he has ever seen and he is highly experienced in this field. I was engaged so that the serious wrong the Professor had sought to communicate might gain traction. Accordingly, even if one adopts the "reporting" gloss on the meaning of paragraph 9 that is what I was doing.

Secondly, I turn to your preliminary findings in respect of the meeting with the FSA on 15.11.2017 (DM/117-119).

You find that our discussions "focussed not on Denny's ham but on Lynn's Country Foods' new product: Finnebrogue Naked Bacon, and the additives used in it"

(DM/119). This is correct in so far as the intended focus (on the serious wrong of carcinogenic nitrites and mislabelling of products that contained them) was overtaken by the FSA's unexpected focus on Lynn's product, the difference between Lynn's and Kerry's product, and the application of the additives legislation (DME/65). The FSA were mistaken in their assertion that Lynn's used the same process as Kerry Foods i.e. including nitrite, but ultimately were entitled to put the focus where they wished, and Lynn's were entitled to engage (and defend themselves) accordingly. See the statement of [Legal adviser to Lynn's Country Foods] and the statement of [Professor of Food Safety].

It was a waste of an attempt to convey a serious wrong, but does not mean that said wrong was not the motivation behind the approach. I can understand why the FSA disclosure alone might make it appear otherwise, but this is therefore a further instance of a need to consider wider evidence and speak to witnesses who were present. They can better describe the events than just by retying on contemporaneous emails and the like.

The dispute about the labelling of Lynn's product was a side-issue, and it was to this side issue that much of the correspondence, and the meetings, after the events of November 2017 were directed. As I said in my January 2020 letter - "Following this {the November 2017 meeting and letter] the FSA raised issues regarding Lynn's Country Foods nitrite free bacon. I became involved in these discussions because of my prior involvement" (emphasis added) (DME/90). You refer to this at DM/46. However, at DM/119, having referred to "the second part of Mr Paterson's discussions with the FSA" you provisionally conclude that the technical issues relating to the labelling of the Finnebrogue bacon "could not reasonably be considered part of an effort to address a serious wrong". But I accept that the two issues are separate; I had hoped I had made this clear to you.

The initial contact and the initial approach, was certainly directed at resolving a serious wrong, but thereafter much of the focus and many of the exchanges, were directed at an issue of the FSA's own making - the alleged mis-labelling of Lynn's product. I, and Lynn's, tried to maintain the focus on the serious wrong (see, for one example, my email of 17 January 2018- (DMEl101).

It is important you see what happened as it occurred. A serious wrong was reported to the FSA and I dealt with that. The FSA then raised issues regarding Lynn's product and I helped facilitate the resolution of what was a very technical issue.

Returning to the Rule of Conduct and the Guide, in relation to this side issue I was not acting as a paid advocate in any proceedings of the House, I was not initiating proceedings or approaches to Ministers or other public officials, and I was not attempting to promote a Lynn's product or attempting to confer a financial or material benefit on Lynn's. I was not acting in breach of the rules or the guidance, but responding (as a disclosed consultant) to matters raised by the FSA - and eventually resolved. To find that these communications and meetings in which I took part, and which were prompted (and at least in part organised) by the FSA as

"a further breach of paragraph 11 of the Code of Conduct' is, with respect, an impossible reading of the Rules, the Guide and ignores the evidence.

Thirdly, I refer to your broader point about my "not seeking to reduce or end the general sale of bacon containing nitrites, or to promote nitrite-free meat products as a class":

I am all in favour of this and support nitrite free farm products and expanding the public's knowledge of the dangers of eating bacon cured by nitrite for example. Yet the immediate motivation of the approach was to stop a dangerous product being marketed and sold. The FSA was the right body to alert to that specific and serious wrong. That [Professor of Food Safety] had already approached the FSA on this point confirms the appropriateness of this being the correct body with whom to raise the matter (see statement of [Professor of Food Safety], paragraphs 15-16). If the FSA had agreed then the discussion would have ended there and then.

2 In any case, the fact that the immediate concern with the Denny's case does not mean that all present were not seized of the wider wrong. See:

My follow up email on the day of the meeting shows that the focus was not on Lynn's product nor solely on Kerry's: one of three sentences in this short email addressed more widely even than the Denny's instance of the wrong: "We agreed that you would write to Finnebrogue confirming this and that this letter could be used to warn the multiples and other suppliers not to use this material." (DME/100).

The FSA Chair's notes from a subsequent meeting, on 9.7.2018, contained the statement "There is a growing concern across Europe about the excessive use of antioxidants in fish and meat products" (DME/70). This shows, irrespective of the focus on Denny's and unfortunate and unintended focus on Lynn's, it related to a broader problem. France is going to ban nitrites. The use of nitrites is a serious health issue which can lead to colorectal cancers. Tens of thousands of people die because of this every year.

Fourthly and more fundamentally, the broader reason behind your finding appears to be your view that paragraph 9 can only be engaged where there is no mention of specific products. As a general principle setting the scope of paragraph 9 so narrowly is, with respect, not sustainable. First, because the act of drawing a specific instance of a given serious wrong to the attention of a regulator (where a product is involved) inherently involves reference to that specific product. Second, because if the matter is raised by a private company or their consultant there is risk, as befell here, of the regulator turning its attention onto that company and its product. Thirdly, because paragraph 9 is not confined to generic approaches, devoid of reference to specific companies. Even if a consultant to or director of an NGO were concerned with the general wrong of carcinogenic nitrites and the mislabelling of products as nitrite-free, where the NGO discovered a specific egregious instance of the wrong, had failed to garner the regulator's attention and sought my assistance in drawing it to their attention, it would be impossible to avoid discussion of the specific product. Therefore, the expectation that there

would be no such discussion is a misplaced assumption as to the reality and would render paragraph 9 otiose, thereby defeating its aim of furthering paragraph 6 of the Code ("6. Members have a general duty to act in the interests of the nation as a whole') even in circumstances where a private interest is present.

Furthermore, a particular peril in relying so heavily on the FSA FOIA response and not taking statements from those involved is that the FSA understandably redact or withhold information on the FOIA grounds of law enforcement and regulatory action (OME/59). It is not clear what they have redacted but read against the statements that I am submitting, I would have thought there is a reasonable chance that it conceals the content of the discussion most concerned with the serious wrong we considered required regulatory action.

EMAIL FROM COMMISSIONER'S SENIOR INVESTIGATIONS ANO COMPLAINTS MANAGER [name redacted] 5 JANUARY 2021

Your Senior Investigations and Complaint's Manager referred to documents disclosed by a Freedom of Information request, made of the FSA, perhaps by The Guardian; it is not clear who made this request. She advised that you wished to add a selected meeting note to the documents attached to the draft memorandum. My comment was invited.

First, the documents in their entirety are relevant. They show that after Lynn's raised the concealed nitrite in Kerry Foods with the FSA, the FSA raised the totally different issue of the content of Lynn's curing agent. I am not sure that you understand that these are separate issues.

Second, I have asked as to the basis on which you considered one document relevant and not others. You have not explained this.

This also links to what attempts you have made to obtain relevant material. It would be helpful to know what requests you have made, of whom and when, given you have not spoken to witnesses. Placing all the documents received and all third-party correspondence in an electronic portal would be transparent and appropriate, I ask that you do this.

Finally it is important that you disclose all documents you have received so I can see what you have disregarded as not being relevant. Your Senior Investigations and Complaints Manager advised me by her email of 12 January 2021 that there are no other documents and so the material attached to your memorandum is the entirety of the documents you have obtained in your investigation. I am not sure this can be correct as you have not referred to the sources of material you have received. Who made the FOI? What was disclosed subject to that FOI and other FOI's? How did material reach you? Is the provider of the material selectively editing it?

You are charged with undertaking a fair investigation and so there must be transparent disclosure of third-party documents you have obtained and your

dealings with others. I say this because the documents you referred to me, as being irrelevant, are in fact very relevant and would not have been attached to your memorandum, which concerns me.

I have been asked to check emails to confirm whether there is any other correspondence relevant to this enquiry which you have not had sight of and provide any outstanding material. In answer, I do not have any other correspondence relevant to this inquiry but I believe there is other relevant outstanding material held by witnesses. In the time available to me, I have only been able to take witness statements and not review witnesses' emails and documents.

DECLARATIONS OF INTEREST (PARAGRAPH 13 OF THE CODE)

You find a breach of paragraph 13 of the Code ("frank and open in drawing attention to any relevant interest ... in any communications with Ministers, Members, public officials or public office holders"), but that it was not at the "most serious end of the spectrum" because my role was known (DMl133). I dispute that there was a breach at all. Paragraph 13 requires members to "always be open and frank in drawing attention to any relevant interest in any proceeding of the House or its Committees, and in any communications with Ministers, Members, public officials or public office holders." I did that, as is clear in the appended statements. Indeed, you yourself state "it is clear to me that the key public officials and Ministers with whom he had contact were knew his role as a consultant' (OM/133). It is therefore unclear to me where you find a breach as opposed to offering good practice guidance drawn from the Registrar's advice. I am also unclear whether this finding of a breach of paragraph 13 contributes to the extremely serious and damaging provisional finding of the paragraph 16 breach. I cannot see how it possibly can, but you do not say (DM/149).

You state that the Registrar stated that she would have advised me "to make frequent declarations in emails and at meetings, and to make sure these were included in any minutes of meetings" and that you consider this would have been good advice (DMl131). Given that you do not dispute what you record my telling you, that "/ would invariably inform those I spoke to regarding either company that I was a consultant to them" (DM/130), and given there were no minutes, I am unclear how to take this. Nonetheless, I would reiterate that, when I am engaged as a consultant, it is my invariable practice to tell those that I am dealing with that I am acting as a consultant to the particular company concerned. By way of example, I refer to the attached internal memo of the FSA, witness evidence ... As is clear from this witness evidence, all of those with whom I dealt with in the various matters being looked at by the Commissioner knew that I was acting as a consultant as I made that clear.

The Registrar told you that she would have advised me against styling myself 'Rt Hon Owen Paterson MP' in my communications if I was not acting in my capacity as an MP (DMl81). I am not sure what circumstances the Registrar had in mind. If she had in mind any of the approaches at issue in this investigation, then

paragraph 7(e) of Chapter 2 to the Guide required that I declare my interest. If I concealed that I was an MP but declared my consultancy employment pursuant to the Code of Conduct, those approached would wonder why I kept telling them of my consultancy at the beginning of every meeting. I would think this approach would also be contrary to the openness and honesty 'general principles of conduct' (Code, paragraph 8). If the Registrar had in mind circumstances outside the sort of public interest approaches that are in issue in this investigation, then I am not clear as to the relevance. There is also a degree here of absurdity. I have been an MP for 23 years, I am well known as an MP, any online research would reveal that I am an MP, and that I have been a Secretary of State who at times attracted a lot of publicity during high profile events. To pretend that I am not an MP when dealing with Ministers or public officials, here or abroad, would bluntly be a deception. Paragraph 7(e) of Chapter 2 to the Guide does not require the same. Again, however, if this interpretation of paragraph 13 of the Code is to become the rule, I would obediently adhere to it, but do not accept that the natural or realistic interpretation of paragraph 13 currently so requires.

USE OF HOUSE Of COMMONS RESOURCES (PARAGRAPH 15 OF THE CODE)

Paragraph 15 of the 2015 Code stated:

"Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their public duties. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation."

You "accept that the frequency of three-line Whips since June 2016 may have made it more difficult than usual for Members to attend meetings away from the Parliamentary estate when the House is sitting" (DM/140). I welcome your acceptance of at least this.
However, you state that

"I do not see how a three-line Whip at 21.00 for 22.00 could justify meetings on the estate at 09.30 and 15.15 on 24 October 2016 and at 15.30 and 16.00 on 31 October 2016. Similarly, I do not think that it was relevant to the arrangements for a meeting at 9.00 on 6 December 2017 that there was a running Whip from 12.30 that day." (DMl141).

I explained on 18.6.2020:

"Meetings with outside parties are usually arranged well in advance, and sometimes this can be months in advance. At the time these meetings were being set up it was not known what the Parliamentary business would be on the proposed day. The Whip only comes out on Thursdays for the week following. To be safe, it was necessary to arrange meetings at my Parliamentary office as it was almost certain that I had to be in and around the Parliamentary estate at this time."

To explain the circumstances that necessitated these occasional meeting on the estate, I attach evidence in the form of letters and emails…:

"MPs are permitted to take part in party political, private and business dealings whilst remaining Members of Parliament."

"There will inevitably be times when an MP who needs to be on the Parliamentary Estate will need to make or receive calls or written communications, or need to be involved in meetings that relate to matters such as private business dealings. I have never heard any suggestion that it would be thought improper for this to happen. ft is an everyday occurrence. If the rules are to be interpreted to make such dealings illicit, then almost every MP over the last many decades would have been unconsciously in breach."

Rebecca Harris MP states in her letter that, "This proposition cannot be correct. In my 10 years as a member I have never heard of any suggestion, let alone a rule, prohibiting MPs from using their Parliamentary office for all matters relating to outside interests.. ." and also that, "It has never been suggested to me that the use by an MP of his office for occasional meetings due to the need to be on the Parliamentary Estate is an abuse of the Rules on Conduct and I don't believe it is. We certainly wanted MPs to do this during this period and not leave the Estate and we encouraged this."

[Former MP], who was a leading supporter of the Remain campaign whilst I was heavily involved in the Leave campaign, also recalls how in that period it was necessary for participants on either side of the Brexit debate to remain on the Parliamentary Estate to be available to deal with often unpredictable events. He describes the period as involving "a dizzying series of meetings at Westminster, often arranged at short notice." He cannot recall any other period during more than two decades as a Member of Parliament when he was required to be in the House of Commons to anything like the durations that were necessitated by Brexit. See to similar effect the email of Graham Stringer MP, Labour MP for Blackley and Broughton, who confirms that during the period June 2017 to December 2019 it was very difficult to plan to be away from the Parliamentary Estate due to Brexit. See also the statement of Rebecca Harris MP.

It was a unique time in Parliament, owing to Brexit and because for much of it the Government didn't control the House. You state that "other than in very rare and exceptional circumstances, Members should not use rooms provided at public expense for purposes other than their Parliamentary activities" (DM/140), and I would submit that these were "very rare and exceptional circumstances". Amendments to whips were put down daily and at short notice. The Whips wanted us to be available at very short notice to vote. Leaving the Estate wasn't really an option. Please see the statement from Rebecca Harris MP. Those were for convenience because I couldn't leave the Estate. If for example I met Randox at their clinic in Finsbury Circus I would have had to allow an hour to get back in case of tube issues, to be safe. Pre-pandemic it was a daily occurrence in London that I or colleagues should miss or nearly miss a vote due to public transport or other reason, getting from a meeting elsewhere in London to the House. At this time,

there was the added delay of getting through protesters. In summary, this use of public resources was in support of my Parliamentary duties. To the extent that it gave me personal or financial benefit (it did not save in the broadest sense of being meeting with these companies), it was not "undue" (Code, paragraph 15).

As to Randox and Lynn's, less than 2.5% of the meetings undertaken in my Parliamentary Office were with them. As to Lynn's, the person attending the meetings, [Lynn's Director], lives in Kent and works 2-3 days per week in Northern Ireland. He would come by Parliament for a monthly update on issues such as Brexit, usually on a Wednesday morning, commuting I understand to and from Northern Ireland. These were not formal meetings but a catch up over a coffee. This falls within your acceptance that I could properly have used my office "to meet colleagues to plan the life sciences reception, or for a brief social visit" (DM/142).

If those attending meetings were offered light refreshments i.e. tea, coffee and biscuits I paid for that and have not claimed those costs.

Despite having to have occasional meetings related to my consultancy roles on the Parliamentary estate, other than the exceptional approaches made to the FSA and Ministers with evidence gleaned from these roles, I zealously separate the two roles and the use of House of Commons resources when performing the consultancy role. I use my own personal phone for consultancy work. I don't use my office, save for these infrequent diary appointments. I keep the two separate. I have poor eyesight due to a detached retina, find typing hard, cannot really text at any speed or accuracy, and would far prefer to have my Parliamentary Assistant in my consultancy meetings to take a note but I do not do this as it would contravene the Rules.

If you had taken up my offer to meet you, I would have explained all of the above, and that in the modern world there is little difference between having an actual meeting in an office as opposed to conducting a Zoom call from the office or a video call on your mobile phone which are all too regular occurrences.

If you wish to seek to prohibit MPs from using their offices when necessary, for infrequent non-Parliamentary business, then I would respectfully suggest that the rules need to be changed.

So long as "always in support of their Parliamentary duties" and "not confer[ring} any undue personal or financial benefit' (Code, paragraph 15), I do not believe there is a rule that prohibits MPs from using their office as I have done, or meeting with trade unionists or charities; similarly many MPs write newspaper articles and books whilst in the House of Commons (see statement of Rebecca Harris MP). Such use of Parliamentary resources enables Members to fully discharge their Parliamentary duties even during periods of frenetic Parliamentary activity, and is thus "in support of their Parliamentary duties" (Code, paragraph 15).

I accepted at the outset that my temporary secretary on two occasions incorrectly printed letters on Parliamentary paper. I signed these letters without noticing this

and for that I tendered an immediate apology. I have already issued reminders to staff and they will make sure to instruct any temporary staff going forwards.

BRINGING THE HOUSE INTO DISREPUTE (PARAGRAPH 16 OF THE CODE)

You conclude from your preliminary findings in relation to paragraphs 11, 13 and 15 that I have thereby breached paragraph 16 of the Code and have brought the House into disrepute, although I am unable to tell whether some of these findings have or have not contributed to the conclusion. I infer that you base this provisional, and absolutely devastating, conclusion on your findings in respect to paragraph 11, because under your paragraph 16 finding you set out a passage of chapter 3, which pertains to paragraph 11 (DM/152). For reasons given above, this paragraph's provisional conclusion is based on a misleadingly narrow compass of evidence, and misapplications of the relevant provisions of the Guide to the Rules. Even if you were to hold your problematic interpretation of the provisions of Chapter 3, your findings are unsustainable in light of evidence not taken into account.

I invite you to consider my further evidence in detail and my above comments on your analysis and preliminary findings. If this leads to new findings adverse to me, I hope you will again observe the requirement of fairness by giving me further opportunity to comment. I am, as always, available for a meeting if further clarification is required.

In the alternative in which some of your findings in respect to paragraphs 11, 13 and 15 are sustained, they surely cannot sustain a conclusion of breach of paragraph 16. That in part is because your paragraph 16 reasoning is based on how "numerous" you consider the paragraph 11 breaches to have been (DM/153). When properly analysed and understood if there were any breaches of paragraph 11 (which I strongly dispute) they are not numerous at all.

I hope that having read and considered this letter and the attachments, you will agree that your potentially extraordinarily damaging conclusions are not justified. It would therefore be sensible for us to sit down for the first time in 15 months and discuss the whole issue face to face.

I have now devoted many, many, hours of time to responding to this inquiry, and I have been forced to engage lawyers to assist not only in answering your questions, but in carrying out the investigation and taking statements from witnesses. This should not have been necessary. If you had carried out a full and fair investigation, including meeting with me so that any remaining concerns you may have could be discussed and resolved, I am sure that you would have decided - long ago - that the allegations made by The Guardian in this case, as in others, were entirely groundless.

I therefore hope that having considered this reply in detail and the attached evidence you will now agree with me that I have not breached the Rules of the House.

Finally I repeat that if we had met last January all the above could have been explained to you and the allegations would have been shown to be without any foundation. This is now month 15 and so I repeat my offer to meet you to resolve this matter and to bring it to a conclusion. I can then get back to my duties as an MP and better help my grieving family.

Yours sincerely,

Rt Hon Owen Paterson MP

25i Mr Paterson's entry in the Register of Members' interests

Paterson, Mr Owen (North Shropshire)

1. Employment and earnings
From 1 August 2015 until further notice, Consultant to Randox Laboratories Ltd, a clinical diagnostics company, of 55 Diamond Road, Crumlin BT29 4QY. I consulted the Advisory Committee on Business Appointments about this role. From 20 April 2017, I expect to receive £8,333 a month for a monthly commitment of 16 hours. (Registered 07 October 2015; updated 26 April 2017)

From 14 December 2016, consultant to Lynn's Country Foods Ltd, a processor and distributor of sausages in the United Kingdom, of Down Business Park, 46 Belfast Road, Downpatrick BT30 9UP. Until further notice I expect to receive £2,000 for 4 hrs every other month (24 hrs a year) to a total of £12,000 per annum. First payment received on 25 January 2017. (Registered 27 January 2017; updated 22 February 2017)

20 March 2020, received £3,600 from Champions (UK) PLC, Barrington House, Leake Road, Costock, Loughborough LE12 6XA, for participation in a panel debate at the Husayn Summit 2020 on 29 February 2020. Hours: 5 hrs in total. (Registered 30 March 2020)

2. (a) Support linked to an MP but received by a local party organisation or indirectly via a central party organisation
Name of donor: T G Builders Merchants
Address of donor: Wood Lane, Ellesmere, Shropshire SY12 0HY
Amount of donation or nature and value if donation in kind: £5,000
Donor status: company, registration 1402696 (Registered 09 January 2020)
Name of donor: Belton Farm Limited
Address of donor: Belton, Whitchurch, Shropshire SY13 1JD
Amount of donation or nature and value if donation in kind: £7,500
Donor status: company, registration 1129055 (Registered 09 January 2020)
Name of donor: J C Bamford Excavators Ltd
Address of donor: Lakeside Works, Rocester, Uttoxeter ST14 5JP
Amount of donation or nature and value if donation in kind: £7,000
Donor status: company, registration 561597 (Registered 09 January 2020)
Name of donor: David Grocott
Address of donor: private
Amount of donation or nature and value if donation in kind: £2,000
Donor status: individual (Registered 09 January 2020)

6. Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year
A share in buildings and agricultural land at Bunbury and Spurstow, Cheshire: (i) and (ii). (Updated 23 December 2014)
A share in buildings attached to my house near Ellesmere, Shropshire: (i) and (ii). (Updated 23 December 2014)

A share of a house in London: (i). (Registered 23 December 2014; updated 24 November 2016 and 21 February 2017)

8. Miscellaneous

From 10 March 2020, unpaid Chairman of the Centre for Brexit Policy, a company limited by guarantee, which is a cross-party political think tank. Between 4 and 9 March 2020, I was an unpaid director. (Registered 30 March 2020; updated 22 June 2020)

From 12 October 2020, unpaid Trustee and Director of the Museum of Communist Terror. This organisation works to provide information and education about the deaths, terror and economic under-performance that took place under communist regimes with the ultimate aim of creating a museum. (Registered 12 October 2020)

25ii Commission Regulation (EU) No 37/2010

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain.

25iii FSA FOI 2476

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain.

25iv FSA FOI 2476 Annex C

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain. Material relied upon by the Commissioner is copied below, but material not relied upon or duplicated elsewhere has not been included.

Email from Mr Paterson [Section 40]

Sent: 08 January 2018 16:35

To: FSA Chair

Subject: Finnebrogue Nitrite Free Bacon

Many thanks for your time on the phone just now. We agreed that we need to meet urgently with you and your technical team to discuss the FSA's interpretation of 'Nitrite Free' following [the Professor of Food Safety's] letter to me dated 3.1.18 … in response to [a FSA official's] letter to [Lynn's' CEO] dated 24 November 17. This is even more urgent now that you have received an RASFF notification from Ireland and France about the Prosur product. This seems extraordinary as products using these Prosur natural ingredients have been approved and sold in France for over a year. Having invested £14m in a new plant and having taken on 100 new employees, [Lynn's CEO] is extremely concerned about what looks to be a concerted attack on his Nitrite Free product (which could reduce the 6500 annual deaths from colorectal cancer) by producers of processed meats which contain nitrites but who are deliberately and misleadingly selling them to the public as nitrite free... My office will contact to set this up as rapidly as possible

Note of meeting with Owen Paterson, [Lynn's] and FSA

15 January 2018, 1 Parliament Street, London

Attendees:
Rt Hon Owen Paterson MP (OP)
Professor Chris Elliott (CE) – Queen's University Belfast
Juan De Dios Hernandes (JH) – CEO, Prosur
Declan Ferguson (DF) – Technical Director, Finnebrogue
Mathew Forde (MF) – Director, Forde Campbell LLC
Michael Wight (MW) – Policy Director, FSA
Mark Willis (MkW) – Head of Contaminants and Residues Branch, FSA
Laura Eden – Head of Private Office, FSA
Denis Lynn (DL) – CEO, Finnebrogue

FSA Meeting and Letter – November 2017

1. The group introduced themselves and OP set out the background to the meeting. He referenced an earlier meeting with Heather Hancock, Chair of the FSA (in November 2017) and a letter that was drafted following that meeting (by [FSA employee] from the FSA, dated 24 November 2017) which, in OP's opinion, did not accurately summarise what had been agreed at the meeting. He also expressed concerns about a [Section 31] product.

Prosur Product

2. DL explained that his company were using natural raw materials from Prosur in their Finnebrogue bacon product.
3. MW sought to frame the meeting by setting out the FSA's interest in the Finnebrogue product. He said that as per the email he had sent in advance of this meeting, the FSA have an interest in the nature of the product Finnebrogue are using in their bacon, the type of ingredient it is, and the function it performs in the food. He outlined that if the product is an additive, the appropriate use of additives is governed by EU law.
4. JH commented that the Prosur product is a fruit and spice extract, which is used in the manufacture of the Finnebrogue product. JH said it met the definition of natural flavouring.
5. MW enquired about the function it is performing in the food. JH replied that it was purely a flavouring.
6. DF commented that the process Finnebrogue employ means the extract is added directly to the food, and as a flavouring what it does to the food is irrelevant. It was noted by the FSA that even natural products (as incorporated in to food) can perform other functions in the food – for example, they can confer antimicrobial functions. The issue lies with whether a selective extraction is undertaken to preferentially extract/concentrate specific constituents to undertake an additive function. It was also noted that foods consumed as such (e.g. lemon juice) are outside the scope of the additives legislation but this may not be the case for extracts.
7. JH reported that the levels of nitrate and nitrate in the product were below the limited of detection in a solid food. He clarified that whilst the analytical certificate stated nitrate less than 200 mg and nitrite less than 100mg this was analytical limit of detection for a powder and the actual concentration may be less than this. He noted that the application rate in to the bacon is 1%, or less and therefore the 'worst case' levels of nitrate and nitrate would be 1ppm and 0.5ppm respectively.

CE commented that the laboratory studies suggest there is no evidence of nitrates/nitrites in this product. DF confirmed that [Section 43].

8. DF raised concerns regarding food manufacturers adding 'trojan nitrites' to food and said that this [Prosur] extract was not one of those products. He also reported that the Prosur extract was used in a number of countries including France, Italy, Spain, Portugal, Sweden, Norway, Korea, Australia and Poland. The bacon product has been launched in 3 stores in Ireland but there is no producer in Ireland [it is made in England and Northern Ireland]. Finnebrogue also produce own label M&S products.

9. MkW sought clarification on the extract and whether specific compounds had been selectively extracted from the fruit and spice mix. He explained that just because something extracted from a food might be natural does not mean it is not a food additive – with this in mind he made reference to two forms of rosemary extract – a natural extract and a deodorised form, which was tolerated by the EU until its use was fully authorised by them. MW commented that food ingredients could be selected to confer flavour or they could be active polyphenols which were exerting an additive function.

10. MkW sought further clarification on whether it was a simple or selective extraction process. CE considered it was a simple water/alcohol extraction, that had never been selective. MkW asked a further question about what gives the bacon its colour and it was confirmed the bacon is pink and has the appearance of fresh pork.

11. MW confirmed that he understood this was a potentially a good product in that in limited the use of nitrate/nitrite but the FSA needed to be assured that the use of this extract sits on the right side of food law. In response to a question from MW, MF stated that in his view this was a food as it sits outside of Regulation 1333/2008 and is therefore not an additive. It does fall within scope of the flavouring legislation (Regulation 1334/2008) and is therefore classed as a flavouring. MkW said that there were some 'dual use' substances in 1334/2008 – that meet the definition of a flavouring but may also have a technical function (and are used as additives). DF said that the safety of the substance had been verified by Campden and it had been labelled as a natural flavouring, but it has no specific flavour.

12. It was agreed that FSA would speak to their counterparts in Spain regarding the details of what FSA need to understand about the substance although it was stressed that the FSA would form its own opinion on the information we received from the Spanish and the company itself. DF and DL also agreed they were content for MkW to send a list of further questions about how the extract is made to them to help the FSA understand the product in more detail. DL stated that he had originally been sceptical about Prosur and had investigated it for 10 months before being convinced. He offered all the assistance he could to the FSA so it could come to an opinion. MW said that he would take the company up on the offer and we were in a similar position about needing to have information.

Action 1: FSA (MkW) to send DF and DL a list of questions in relation to the substance in question. FSA to follow up with counterparts in Spain on their categorisation of the use of the Prosur product.

13. The group returned briefly to the issue that a flavouring could also have a technical function in food, and DL commented that the blending of the Prosur

substance had an impact on flavour and shelf life, but it was a natural way of achieving an objective. MW reiterated that the FSA needed clarification on whether the substance in question is a 'whole food extract'. JH confirmed he could send FSA the process flowchart that is followed to derive the substance (highlighting what goes in and what comes out) and CE agreed this would be useful so that the two competent authorities (in Spain and UK) could have a meaningful dialogue.

Action 2: JH to make the Prosur process flowchart available to FSA (MW and MkW)

14. MkW asked some questions regarding manufacture of the bacon product; the process was explained by JH. JH highlighted the importance of the quality of the pork used, the fact that it had to be fresh not frozen, and that rigor mortis was done correctly. The injection was then done at high pressure to ensure that the brine and Prosure fully penetrated the centre of the meat, , and the tenderisation process was also done in a different way to conventional bacon production (tumbled).

15. JH reported that the final product is then vacuum packed and has a shelf life of 25 days. As 'standards in meat products' is a policy area owned by Defra [not FSA] MW said he would contact Defra too.

Action 3: MW to make contact with Defra re: production of Finnebrogue bacon.

16. MkW had a question regarding the range of Finnebrogue products. JH reported that Prosur has slightly different formulations but they are all based on the same types of extract, which they tailor to specific products. There is also a new product that [Section 43].

17. CE asked whether FSA had received a RASSF notification in relation to the Finnebrogue bacon product. MW confirmed he was not aware of any RASSF, but what might have happened is that a request for exchange of information/ clarification on the nature of the product may have been launched via a different system (country to country level correspondence) although this had not been sent directly to the UK.

[Section 31]

18. DL highlighted his concerns that, in his view, the FSA had been permitting the sale of a specific [Section 31] bacon product, [Section 31].

19. MW reported that the FSA had spoken to FSAI (the Food Standards Authority of Ireland) [Section 31].

20. DL and MF expressed concerns over [Section 31] DL commented that he was looking to the FSA to protect him and his investment [in Finnebrogue] and that it was misleading to the public for [Section 31] to say that a product was natural or nitrite free when it is not.

21. MW assured DL he would ask FSA NI to seek clarification from FSAI on what action had been taken on reformulation/re-labelling – OP commented that FSA NI has already written to [Section 31] suggesting they reformulate their product.

Action 4: MW to contact FSA NI regarding the [Section 31] bacon product in question.

22. It was reported by DF that he understood that the EU standing committee clarified in 2006 that a similar type of extract was a food additive not an ingredient, that its use/function was not authorised, and that [Section 31] could apply for their specific celery extract to be authorised as an additive. The group were aware of other companies in the UK trying to use similar products/extracts. DL commented that FSA ought to show leadership in this area as the activity was illegal and dangerous.

23. OP asked if it was possible to raise a RASSF in relation to [Section 31] and MW commented that the nitrate/nitrite levels are not in themselves a risk to human health (if the levels present in the food are within permissible limits) – a risk assessment would be required prior to raising a RASSF. MW reported we needed to understand in more detail how the [Section 31] extract sits with the 2006 EU standing committee decision, but it could be a case of non-approved use of a food additive. The Finnebrogue delegates, supported by CE reported there had been a backlash from consumers in Canada and California regarding the use of similar 'natural' extracts and the fact that they were potentially detrimental to human health and CE suggested that this was potentially a Daily Mail front page. OP expressed his concerns regarding this issue and consumer confidence in bacon products.

Conclusions/actions

24. MW assured the group he would be in touch regarding a set of questions on the nature of the Prosur substance. He also confirmed he would be in touch with FSA NI on the [Section 31] product. It was agreed scheduling another meeting of the group present on 15/01 was not necessary. OP confirmed he would stay in touch with MW and would prefer to keep the lines of communication with Heather Hancock open too.

25v FSA FOI 2476 Annex D

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain.

25vi FSA FOI 2476 Annex E

This document was too large to be included in the written evidence pack and is already in the public domain.

25vii Statement of Professor of Food Safety, 15 January 2021

My Expertise in Food Safety

1. I am the Professor of Food Safety at Queen's University, the founder of the Institute for Global Food Safety, visiting Professor at the China Agriculture University in Beijing and the Chinese Academy of Sciences. In 2017 I was awarded an OBE for my work on food integrity

2. I led the UK government's independent review of food systems following the 2013 horse meat scandal.

3. I have published more than 450 papers in the field of detection and control of chemical contaminants in agri-food commodities and co-ordinate one of the world's largest research project in this area (EU-China-Safe).

4. Since 1986 I have been engaged in research related to a wide range of toxic chemicals in foods and agricultural commodities.

5. I also co-ordinated a number of multinational research projects which concerned contamination and fraud issues along the animal feed and food supply chains.

Nitrites in processed meat are carcinogenic

6. Processed meat needs to be cured to preserve it and prevent botulism. The traditional curing agent used for centuries has been nitrite. Nitrite can be manufactured or extracted from vegetables, celery being a primary source. This is a centuries old practice.

7. Following research in 2007 the World Health Organisation advised that eating processed meat increased the risk of colorectal cancer. I attach the World Health Organisation's paper from the time.

8. I was rather sceptical of this broad brush conclusion as I didn't see sufficient evidence to support it. I became interested in the subject. By 2015 more evidence was produced to demonstrate a link between colorectal cancer and the use of nitrites in meat processing. This 2 has been a developing area of scientific knowledge and the recognition of this link is still not as widely known as it should be. There has been huge resistance to this finding from the meat industry in many countries.

9. The EU has banned the use of nitrites from vegetable extracts to achieve a technological function in food. France is moving to ban any source of nitrites in meat processing. Nestlé, a world leading producer of processed meats, has removed nitrites from one of its main processed meat product, the Herta hotdog, due to this health risk. In the UK, many of the supermarkets are committing to moving towards nitrite free, as this serious health issue becomes more widely recognised

10. There is a substantial body of evidence that nitrites in processed meat are one of the major factors causing the death of tens of thousands of people globally every year from colorectal cancer. This is a serious harm to health. Over the course of the next three to five years we will see nitrites banned from use as a curing agent in meats as the knowledge of the link to cancer gains traction with consumers. I attach my paper in respect of this from 2019.

11. It is unarguable that exposing processed meat products that have had nitrites added is addressing a serious harm.

Lynn's Country Food

12. In or about 2015 I was contacted by the owner of Lynn's Country Foods, (Lynn's CEO). I had a number of conversations with (Lynn's CEO) over the years on this topic. He told me that he wanted to find a way to process bacon without nitrite addition. I was extremely sceptical of there being an alternative as bacon has been cured in this way for hundreds of years.

13. In 2016 (Lynn's CEO) came to me with a natural product for curing bacon and meats that did not contain nitrite. This was produced by a Spanish company called Prosur. I investigated this product and advised (Lynn's CEO) to have extensive testing undertaken. The data generated showed that it did not contain nitrite or vegetable extract including nitrite and it prevented botulism. It was, in my opinion, a much safer means of preserving meat compared with nitrites. I believed this to be a major innovative breakthrough in tackling colorectal cancer.

14. In 2017, I became aware through (Lynn's CEO) that Kerry Foods were marketing Denny's Ham as a naturally cured product i.e., without nitrite. Kerry's produced a video which included young children eating their ham, with a plate of chemicals on one side plate and then celery as 'the natural agent' on the other plate, with a statement that Denny's Ham was chemical free and 3 safe. I did not believe this to be the case. It was cured with nitrite obtained from celery and in my opinion this practice breached EU law. It was no different than if it was cured with chemicals and the ad was very misleading. In 35 years working in food safety and research this is the worst video I have ever seen for the promotion of food. I was appalled. Kerry Foods were promoting the use of a dangerous additive to children yet declaring it to be safe and natural.

15. Kerry Foods is the world's largest producer of processed meats and so it is extremely serious that such a large, sophisticated company with huge sales is producing a product which it is targeting at families and young children claiming it is safe when it contains nitrite which there is substantial evidence to show is carcinogenic. Not to reveal this and seek to have the product removed would be a most serious harm.

16. I wrote to the FSA and expressed my deep concerns about this practice (letter attached).

Owen Paterson & the FSA

17. I have several meetings with Mr Paterson, who was a consultant to Lynn's Country Foods about the issues of nitrites in processed meats. Mr Paterson's concern was entirely focused on protecting the UK public, as a dangerous and mislabelled food was being widely sold in UK and this contained an additive banned by the EU.

18. The principal meeting was with the FSA on 15 January 2018. I declared my presence was as an independent scientific expert. Mr Paterson was clear that he was present in his capacity as a consultant to Lynn's Country Foods.

19. I would describe this as an extremely difficult meeting. At this meeting Mr Paterson and myself wanted to address the sale of a carcinogenic product, that contained a banned additive and produced a genuine risk for consumers. I have had extensive and very positive dealings with the FSA during my career but on this occasion the FSA did not understand or appreciate the significance of the link between nitrites and colorectal cancer and that Kerry Foods ham contained nitrite and this was from a banned additive, vegetable extract. The FSA also didn't know or accept that Lynn's Country Foods used an entirely different curing technology that did not contain nitrite. In my opinion there was a lack of understanding on the part of the FSA.

20. The FSA focused on the labelling of Lynn's Country Foods bacon, rather than seeking to remove Kerry Foods Denny's ham from sale. This issue was eventually resolved by Lynn's agreeing to call lemon juice, which is the natural curing agent, ascorbic acid. The FSA in my opinion did not act sufficiently robustly to protect the public as it should have done and this failure was a serious harm.

21. This meeting with the FSA did not relate to the sale of Lynn's Country Foods products. Lynn's primary concern at this meeting was to highlight the sale of food into the UK market that was incorrectly labelled and claims that were highly misleading to the public.

22. At the time we were dealing with the FSA, Lynn's Country Foods were in the vanguard of organisations who were developing innovative new technology and much safer food technology. Antibiotic Residues in Milk

23. I was not involved in issues relating to the contamination of milk but I am aware that Florfenicol was found in milk at point of sale in supermarkets in various EU countries including the UK. Florfenicol is a prohibited substance in milk and poultry. It is not permitted in any quantity.

24. The reason it is prohibited it that the United Nation's FAO concluded that this class of compounds is genotoxic, which means it could cause genetic damages and possibly lead to cancer.

25. Therefore, the finding of Florfenicol in milk may potentially be a most serious harm. It should not be there at all. It is prohibited for good reason.

26. By way of analogy, Florfenicol was found in poultry in Spain which caused significant issues within Spain.

27. The reason that antibiotics are used in milk producing cows is that they are effective in helping dairy farmers treat mastitis. This should not be done but there is a black market in the drug.

28. The facts stated in this Statement are true.

25viii Attachment to Professor of Food Safety's statement; WHO Paper regarding Nitrates and Nitrites

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain.

25ix Attachment to Professor of Food Safety's statement; Paper reviewing role of Nitrite Exposure from Processed Meat

This document was too large to be included in the written evidence pack and is already in the public domain.

25x Letter from Professor of Food Safety to FSA Chair, 13 November 2017

I'm writing to you in connection with the issue of nitrates and nitrites in bacon currently on sale in the UK. Unfortunately I'm not able to attend the meeting on the 15th November when this topic will be discussed.

Due to the IARC publication on the potential link between processed meats and cancer over the past year or so I have been looking at the ways in which nitrites and nitrosamines are formed and wondered if alternative methods have been found. I was particularly interested in the 'Denny All Natural Ham' as I thought this may be a means by which the same flavouring and preservative properties had been achieved without the side effects of forming nitrates and nitrosamines. However when I started to look into this in more detail it does appear that the 'natural' processes used i.e. celery extracts actually result in very similar levels of these harmful compounds being present in the product. I became further concerned that the use of Celery as a trojan additive is contrary to FSA & EU guidance and additive regulations. I also came across the fact that this 'celery system' was a matter of litigation in the US around 'false claims'.

I did write to FSANI about this back in February of this year but to date have not had any response other than one to state that the issues was 'complex' and needed further investigation. I understand food labelling/legislation is a complex subject but I have to admit that when I observed young children being used as part of an advertising campaign portraying the trojan additive as a 'natural product' I really did think it was time for action to be taken.. As a parent (and now grandparent!) I believe such forms of advertising may be highly misleading and contrive to convince consumers and parents in particular their food product has properties associated with healthier living. This goes against everything I stand for in terms of having a food supply system based on integrity.

I'm sure you have so many other things to pay attention to but I do believe this to be an important topic worthy of further investigation and action if deemed appropriate.

25xi Technical Director at Lynn's Country Foods statement, 14 January 2021

1. I am the Technical Director of Lynn's Country Foods, a position which I have held since 8th December 2014. I hold a degree in Food Science from Queen's University, Belfast and have spent twenty three years working in the food industry. I worked as a Food Technical Manager at both Marks & Spencer and Tesco for nearly fourteen of those years before moving to food manufacturing. Until November 2020, I was the Chair of the Northern Irish Branch of the Institute of Food Science and Technology and I am a member of the Safefood Knowledge Network Food Safety Expert Group. Safefood's role is to promote awareness and knowledge of food safety and nutrition in Northern Ireland and the Republic of Ireland.

2. I was heavily involved in the meetings and discussions with the FSA in respect of the issue with nitrites in cured meats and this statement covers the meetings and discussions that took place from the first report of this issue to the FSA in Northern Ireland. There were two separate issues between the FSA and Lynn's: (1) Lynn's were extremely concerned about prohibited use of nitrites derived from vegetable extract in a Kerry's Food product and sought to bring this to the FSA's attention and (2) the FSA had concerns about Lynn's own nitrite free product and instigated an investigation into this.

3. Processed meat was identified by the World Health Organisation as a cause of colorectal cancer in or about 2007. Further research was undertaken and then, in the last decade it has become known that it was not the processed meat itself that was the risk element but nitrite within the meat, being the traditional curing agent. There has been a growing movement to find a safer and so better alternative, as many people die of colorectal cancer. This is a serious health issue.

4. The IARC Working Group of the World Health Organisation now classify processed meats as a group 1 carcinogen (similar to tobacco or asbestos) after concluding that processed meat consumption can lead to the formation of carcinogenic N-nitroso-compounds and which are linked to an increased risk of colorectal cancers.

5. Lynn's was one of many businesses throughout the world looking to find a way to process meats without the use of nitrites. Throughout this process, Lynn's worked closely with [Professor of Food Safety], a leading expert in the field of nitrites in cured meats, to find and develop a new method. In 2016, Lynn's found a potential ingredient produced by a Spanish company Prosur to help create a nitrite-free alternative to curing meats, which was widely used in Spain and France which enabled us to produce nitrite free meat products.

6. In 2017, when Kerry Foods produced what they were claiming to be an "all natural" product - Denny's "all natural" Ham we were interested to understand how that was achieved. We carried out analysis on the product to examine the

ingredients and curing agents used. We discovered that Denny's "all natural" Ham contained nitrite derived from vegetable extract, more specifically celery. This is prohibited under EU regulations due to the fact it is not an approved additive. Around 42,300 people are diagnosed with cola-rectal cancer in the UK each year, of which eating processed meat cured with nitrite is a known cause.

7. Lynn's were extremely concerned that this product should be allowed to be marketed as "all natural" and without nitrites, when this was not at all the case. Not only were consumers being deliberately misled as to the ingredients of the product, but consumers actively trying to seek out a nitrite free product would also be misled into buying this product. The curing agent was explicitly banned under EU regulations. We sought further advice from [Professor of Food Safety] on this matter, he was equally appalled that Kerry Foods were misleading consumers in such away.

8. It was solely for this reason that Lynn's wrote to and sought engagement with the FSA in Northern Ireland from February to August 2017. The FSA informed us that whilst the use of nitrites derived from vegetable extracts to achieve a technological function in a meat product would constitute an unauthorised use of an additive, this was not an issue they could deal with directly as the manufacturing company was based in a different jurisdiction and they had asked that the enforcement authority in that region investigate the matter further. We received no further update and as far as we were concerned, no action had been taken as the Denny's "all natural" Ham product-was still available to purchase in Northern Ireland, still claiming to be "all natural" when this was not the reality. Further the product was to be sold in Great Britain and this only enhanced our concern that a dangerous product was being mis-sold.

9. By November 2017, Lynn's were becoming exasperated. We knew of a product on the market which was actively breaching EU legislation and misleading consumers but we also did not know how to do anything about this. Given the serious health implications of this, Lynn's approached Owen Paterson, as a consultant to Lynn's with prior experience of the workings of governmental organisations and EU regulation, for advice on how this should be dealt with. Mr Paterson then contacted the Chair of the FSA about the serious harm this product was posing to consumers. He set up a meeting between Lynn's and the FSA to discuss this point which took place on 15 November 2017.

10. I attended this meeting with [the FSA], alongside [Lynn's CEO] and Mr Paterson on behalf of Lynn's. Mr Paterson stated he was a consultant to Lynn's. This meeting was entirely focussed on the issue of the nitrite concealed within the Kerry Food product and the serious risk of harm this posed to consumers. During this meeting the FSA advised that they were working with the Irish FSA to investigate the matter. No one at that meeting, or any other meetings I attended subsequently, expressed any reservation regarding Mr Paterson being present as a consultant.

11. Mr Paterson always stated he was a consultant in each meeting at the outset.

12. Further to this meeting Lynn's received a follow up letter from [FSA employee] on 24 November 2017 which sought to confirm the position, stating, "the indirect addition of nitrates to foods via standardised nitrate rich extracts of vegetables such as spinach or celery is considered to be use of an additive rather than a food ingredient. In such cases the extract is being added for the purposes of preservation given the standardised level of nitrate. Consequently such use would not be permitted by Regulation (EC) No 1333/2008 as these extracts are not authorised as preservatives, having not met the specifications for nitrates." This letter further confirmed that the company (Kerry Food) had agreed to reformulate and relabel the products in question. This outcome would draw the matter to a conclusion as the public would no longer be misled by this product and it would no longer contain the prohibited source of nitrite.

13. Following this meeting, in early January 2018, we became aware of a separate issue which had arisen. A RASFF (Rapid Alert System for Food and Feed) notice was made against the Prosur product which is the product which Lynn's were using in our own nitrite free product. This notice had been filed by the FSA in Ireland with the FSA. It was being alleged that Prosur contained nitrite, which claim was false. We believe this can only have arisen as a result of a complaint made by Kerry's Food.

14. It was at this stage that the FSA then changed their approach from co-operating to resolve the issues with Kerry's Food to initiating their own attack on Lynn's product alleging it was not correctly described.

15. Mr Paterson made contact with [Chair] of the FSA on 8 January 2018 to facilitate a meeting regarding this new issue being raised by the FSA. This was a very technical meeting about the product itself and as such [FSA Chair] did not attend. This meeting took place on 15 January 2018 and in attendance were: Mr Paterson, [Professor of Food Safety] (a leading scientific expert in the field of nitrites in cured meats), (CEO of Prosur), [Legal adviser to Lynn's Country Foods] (as Lynn's legal representative), (FSA Employees), (CEO of Lynn's) and myself.

16. This was an incredibly frustrating meeting. The FSA had not previously proactively taken action regarding Kerry Foods but had now decided, incorrectly, that Lynn's were also using nitrite additives to cure meats. The FSA instigated this investigation and they were seemingly only interested in this. This is evident from the follow up email of [FSA employee] which was sent to me on 26 January 2018. Within this email, he set out the overriding principles of food legislation that "consumers should not be misled about the nature of food or its ingredients" and that "it is important the correct legislative frameworks are followed and food is labelled appropriately". These are the exact reasons why Lynn's had approached the FSA in November 2017 regarding the Kerry Food product, however we were mystified as to why these issues were now being raised in respect of our own product. I have since been

provided with the FSA's note of this meeting which confirms the FSA's misunderstanding of our product. This meeting note also accords with my own recollection of Mr Paterson's role in the meeting, Mr Paterson's primary concern was that of consumer confidence in bacon products and that they were as safe as could be.

17. At this meeting, the FSA requested considerable further information in respect of the Prosur product, the focus of their investigation at this time. Initially I had reservations about providing this in writing due to the commercial sensitivity of this issue, however I provided a comprehensive response the questions that had been raised by the FSA by email on 22 February 2018.

18. Despite having answered the FSA's questions in full, we received correspondence on 2 March 2018 which stated that the FSA were "still unclear as to the functionality of [Lynn's] natural flavouring" product, which we consider to be the key issue." So we then dealt with this issue which was raised by the FSA.

19. The discussions between Lynn's and the FSA continued until ultimately a further technical meeting was proposed for 24 May 2018 to go through our responses. Mr Paterson had no real involvement in this discussion as it was technical, he just facilitated the discussion.

20. I do not recall the exact words Mr Paterson used at the beginning of each meeting but he would always say that he was a consultant acting on behalf of Lynn's Country Food. I remember thinking this was quite an awkward way to start a meeting but Mr Paterson always said it and his status was always abundantly clear. His position as consultant is also noted in the meeting minute of 24 May 2018.

21. Lynn's approach to the FSA in November 2017 was solely to expose a serious harm, namely the risk to consumers of a product that claimed to be natural but which in fact contained nitrate as a curing agent, which is carcinogenic. The additive was contrary to EU law. We needed Mr Paterson's assistance to bring this serious harm to the attention of the FSA as the relevant body to protect UK consumers as our approach had not led to any action being taken to protect consumers.

22. Thereafter, from January 2018 onwards, the FSA raised totally new and unrelated issues regarding our product which we dealt with.

23. The facts stated in this statement are true.

25xii Communications Director at Lynn's Country Foods' Statement, 28 January 2021

1. I am the Communications Director at Lynn's Country Foods and have been since October 2018.

2. I have been asked to explain Mr Paterson's role as a consultant for Lynn's Country Foods, which commenced on 14 December 2016.

2.1 Mr Paterson has a deep understanding of agriculture and the food production industry, having grown up in a farming and tanning family and having previously been the Secretary of State for Defra. He has a real passion for consumer safety and innovation and Lynn's Country Foods is at the cutting edge of innovation in the processed meats industry, making processed meat safer for consumers.

2.2 He has assisted Lynn's Country Foods in a variety of ways during his consultancy, including by introducing the company to the Oxford Farming Conference which is the major agriculture conference for UK farmers.

2.3 He has provided advice regarding issues concerning Brexit and Northern Ireland, where Lynn's Country Foods is located. Lynn's supply of raw meat is from England, it is then processed in Northern Ireland and mainly sold back into England. Mr Paterson has provided advice on what impact Brexit may have on these processes. Due to Mr Paterson's previous experience as the UK representative and, subsequently, President of COTANCE (the Confederation of National Associations of Tanners and Dressers in the European Community) and his role in Defra, he has a strong understanding of how the EU regulations work in conjunction with UK law and the impact of these upon the food industry and therefore on Lynn's.

2.4 Mr Paterson is an experienced businessman and someone who can give advice and act as a sounding board on many issues. In particular, he provides strategic advice to Lynn's in order to assist growth on a national and international level.

2.5 I and my colleagues are aware that a Member of Parliament can have a second job provided it is properly declared in the Register of Interests. We understand that the Member of Parliament is prohibited from using their position as an MP to initiate proceedings or meetings which would provide a financial or material benefit to any organisation or individual from whom they have received, are receiving or expect to receive reward or consideration. As detailed within this statement, Mr Paterson's role for Lynn's Country Foods in respect of the issue of nitrites in bacon was to ensure there was a level playing field within the nitrite-free processed meat industry, ensuring EU legislation preventing the use of nitrites derived from vegetable extracts was upheld.

3. Lynn's Country Foods is at the vanguard of companies that are producing nitrite free processed meats. The processed meat industry has been using nitrites for decades and has been very resistant to change. This has created a serious health issue. The passion behind Lynn's Country Foods is to develop products that do not contain nitrite as nitrite-cured meats are a cause of colorectal cancer, which kills a

significant number of people every year. Lynn's Country Foods is seeking to improve consumer health.

4. Already France is considering laws that would ban nitrite-cured meats. Nitrite-free is a growing part of the UK bacon and ham market given the overwhelming evidence and widespread awareness of the issue. I am aware of a number of farm shops and small producers who have produced nitrite-free bacon and ham.

5. At the time that Lynn's were developing their nitrite-free produce, Kerry Foods launched in the Republic of Ireland and in Northern Ireland (but not in Great Britain} a "natural" ham product called Denny's Ham. Due to Lynn's prior interest and investment in nitrite-free produce, Lynn's were very interested in this development and carried out further research and testing on this product. Lynn's discovered by analysis that it was cured using nitrite derived from a vegetable extract which is expressly prohibited under EU law as it is carcinogenic.

6. Kerry Food Group is a substantial producer of processed meats and dairy products, with an annual turnover of around €7 billion. It is listed on the London and Dublin stock exchange. As a result of this breach, Lynn's approached the European Commission in 2017 and were told by a policy officer within the commission that whilst they agreed this was a breach, it was up to the member state to enforce this.

7. We were very concerned that a product containing a banned substance was being sold and was misleading as to its content; being described as natural when it was not. So we approached the FSA in Northern Ireland in the anticipation that they would enforce the EU regulation and address the mislabelling of Denny's Ham. The FSA NI told us that this was a matter for the authorities in the Republic of Ireland to deal with and was not willing to get involved.

8. We were extremely concerned that this product would ultimately be sold throughout the United Kingdom and that it included a known carcinogenic agent and the labelling disguised that fact. I think everyone should know of the known risks of eating any particular food. It was blatantly mislabelled as naturally cured. Consumers who knew of the risks of nitrites were being actively misled.

9. Given the seriousness of the situation and the lack of acceptable response from the FSA in Northern Ireland, Lynn's approached Mr Paterson and brought it to his attention. Mr Paterson then engaged with the FSA to bring this to their attention at a senior level. Throughout this process, Lynn's primary objective was to bring the serious harm of mislabelling a carcinogenic product to the attention of the FSA, in the hope that the EU regulation banning the same would be enforced. This would level the playing field to enable other cured meat producers within the UK and Northern Ireland to develop a nitrite-free method of curing meats in compliance with the EU regulations.

10. I was not then involved in the dealings with the FSA. [Technical Director of Lynn's], Lynn's technical director, was involved in these meetings.

11. We are fully aware of the restrictions on Mr Paterson in relation to lobbying. We frequently deal with the UK Government without the involvement of Mr Paterson on a number of issues. For example, (Lynn's CEO) was engaged in a Zoom call with the Prime Minister, Boris Johnson, earlier this year. This call was set up by me. I have had a round table meeting with the Secretary of State for Northern Ireland, Brandon Lewis. This was set up by me. We have frequent discussions with people in Downing Street, Governmental departments and governmental agencies in relation to a variety of issues that do not involve Owen Paterson.

12. We only drew this matter to Mr Paterson's attention because of the serious health risk to UK consumers and the resistance to accepting this serious health risk from the FSA. We believed the FSA, as the body charged with protecting safety, should act where a product is being sold with a known carcinogenic agent and that is concealed.

13. Lynn's had a duty to act in this matter because we were concerned for consumers.

14. Given the current practical difficulties in signing a Statement, this Statement is in the first instance approved by me but unsigned. As soon as reasonably practicable hereafter, I will provide a signed version.

15. The facts stated in this Statement are true.

25xiii Legal adviser to Lynn's Country Foods' Statement, 15 January 2021

2. My firm was instructed to represent Lynn's Country Foods Limited (LCF) in November 2017 after they had raised a food safety and labelling concern with the FSA in relation to a Kerry Foods product, Denny All Natural Ingredient Ham. My knowledge of facts and matters set out in this statement derives from knowledge acquired during my representation of LCF.

3. LCF is an innovative food producing company, based in Northern Ireland, producing a range of meat products, including bacon and ham, which it makes without the use of nitrites. The traditional method of making bacon and ham products is to add nitrites during the manufacturing process to act as a curing and preserving agent. Nitrites not only inhibit the growth of bacteria but they also aid colour development, by giving the meat an artificial reddish-pink hue, which effectively masks the process of natural decay. Nitrites also lend a typical 'cured' flavour to the meat. However, the presence of nitrites in processed meat is known to be a contributor to cancers. This is because, when digested, nitrites create compounds in the human digestive system known as nitrosamines. Most nitrosamines are carcinogenic. The science is overwhelmingly clear that there is a link between nitrosamines and cancers and for which reason food regulations impose limits on the levels to which nitrites can be added to cured meat products. The regulations also require food producers to declare the presence of added nitrites (as additives) by printing this information on the product labels so that the consumers know what they are eating. Despite these regulatory safeguards, current scientific opinion is now increasingly of the view that these 'limits' are outdated and meaningless and that there are no 'safe limits' where the ingestion of nitrites is concerned, even at the levels permitted by the regulations. There is also a concern that some food producers are finding ways to circumvent regulations requiring nitrites to be declared as additives on labels by selectively extracting nitrites from natural food sources and using those nitrite extractions in the food production process as an alternative to adding nitrites as a pure chemical. Such methods are not permitted by the regulations.

4. Because of the worrying link between nitrites and cancers, LCF researched ways of producing bacon and ham products without using nitrites. The challenge was to develop products that still looked and tasted like traditionally-processed bacon and ham and yet avoided the use of nitrites to achieve those 'traditional' characteristics. LCF eventually found a way to do this. A key ingredient flavour used in LCF's new process was a unique blend of natural dried fruit and spices developed by a Spanish company called Prosur. LCF's new products using the Prosur flavour blends were first sold in the UK in late 2017, initially under supermarket own labels under their range of 'made without nitrites' meat products. It was not until early 2018 that LCF first began marketing these new products under its own brand in the UK.

5. The Denny All Natural Ingredient Ham first came to LCF's attention in 2017 at about the same time as the LCF new 'made without nitrites' bacon and ham products were first appearing on supermarket shelves. LCF noticed that the Denny Ham product made no mention on its label of the presence of nitrites despite the

fact that it was being produced with nitrites selectively extracted from fermented celery. The product was being manufactured in the Republic of Ireland and was appearing in retail outlets in Northern Ireland. Given the regulatory requirement for food producers to declare the presence of nitrite additives on labelling, LCF could not understand why the FSAI and UK FSA had allowed this product to enter the UK when its label made no mention of the presence of nitrites. The concern for LCF was twofold. First, a safety concern that UK consumers would be unaware from the label that this ham product contained nitrites; and second, that if the product were allowed to remain in the UK market, it would create an obvious confusion for any consumers of processed meats who were actively seeking products produced without nitrites, such as the LCF bacon and ham products. In other words, consumers could easily make the mistake in thinking that the Kerry Foods' product was nitrite free, when it was not. This was the issue that LCF first brought to the attention of the FSA in Northern Ireland in or about July/August 2017 and then later with the FSA in London in November 2017 and as part of that later notification it engaged the consultancy services of Owen Paterson. The FSA in Northern Ireland had already confirmed to LCF in August 2017 that use of nitrite-rich vegetable extracts, such as celery extract, to achieve a technological function in a meat product would constitute an unauthorised use of an additive and so LCF felt justified in their approach.

6. I was aware that LCF met with the FSA chair, at a meeting on 15 November 2017, at which Owen Paterson was also in attendance. My firm was not directly involved at this stage with any dealings with FSA (London) and we only became involved following the FSA's written follow up to that November 2017 meeting.

7. It is fair to say that LCF's dealings with the FSA on this issue did not turn out quite as they expected. Although the FSA agreed to raise the labelling issue with the FSAI, and which they subsequently did, the FSA then, unexpectedly, turned their attention to the ingredients that LCF was using in its new bacon and ham products. Given the timing and form of the FSA's questions, it seemed fairly obvious to LCF that these had originated directly from the FSAI (as a 'retaliatory' response) at the behest of the producers of Denny All Natural Ham. It was at this stage that my firm was brought on board.

8. The main thrust of the FSA's query was about whether or not the Prosur ingredients fell within the scope of Regulation (EC) No 1333/2008 on food additives and, if so, was the labelling in compliance. Both Prosur and LCF were of the opinion that the ingredients (which were essentially dried fruit and spices - i.e. 'foods' by definition) fell outside the regulations because they acted primarily as flavours to the meat products rather than having any designed technological effect. As mentioned above, the ingredients were intended as a flavour to mimic the taste of traditionally made bacon and ham. LCF were treating the FSA's questioning very seriously as there was a genuine concern at the time that the FSA might require LCF to withdraw its products from UK supermarket shelves until the labelling status of the Prosur ingredients had been resolved.

9. My involvement throughout this time was largely spent seeking clarity from the FSA on their interpretation of Regulation 1333/2008 and Regulation 1334/2008

(insofar as these related to flavourings and food ingredients) and submitting counter-submissions to explain why we were of the view that certain regulations did not apply to the Prosur ingredients. We also involved senior counsel in the submission exchange process. At no stage during this period was it ever clear to us where the FSA were going with their investigations. As an organisation I found them extremely difficult to deal with.

10. In early January 2018, our office received a notification from LCF that a formal inter- agency notice had been filed by the FSAI with FSA relating to the Prosur product. From recollection, it was at this time that I had my first direct dealings with Owen Paterson in relation to these matters. I was aware that Mr Paterson had been engaged as a consultant to assist LCF in its dealings with the FSA, although I was not involved in his appointment. Given his former roles as Secretary of State for Northern Ireland and Secretary of State for Environment, Food and Rural Affairs, my understanding was that he brought useful knowledge and experience and would have understood the challenges faced by NI businesses operating in the UK market and particularly the food production industry and would have been familiar with some of the regulatory regimes under which that industry operated. It was my also understanding that Mr Paterson had a good knowledge of the workings of the FSA and was able to advise LCF on how best to escalate the issue of the dangers of nitrites in processed meat products within that organisation. On this specific area, I was aware that LCF had also sought the scientific opinion of [Professor of Food Safety] (a world leading expert in the harmful effects of nitrites in cured meat). I recall that on 10 January 2018 I had been copied into an email that Mr Paterson had sent to [FSA Chair] on 8 January 2018, requesting an urgent meeting with the FSA in relation to LCF's general concerns about nitrite levels in traditionally manufactured processed meats and separately about the enquiry into the Prosur ingredients.

11. The meeting was arranged for 15 January 2018, which I attended together with Mr Paterson, LCF representatives, a Prosur representative, FSA delegates and [Professor of Food Safety]. The meeting was held in Mr Paterson's office at 1 Parliament Street. As far as I am aware, his office was chosen as a convenient location as neither my firm nor LCF had offices in London.

12. In my notes of this meeting, I have noted that Mr Paterson was attending in his capacity as a consultant for LCF. I recall that at the outset of the meeting all of the attendees were required to introduce themselves in turn, confirming the capacity in which they were attending. I confirmed that I was attending as a legal adviser to LCF, advising on regulatory issues. I cannot remember the exact words Mr Paterson used when he introduced himself at the beginning of the meeting but I am reasonably certain that he confirmed that he was attending in his capacity as a paid consultant for LCF and that everyone attending was aware that he was attending in this capacity and nobody took issue with this. The basis of my certainty on this issue is the fact that almost all of the attendees of the 15 January meeting attended a later meeting with the FSA on 24 May 2018. I have seen a copy document of the FSA's notes of that later May meeting in which Mr Paterson is listed by the FSA as attending in his capacity as a consultant to LCF.

13. The 15 January meeting was an incredibly frustrating meeting for the LCF attendees because it became very apparent that the FSA attendees were unwilling to engage in any discussion about whether traditional bacon and ham products posed any health risks to consumers. Instead they appeared firmly of the view that the current regulatory limits for nitrites were sufficient to protect against the dangers of ingestion by humans, notwithstanding the very compelling submissions of [Professor of Food Safety]. I was taken aback by how hostile they were towards LCF and its innovative product and their refusal to engage with any suggestion that the existing regulatory regime had been fashioned to support the outdated methods used by the established meat producers. It became increasingly clear that they were unwilling to support any innovation in food production that might otherwise suggest that the current regulatory regime was outdated, even where there was a substantial and obvious public health benefit in removing known cancer causing chemicals from food products. The FSA's sole focus during the meeting was concerned with the formulation and properties of the Prosur product and, by implication, whether LCF was in compliance with various labelling regulations.

14. My firm's dealings with the FSA on these issues continued for at least another five months, culminating in a further meeting with the FSA at their offices in London, on 24 May 2018. This meeting was attended largely by the same delegates as those who attended the January meeting. Mr Paterson was also at the May meeting. Whilst I had only two meetings with the FSA about these issues (both of which Mr Paterson attended), I was in regular correspondence with the FSA during a seven-month period. Mr Paterson would typically be copied into some of that correspondence. Whilst I only met Mr Paterson on those two occasions I certainly had several telephone calls with him during that time period and would have copied him into my advices to LCF from time to time. Because it was never clear to our firm and/or LCF where the FSA were going with their investigations or the seriousness to which they were treating the issues LCF had raised about the use of nitrites in traditionally made meat products, Mr Paterson's advices on the dealings and internal decision making processes of the FSA proved to be critical to our ability to steer LCF through this difficult period.

15. Mr Paterson was always transparent in the FSA dealings that I was involved with and there was never any question of the capacity he was acting in.

16. The facts stated in this Statement are true to the best of my knowledge and belief

25xiv Senior Manager at Randox's Statement, 14 January 2021

1. I am a Senior Manager at Randox. I am responsible for Government Affairs and a number of strategic projects within the company.

2. I have worked at Randox for 13 years. I was previously in the military and am a retired Colonel. I have been awarded the OBE and CBE. I have experience working as a trustee for a number of charities and working with a range of civic bodies.

3. I have been asked to explain the consultancy services that Owen Paterson provides to Randox.

4. Mr Paterson first came to the attention of Randox during his time as both Shadow Secretary of State (2007-2010) and Secretary of State for Northern Ireland between 2010 and 2012. Randox, like many other Northern Irish businesses, were struck by how effective he was in this role and how passionately he promoted the interests of Northern Irish businesses. As part of his role, Mr Paterson visited Randox Laboratories and we remained in touch once he had moved on from this role. It was not until August 2015 that we appointed Mr Paterson on a consultancy basis to fulfil an ambassador and advisory role at Randox. He is paid £100,000 a year in return for a monthly commitment of 16 hours.

5. By way of background, Randox is a Northern Ireland based innovative life-sciences company with almost 40 years national and international experience. Through our innovative technologies we believe we have the potential to make significant impact on the global stage. For this reason, Randox have required the assistance of capable, experienced and respected advocates and advisors, recognised both nationally and internationally.

6. Owen Paterson acts as an ambassador for Randox nationally and internationally and provides strategic advice and assistance to Randox. In that capacity, through understanding how emerging diagnostic technologies may promote enhancements to the pharmaceutical, life, health and food sciences, he acts as an ambassador to leading companies and practitioners in those fields and provides Randox with strategic advice as we grow as a company. He has no responsibility for, or visibility of, sales or contracts. He is not, unless by exception, an interface with UK Governmental departments and agencies, as Randox engages with such bodies entirely independently from Mr Paterson. For example Randox have significant NHS contracts relating to quality assurance with which Mr Paterson has never had any involvement.

7. Randox have developed unique and innovative diagnostic technologies. One particular technology is called 'biochip array'. This enables multiple tests to be undertaken simultaneously on a single sample. This increases the information available to analysists from that single sample, enabling improved decision-making based on more comprehensive data. The tests on the biochip may also be more sensitive than those on other systems. It is revolutionary technology.

8. Once the biochip technology had been developed, Randox looked at areas where it would enhance related decision-making across a range of life science disciplines. Roles were identified for this technology within medical research and clinical decision making, in pharmaceutical development, toxicology and food sciences. Within food science Randox developed a food diagnostic division which assessed the ability to detect regulated and/or harmful drug residues and contaminants in meat, seafood, cereals, honey and milk.

9. One biochip array, which was developed to test for drug residues in milk is called Infiniplex. This is a unique technology as it is able to simultaneously detect more than 100 regulated drug residue compounds within a single milk sample, at excellent levels of sensitivity.

Milk Tests/ Florfenicol

10. Randox is aware that antibiotic residues within UK milk are considered to be well controlled. For example a Dairy UK White Paper produced in October 2017 states that, 'the Veterinary Medicines Directorate (VMD) - the UK Government agency responsible for monitoring foods for veterinary medicine residues - has found that 99.9% of milk samples have been free of antibiotic residues over the previous three years.'

11. However, in 2016 Randox had undertaken a random 'point-of-sale' assessment of milk purchased from supermarkets in Northern Ireland, Great Britain and in the Republic of Ireland. The results of the tests were staggering. In those samples collected in the United Kingdom Randox detected that 12.5% (not 0.1%) of the milk purchased contained regulated antibiotic residues. It should also be noted that the regulations concerning Maximum Residue Levels (or MRLs) apply at the animal ie individual cow level. The fact that antibiotic residues were found at supermarket level, after multiple dilutions within the production process, indicated significant issues were likely along the supply chain.

12. This was of real and significant concern as one of the substances detected was Florfenicol which is not authorised for dairy animals. As such, Randox understood that Florfenicol was not included in UK milk screening, at all, at that time. It was also a significant concern that some in-place monitoring systems lacked breadth, in terms of the regulated compounds being monitored, and some tests had a higher sensitivity than the MRL.

13. Finding a range of antibiotic residues within supermarket milk was of major concern. This was an indicator that the milk supply chain was not as successfully monitored and regulated for antibiotic use as thought. Critically, antimicrobial resistance is considered by major world health organizations to be one of the top health challenges facing the 21st century. It is therefore vital that consumers are not unwittingly and regularly exposed to antimicrobial residues within food. Exposure has the potential to fuel antimicrobial resistance, inhibiting the ability of antibiotic remedies for various serious health conditions to work in the future. That is a most serious harm.

14. When we were notified of these results we were in an extremely difficult place. We fully appreciated the significance of the information and that it, if made public in any uncontrolled way, could cause alarm and also seriously damage the UK dairy industry in a similar way to how the Salmonella scandal had devastated the egg industry in the late 1980s. Equally, we could not sit on this information, it had to be disclosed to the Government and acted upon.

15. For this reason, because we had discovered what we believed to be a serious harm, we notified Mr Paterson and sought his assistance in ensuring this information reached the correct authorities within the UK Government and that it was acted upon. This was too serious a concern to raise in the normal way with the regulator and we had concerns that this would not be dealt with the required urgency. This issue needed to be raised at the highest level to ensure that this was resolved swiftly and appropriately and Mr Paterson, with his background in farming, business and politics was the obvious person to entrust with this task.

16. Mr Paterson then took this issue up with the [FSA Chair] directly in November 2016 so that the FSA, as a governmental agency, was aware in a controlled way of what we had found, and it could act as it considered appropriate to protect consumers and a critical industry.

17. As far as I am aware, the UK Government conducts low volume screening as part of a national surveillance plan, conducted at the Fera National Reference Laboratory, and is not involved in the technical provision of broad milk testing services. There was no active government contract to be secured. Volume testing is undertaken by dairies and the National Milk Laboratory (with whom Randox were already engaged) and others which are privately owned companies. As such they conduct independent, private procurement processes.

18. I understand that following Randox's findings of Florfenicol in milk, Mr Paterson set up an initiative which is known as the Milk Quality Forum. Randox have had no involvement in this and were not invited to attend. My understanding is that this forum is to discuss the general and policy concerns surrounding the issues of contaminants in milk.

Laboratory Quality Control and Assurance Systems

19. The UK Government is a significant contributor to Overseas Aid. One UK priority is to, 'Tackling extreme poverty and helping the world's most vulnerable', with a sub-objective to, 'ensure healthy lives", in part by "creating the safest and highest quality healthcare services including through supporting research and innovation".[9] Within any objective to support the most vulnerable and promote healthy lives it is understood that laboratory blood testing is fundamental and absolutely critical to healthcare services. In fact, it is recognised that 70-80% of clinical decisions are based on laboratory results. It is therefore essential that such

[9] DfID, 'Agenda 2030': 'The UK Government's approach to delivering the Global Goals for Sustainable Development - at home and around the world' (March 2017), pp 2 and 7

results are accurate and reliable. If not, misdiagnoses will result, with increased human suffering and a waste of valuable, limited healthcare resources.

20. Quality control processes in laboratories consists of Internal Quality Control and External Quality Assurance. This is achieved as follows:

20.1 Internal quality control is achieved through the laboratory being provided with vials of testing material (human serum, urine and so on) which has been chemically engineered with highly accurate levels of the biomarkers that the laboratory wishes to test. The values of these very accurate levels are provided to the laboratory staff to enable an internal assessment of the accuracy of their laboratory systems once these Internal Quality Control samples have been run alongside patient samples. If the results provided for the quality control samples are accurate then tests on human samples can continue to be run, and results provided for diagnoses. This is an internal process and is not independent.

20.2 External Quality Assurance is also achieved through the laboratory being provided with vials of testing material (human serum, urine and so on) which has been chemically engineered with highly accurate levels of the biomarkers that the laboratory wishes to test. However, in this case the laboratory is not provided with the values of the biomarkers.

Once the samples have been analysed alongside patient samples the results are returned to the External Quality Assurance scheme provider for independent analysis. Results of analysis are returned to laboratory management as an independent assessment.

21. Randox provide both Internal Quality Control and External Quality Assurance materials and services, and have significant experience in delivering the education and training to support laboratories in seeking improvement. Successful use of such processes are essential if a laboratory is to be accredited, and there are a range of possible providers. There is no capital equipment requirement - the service relies upon chemically engineered samples and, if available, computers (not provided by Randox) for supporting software.

22. I have spent time in Africa and I have seen first-hand the critical importance of laboratories having proper quality control processes in place. As previously stated this is a real and significant issue -70-80% of clinical decisions are based on laboratory results and if these are not accurate, there is a real and serious risk of harm.

23. I have seen numerous examples in developing countries of laboratories which whilst provided with capital analyser equipment are simply not resourced to implement internal and external quality control and assurance procedures. I have consulted with Randox staff who travel extensively to understand this is not uncommon in developing countries. The laboratory staff are disheartened and neither they nor the clinicians they support, can have confidence in the results provided in such circumstances. There is no doubt that suffering results from misdiagnosis and valuable healthcare resources are wasted.

24. I wrote to the Rt Hon Priti Patel MP who was then the Secretary of State for International Development. I made the point that quality control is a cost-effective bed-rock upon which improved health, for the world's most vulnerable, could be developed. I did not receive a reply. I mentioned to Owen Paterson that I was extremely concerned at the failure to properly support laboratories in developing countries and the substantial injustice that flowed from that for the local population. I was then, and remain of the view, that use of UK aid to support laboratory quality control and quality assurance programmes in developing countries could achieve significantly disproportionate positive healthcare and social benefits in those countries, reducing significant harm.

25. Owen arranged a meeting with Rory Stewart, then a Member of Parliament, and the Minister of State for International Development. I attended that meeting. The meeting was also attended by senior officials within DfID. Noting that Randox are a private company and a provider of services, DfID procurement officials also attended the meeting by video link. I am certain that Owen introduced himself as being a paid consultant. The meeting took place in an open and transparent manner and no one, neither Mr Stewart, nor his senior officials, nor the procurement officials indicated in any way that what was happening was improper. I am sure that had this meeting been viewed as inappropriate it would not have taken place, or been halted early in the proceedings.

26. Following this meeting, Rory Stewart wrote to Mr Paterson on 1 February 2017 and suggested that Randox may be interested in following up with DfID's Procurement and Commercial Department and Healthcare UK (a joint initiative of the Department of Health, NHS England and the Department of International Trade). At this time, Randox were already registered with DfID's Procurement and Commercial Department and would have received notification of any tenders relating to this issue and so I did not feel it was necessary to follow up with them. Randox had also already established on-going links with the Department for International Trade and our local government agency, Invest Northern Ireland. By way of example, I subsequently met with senior members of the Department for International Trade Life Sciences Organisation at the end of January 2017 in order to discuss export initiatives.

27. Flagging an issue to the UK Government and selling something are not the same. I fully understand that the UK Government is an extremely sophisticated organisation with very well developed procurement procedures. If the UK Government considered that what was being said was accurate and wished to remedy it, then such decisions would be formally recorded, and an open and transparent procurement process would follow. In such circumstances Randox would have competed with others for any possible contract, which would undoubtedly have been awarded to the most comprehensive, technically competent and cost-effective submission. The idea that some backroom deal would be done in this way is frankly incorrect.

28. I am confident that any review or adjustment to UK aid priorities would have been subjected to proper and full policy processes and that any subsequent

purchasing would then have been subjected to due, open and transparent procurement processes.

29. I have seen the press reports wrongly suggesting that Owen Paterson was connected with Randox's award of a contract with the UK Government in relation to Covid-19 testing. I was closely involved in that negotiation and process. Owen Paterson was not involved, at all, in the securing of this contract. He had no knowledge of it.

30. As a representative of a leading UK diagnostic company, with its own recently developed Covid-19 test, I was invited to a meeting in Downing Street that took place on 17 March 2020. I spent two days in London supporting the governmental effort as it sought to define the most effective way it could deal with the testing aspect of the pandemic threat. Randox in common with other companies put forward proposals to the UK Government for their consideration in the manner required by Government. I neither met with nor engaged with Mr Paterson on any of these matters. The report in the Guardian suggesting Mr Paterson was involved is simply wrong.

31. This shows that Randox links to government are not via Mr Paterson. The testing response to Covid-19 has required some of the most significant diagnostic governmental contracts in a generation. For our part Randox had processed over 8 million Covid-19 tests by early January. Mr Paterson had no involvement in initiating, negotiating or securing the Randox contract.

32. I have attended a number of meetings with Owen Paterson with third parties present and Mr Paterson invariably starts each meeting by saying he is a paid consultant to Randox. To my memory he is fastidious in this. I have often thought that this was a very unnatural way to start a meeting but I understand that this was necessary to ensure Mr Paterson remained within the parliamentary rules.

33. The facts stated in this Statement are true.

25xv Director at National Milk Laboratories Statement, 14 January 2021

2. National Milk Records is a PLC that was incorporated in 1997 having formerly been part of the Milk Marketing Board. The primary shareholders being dairy farmers. Milk is collected from almost every dairy farm in GB and is tested regularly for constituents, hygienic quality and contaminants at one of two laboratories – one at Four Ashes, near Stafford and the other in Hillington, Glasgow.

3. The primary contaminant of milk is antibiotics. We check over 100,000 samples of milk every month for antibiotics.

4. The testing method that we use is called the Delvo test which is a broad spectrum test with sensitivities that relate to the Maximum Residue Levels (MRL) which are set by the EU.

5. From around 2016, approximately two years before I had any dealings with Owen Paterson, the National Milk Laboratories were engaged with Randox. In July 2016 we acquired demonstration Randox testing instruments for both of our laboratories and started to purchase their infiniplex kits. The infiniplex kits are capable of testing for a larger spread of contaminants than EU standards require, for example Florfenicol, which has no MRL and so is not ordinarily tested for. NML were therefore aware of the capabilities of the Randox equipment and the infiniplex kits. By November 2016, we were purchasing infiniplex kits on a monthly basis, however Randox were not and still are not NML's primary kit provider. By way of example, we normally conduct around 50-100 tests per month using Randox instruments, whereas we conduct over 100,000 tests per month using our primary test method of Delvo.

6. Milk is tested on arrival at depots for the presence of contaminants such as antibiotics. When a positive result is found, all milk in that consignment is destroyed. NML's role in the process is to identify the farm(s) responsible for causing this contamination. This is achieved by testing milk samples taken from every individual farm associated with the consignment. Once the problem farm(s) have been identified, NML notifies the processor who in turn is obligated to notify the FSA. The FSA then conduct a follow up investigation on the farm to identify the cause of the failure and ensure measures are in place to avoid a repeat occurrence. Farms involved in contaminating a consignment of milk have to cover the cost of disposing of the full consignment of milk. It is also a requirement that on farm antibiotic failures are reported to Red Tractor (the farm assurance scheme). This is then likely to trigger a review of antibiotic management protocols at the next Red Tractor audit. If this review indicates a high risk of a repeat offence the farm may be required to participate in a relevant training programme on the safe use of antibiotics on farm.

7. The FSA is the body that is ultimately responsible for the statutory obligation to test milk to certain standards, they have management over the statutory surveillance of milk. Work that NML is doing for primary processors within the industry supplements the statutory surveillance programmes which are carried out through government laboratories and run by the FSA.

8. I am not a scientist and so I do not know the amount of antibiotic residue that a human needs to consume to develop Anti-Microbial Resistance (AMR) but I am aware that this is a serious health issue. The consumption of an antibiotic residue from certain drugs, including Florfenicol, is prohibited in milk.

9. I became aware in 2017 that Randox had found Florfenicol in milk. At this time we were still validating the test method and infiniplex kits used by Randox. This involves checking the Randox method against the reference method (LC-MS). In these investigations we found that on some occasions a positive result using the Randox method was not matched by the result from the reference testing. The challenge then is checking the relative sensitivity of the two methods and ensuring that the sample integrity is assured when both tests are conducted. Whilst we were using infiniplex kits, this was not then, and is not now, our main testing equipment.

10. By this time Owen Paterson had met with the FSA and we were involved in liaison with the Chief Vet, and looking into the findings made by Randox and considering how we could improve the safe standards of milk. In July 2019 I attended, by telephone, a meeting to discuss these important issues. Also at this meeting was Mr Paterson, the Chief Vet, the Vet Director of the FSA and other interested parties. Mr Paterson made it clear that he had three interests in this issue: (i) as the MP for North Shropshire, a rural constituency with a huge dairy industry; (ii) as the Former Defra Secretary; and (iii) as a paid consultant for Randox, who provided some of the test kits which had identified this issue. It was apparent to me during these meetings that Mr Paterson's primary concern however was milk contamination and the impact this could have on the dairy industry. I attach Chief Vet's note from the meeting, which notes that Mr Paterson had expressly declared his interest in Randox.

11. Due to Owen Paterson's intervention in this matter and his establishment of the milk quality forum, better processes have been put in place to minimise the risks of contaminants such as flukicides entering the food chain. Key to this has been raising the awareness of the issue amongst relevant stakeholder organisations (such as the FSA, DEFRA and the VMD). We are also now seeing more comprehensive surveillance programmes becoming established that supplement the surveillance provided by statutory programmes.

12. In all my meetings with Mr Paterson at all times he identified himself as a consultant to Randox. I of course knew that he was also the MP representing North Shropshire, a rural constituency with significant dairy farming interests, and the former Defra Secretary. This is also noted within Chief Vet's note.

13. At no time did Mr Paterson seek to persuade me or anyone else to purchase any products from Randox.

14. As I have said, the National Milk Laboratories already had two Randox machines and we still have those same two machines. We have not acquired any additional equipment or technology from Randox but we have seen progress in the

development of surveillance programmes for contaminants as a result of Mr Paterson's intervention for which we are grateful.

15. The facts stated in this Statement are true.

25xvi Chief Vet's note of Meeting, 16 July 2019

Background
This group came together following Mr Patterson highlighting to UK CVO the detection through testing of veterinary medicine contaminants in off-shelf purchased UK produced milk. The aim is to understand this issue better – what is being detected and how, what are the implications of these detections and should/what we do about it.

…
Discussion

• NML tested 100 random samples of milk (from their BAU submission in fridge) using IPMII test and detected a number of parasiticides, primarily triclabendazole (TCL). TCL has no MRL and therefore should not be used in in milk dairy cows.

• Dairy UK (80% of UK milk supply) funds NML to undertake non-statutory surveillance on milk for contaminants as part of due diligence and surveillance scheme which members can opt in to. This is over and above the statutory programme of residue surveillance testing.

• We need to understand more about the validation and sensitivity of the tests that were used in order to better appreciate the significance or not of the results to date.

• The random samples don't tell us much about true incidence or prevalence of TCL nationally, and this may vary depending on time of year. Therefore conclusions, judgements and actions are unclear. However it does indicate probable requirement for better stewardship in use of flukicides, and other parasiticides. Dairy UK has commissioned a risk assessment from Uni of Surrey to identify strategic points in the chain to test and appropriate tests to use.

• Fluke infection in cattle is a significant productivity and animal welfare issue and needs to be tackled.

• Robust stratified surveillance across UK dairy herd for non-statutory requirements will likely enhance the perception of UK product in the global market.

• How findings are communicated is very important – it is not a scare story but could be, rather has potential good news story.

• 3 action areas identified –
1) Regulation and Official controls – are current regulatory requirement being met, and are there any gaps and issues in the process that need addressed ?– for VMD and FSA to jointly consider

2) Stewardship of flukicide use – this sits with industry and the vet profession, with potential facilitation by Government where appropriate. Better targeting of treatment to right animal, right drug, right time and right amount.
3) wider surveillance and reputation – is there, and how do we drive value from more statistically robust sampling and communication of non-statutory testing?

Actions

- NML to request from Randox and then supply to the group the dossier of information on the milk test that would support validation and understanding of sensitivity/specificity.
- NML to consider with Dairy UK a wider more stratified testing programme
- VMD/FSA to consider results in context of current regulatory requirements, and identify any issue arising.
- UK CVO to raise stewardship issue with AHWBE in first instance to seek guidance on how best to develop ownership and then action of stewardship
- Follow up meeting to be arranged for first 2 weeks in October, extending attendees to RUMA and Dairy UK, and any others UK CVO considers relevant. Mr Patterson office to agree date with CVO office, and then send invites.
- Mr Patterson office to circulate to attendees (via UK CVO office) electronic version of NML presentation

25xvii Veterinary Advisor of National Milk Laboratories' Statement, 15 January 2021

2. Following the introduction of Randox testing (IPM I) to the laboratory in 2017, NML became aware of the detection of both florfenicol (an antibiotic compound) and nitroxynil (a flukicide compound) residues in raw ex-farm milk samples.

3. Both of these compounds may be harmful to human health.

4. Florfenicol is not authorised for use in in animals producing milk for human consumption including pregnant animals intended to produce milk for human consumption. I attach a summary report from the Committee for Veterinary Medicinal Products which discusses the toxicity of florfenicol.

5. Nitroxynil is not authorised for use in cattle and sheep producing milk for human consumption including the dry (non-lactating) period and should not be used in the last trimester of pregnancy of heifers (primiparous) which are intended to produce milk for human consumption.

6. I was invited to attend meetings of the 'Milk Quality Forum' consisting of the Chief Veterinary Officer, representatives from the Animal and Plant Health Agency (APHA), the Veterinary Medicines Directorate (VMD), the Food Standards Agency (FSA), the Responsible Use of Medicines in Agriculture (RUMA) Alliance, NML and Owen Paterson.

7. The first of these was by conference call (16/07/2019) and subsequently in person (16/10/2019) and again by conference call (28/01/2020). At each meeting Mr Paterson made it clear that he was there wearing three hats: (1) as the MP for North Shropshire a rural constituency and home to a Muller processing site; (2) as the Former Defra Secretary; and (3) as a paid consultant for Randox, who provided some of the test kits which had identified this issue. In this context I understood the interests Mr Paterson held - I did not feel that any one of them was over-represented and that the primary concern was safeguarding milk supply.

8. The Milk Quality Forum provided a welcome opportunity to share our results and observations on veterinary medicine residues, including antibiotics and flukicides, in milk and to raise our concerns with key parties in a safe forum. We were aware of the potential issue identified and we were also mindful of the potential damage this issue could do to the dairy industry.

9. Subsequent to these meetings, and alongside other industry initiatives, there has been an increased awareness on the risk of residues of veterinary medicines, including flukicides, and the need to ensure these do not enter the human food chain. I attach the joint statement from the National Office of Animal Health (NOAH) and the VMD on the use of Flukicides in dairy cattle.

10. Surveillance and testing programs can provide a level of assurance for product quality and I would welcome further transparency of testing for veterinary medicine residues in the coming years.

11. The facts stated in this Statement are true.

25xviii Veterinary Advisor Attachment to statement: Summary Report from committee for veterinary medicinal products

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain.

25xix Veterinary Advisor Attachment to statement: NOAH and VMD flukicides in dairy cattle

This document was too large to be included in the Commissioner's written evidence pack and is already in the public domain.

25xx Mr Paterson's Office Manager's Statement

Mr Paterson keeps his paid consultancies entirely separate from his duties as an MP. He always uses his personal phone and personal email address for his consultancy matters. He does not involve his office staff in issues relating to his consultancy work save for my involvement in terms of logistics, for example because Mr Paterson is the Former Secretary of State for Northern Ireland, there are security arrangements which need to be made when he visits Northern Ireland. I have no other involvement with his consultancy matters and he has never asked me to.

In the time available I have sample checked all meetings in Mr Paterson's office at 1 Parliament Street between 1 October 2016 and 31 December 2017. I consider this a representative period. Between October 2016 and December 2017, Mr Paterson carried out 229 meetings in his office. Mr Paterson carries out many other meetings each year both on and off the Parliamentary estate. A very small number of Mr Paterson's meetings relate to his paid consultancies with Randox and Finnebrogue being a total of 43 during this period, and of these, only four Randox meetings and only one Finnebrogue meeting were held in Mr Paterson's office. In total this equates to less than 2.5% of the meetings undertaken in Mr Paterson's office.

I would have no involvement in these meetings, save that I would collect the guests from security and escort them to the office. I would then get them teas and coffees and return to my work. Whilst dealing with the refreshments, I have often heard Mr Paterson introducing himself as a paid consultant at the start of the meetings. I have never had any concerns whatsoever that Mr Paterson was using his office inappropriately.

Generally speaking, I would say that Mr Paterson is exemplary on the Parliamentary rules and fastidious in terms of his expenses. The only time he has ever had any issue with IPSA was when they themselves had made a mistake and they accepted Mr Paterson was entirely blameless in this instance. I have worked in Parliament for a long time and Mr Paterson is known for being a good MP to work for.

The facts stated in this Statement are true.

25xxi Mr Paterson's Senior Parliamentary Assistant's Statement, 15 January 2021

I wrote to the Commissioner on 18 March 2020 in respect of this investigation and made the following comments:

Mr Paterson is particular about registering and declaring his interests. He reviews them carefully before the office registers his expenses and interests.

Mr Paterson keeps his personal business entirely separate from his duties as an MP. I am not involved with his consultancy matters and he has never asked me to be.

I manage Mr Paterson's Parliamentary email account. The office receives in the region of 300 emails per day to this address. It is my role to review these emails first and send them to the appropriate person in the office or to deal with them myself. As Mr Paterson's Parliamentary email address is publicly available, from time to time non parliamentary emails are sent incorrectly to this address. When this happens, I immediately forward them to his private email.
Mr Paterson never makes business calls from his office phone and uses his personal mobile for both calls and emails related to his consultancy work. From time to time, I overhear Mr Paterson's telephone conversations where he states that he is acting as a consultant.

Accordingly there are robust practical measures in place which ensure the separation of constituency and Parliamentary matters from personal.

The above comments made in March 2020 remain both true and accurate and I would like to provide further details in respect of Mr Paterson's paid consultancies and meetings held in respect of these.

Mr Paterson has always been completely transparent and open in terms of his paid consultancies, however I had never had involvement with these consultancies. Until this investigation, the names Randox and Finnebrogue did not mean anything to me beyond being aware that Mr Paterson had a private business relationship with them.

I am aware that Mr Paterson held meetings relating to his consultancies in his office but these were very few and far between and I would not have been involved in these.

I am generally aware of other MPs using their offices for business or personal matters and know for example that many MPs will write newspaper articles in their offices, for which they are presumably paid.

In my experience of booking meeting rooms on the Parliamentary estate, there is no requirement to declare the purpose of the meeting or even the attendees. I do not see that there is any distinction between a meeting in a Parliamentary meeting room and Mr Paterson's office.

The facts stated in this Statement are true.

25xxii Email from (former) Minister of State (DfID), 21 December 2020

I met Owen Patterson in my DfiD office to hear more about a particular solution to problems with laboratory testing in the developing world. It was a relevant issue for DfiD since the department invests hundreds of millions a year of UK government money in Health programs in developing countries. High quality laboratory testing is a crucial part of tackling disease and mortality among infants and adults. Improving laboratory testing will bring significant benefits to health – and through health to livelihoods and incomes. And of course poor quality testing endangers the health of local populations – and if linked to UK health programs – compromising programs funded by UK tax-payers.

It was clear at the time that the technology being discussed had been developed and was being explained to us by a private sector company. This Is not unusual – much of the technology, and equipment used in international development is developed and sold by private sector companies. It was also clear that Owen Patterson was a consultant to the company. The arguments made for the equipment by the company were about its technical strengths and advantages for international development. But Mr Paterson did not, in my view, use the meeting to advocate specifically for this company. Instead he approached the conversation as someone with concern for UK tax-funded programs, lab testing, and an interest in improving health care – and an expertise in UK government.

As with any official engagement, we were careful as a department to ensure that officials were present at the meeting, along with the Minister. The Officials would not have permitted the meeting to continue if it breach the rules on Conduct of Members of the House. We listened carefully to the description of the problem and the proposed solution.

Following on from the meeting civil servants subjected the idea to the standard procedures, to which we would submit any idea or application presented to the department. This began with identifying whether there was ultimately a requirement for the product, and whether the product fits with Dfid's strategic priorities and processes. In the event, we concluded – regardless of the strengths and weaknesses of this particular product - that DfiD did not have a strategic requirement for such a product. We, therefore, took the idea no further. This was only ever an idea.

Had we ultimately decided that we had a requirement for such equipment we would have gone through an open and transparent public tender process, beginning with a public request for bids, and I as a Minister would not have played a role in the choice of supplier. But since we chose not to try to acquire such a product, there was in the event no need for a tender.

Owen Paterson was totally clear with me as to his capacity as a consultant, but he was not in my view conducting himself in that particular meeting as a paid advocate for that product. Instead he made arguments about the principle of good laboratory testing, as someone who was concerned to make sure that UK tax money was well spent overseas, and to achieve better healthcare outcomes.

25xxiii Email from a former MP, 21 December 2020

I do not have any direct knowledge of the particular circumstances of this case. But I have been asked to provide a view, based on 22 years of experience as an MP, on the proper use of the parliamentary estate, and of MPs' offices in particular.

It is universally acknowledged that the purpose for which the taxpayer funds the parliamentary estate is to permit members of Parliament to conduct parliamentary and constituency business.

However, it is also a fact recognised both in public discourse and in the rules governing the conduct of members that MPs are permitted to take part in party political, private and business dealings while remaining members of Parliament.

It is also recognised that the exigencies of the parliamentary timetable make it necessary for MPs to be present on the parliamentary estate over long stretches of time in order to be available to participate at short notice in parliamentary proceedings of various kinds, including votes.

In practice, the result of these facts about parliament and parliamentary life mean that there will inevitably be times when an MP who needs to be on the estate will need to make or receive calls or written communications, or will need to be involved in meetings, that relate to the party political, private or business dealings of that MP.

I have never heard any suggestion that it would be thought improper for these things to happen. Certainly, they are an everyday occurrence — and if the rules are to be interpreted in a way that would make them illicit, then almost every MP over the last many decades will have been unconsciously in breach.

To give just one example, it is a regular, publicly acknowledged and accepted fact that MPs will write books and articles — some of which have nothing to do with their parliamentary or constituency duties — and will do so either in their offices or in the library of the House of Commons. I have never heard the slightest suggestion that this widespread practice is in breach of the rules.

I should also add – as someone who was (in the period between 2017 and 2019) actively involved in the Brexit debate, on the opposing side to that supported by Owen Paterson - that I can testify to the huge absorption of time during which participants on either side of the debate were compelled to remain on the parliamentary estate in order to be rapidly available for a series of often unpredictable and sometimes very important parliamentary interventions and votes.

I can further testify that, in the interval between one event and another occurring in the chamber itself during this period, many of us (including me on one side of the Brexit debates and Owen on the other side) were involved in a dizzying series of meetings at Westminster, often arranged at short notice, in order to assess the changing situation and to develop tactics required to meet the challenges posed by

those changing circumstances. I cannot, in fact, recall any other period during my more than two decades as a member of parliament when I was required to be in the House of Commons for anything like the durations that were necessitated by the Brexit debates.

25xxiv Letter from Graham Stringer MP, 14 January 2021

I write to confirm the following:

Between the two elections, June 2017 and December 2019, it was an intensely busy period within Parliament. There were a lot of running three line whips and discussions, meetings which required MPs to be on the Parliamentary Estate.

It was very difficult during this period to plan to be away from the Parliamentary Estate as it was an extremely fluid situation in which amendments were being tabled to motions and then withdrawn or added at a late stage and it was necessary to be closely monitoring all that was happening and that was difficult to do other than being within the Parliamentary Estate. During this period with running whips, the votes could be held at any time.

I know that in Portcullis House, Members of Parliament meet lobbying groups, trade unions and others and that these sorts of meetings are a regular occurrence.

I am very familiar with local Government procurement rules as I was the leader of Manchester City Council from 1984 to 1996. Within local Government, and I know that a similar system applies to national Government, virtually all contracts are tendered to a select list of tenderers. Government looks to procure at the lowest price and best value. I know that during Covid this system was not used but otherwise, to the best of my knowledge, it is a way in which Government procures.

25xxv Letter from Iain Duncan-Smith MP (undated)

You have asked me some specific questions about the functioning of Parliament and its effect on our work as MPs. You also asked whether I was interviewed face to face at the time of my Enquiry in 2002/3. I respond as follows:

Use of Parliamentary Office

As a Member of Parliament I have always believed that you are entitled to meet with whoever you require to as long as you have declared an interest in the proper ways.

Members meet with all sorts of individuals from all walks of life. The subject matter of any meeting could, in the future, become parliamentary business and so it is vital that we are aware of these issues.

If there are good reasons, such as the need to be on the Parliamentary Estate during a whip, then you may use your parliamentary office to facilitate the occasional meeting. You may not run a business from your office as this would be improper, but many Members meet with Trade Unionists, journalists, sponsors and businesses in their office as they need to be on the Parliamentary Estate.

I am aware of many Members who undertake consultancy work and this is perfectly proper, provided it is disclosed as required. Many Members also write columns for newspapers and speak to the press which they will do from their office. It is worth noting that as a minister of the Crown, an MP is engaged in a line of extra work beyond their job as a constituency MP. They are required to conduct this at times from within their Parliamentary office at times of whipping pressures, even if it has no bearing on their role as an elected MP. It is not the case that the two are the same, as much of the work of a minister is additional to and not related to their constituency role. When I was a Secretary of State I worked, when the whipping required, from my original Parliamentary Office, the one I used for constituency work.

Many Members also take phone calls relating to their other interests within their parliamentary office. I do not see that there is any distinction between having a phone call and holding a meeting. The end result is the same.

It is, as with all elements of being a Member of Parliament, a case of using your reasonable judgement. This is what we are elected to do. We represent our constituents through the use of our judgement. We are not automated and should not be.

Whips and the requirement to remain on the parliamentary estate

When there is a whip in place, it is absolutely necessary to remain on the parliamentary estate. This has changed significantly since March 2020 due to Coronavirus and there is now scope for proxy voting with more of our workload moving to a virtual platform, however this has was not the case prior to the virus when everything was dealt with in person.

When there is a running whip there is a need to be within 8 minutes of the voting location. When the bell rings you have to be there, otherwise the door will be locked and you will not be able to vote.
Every MP knows their limits and knows exactly how long it will take them to get to the House. It would be unforgivable to miss a vote due to not making the bell. Voting takes priority over all other business.

On the day of a vote, there are all manner of other meetings, briefings and debates taking place throughout the day requiring the input of those interested Members. This was particularly prevalent during the Brexit debates as the Government did not have an overall majority in the House. Things were changing at a moment's notice and unless you were on the parliamentary estate you would not have been abreast of these changes. Everything at this time was dealt with in face to face meetings, there were no video calls.

My own investigation

Around 2002-2003, I myself was subject to an investigation by the then Commissioner, Sir Philip Mawer in which I was exonerated. As part of his investigation, Sir Philip Mawer accompanied by the Registrar interviewed both myself and my wife face to face for a total of 9 hours, in our own home.

During these interviews, we went through everything that the Commissioner had questions on. Although this was an interview, this took the form of a cross examination with Sir Philip asking questions which derived from answers I or my wife might have given during the interview. As a result, all matters were concluded relatively swiftly. I was given a full opportunity to give my version of events and expand on evidence and rebuttals given previously. I was also able to point out the inaccuracies and discrepancies with the evidence which the Commissioner had been provided.

This process of a face to face meeting, though intense, seemed to me at the time as the best and quickest way to settle all outstanding issues and where necessary, clear up any misunderstandings. I can see why our judicial system relies on oral testimony as a way of ensuring the law of natural justice can prevail.

25xxvi Letter from Rebecca Harris MP, 14 January 2021

You have asked me to comment on the proposition that MP's with outside interests should not deal with those interests whilst on the Parliamentary Estate, for example they should not use their office occasionally regarding these interests.

This proposition cannot be correct. In my 10 years as a member I have never heard of any suggestion, let alone a rule, prohibiting MP's from using their parliamentary office for all matters relating to outside interests, including ad hoc meetings relevant to that business, whether it is commerce, property management, legal, academic, journalism, book writing, preparation of speeches for outside organisations, charities, taking part in paid stakeholder surveys and even providing remote GP consultations, etc. Over previous decades members have registered a very broad range of interests with the Registrar and it seems common sense that due to the constraints of how Parliament operates, they will have to have conducted some degree of personal business from their own office on the estate. Further, with modern communications there is really no difference between for example a meeting in person and via Zoom, WhatsApp or Microsoft teams.

It is hard to see how it could ever be deemed practicable to expect members to conduct all their potential non-Parliamentary or constituency business off the Estate. The published Business is not announced many weeks in advance and can still be subject to short-notice changes, which has always made it difficult to arrange off-site appointments in advance with a good level of certainty. In addition to which there is very little notice for Statements and Urgent Questions which members may need to contribute to (only since the pandemic and the implementation of call lists have members had notice of these up to 24 hours in advance).

Apart from the business of the Chamber, Westminster Hall, Bill and Select Committees, there are also normally many other meetings and events scheduled on the Estate throughout the day with either just other members present or external stakeholders which are routinely open to all members.

Furthermore, the 2017-19 Parliament significantly changed the context for those MPs with outside interests as they were required to be on the Parliamentary Estate even more frequently.

Following the General Election in June 2017, Theresa May formed a Government only once a confidence and supply agreement had been signed with the DUP. This gave the Government a working majority of 13 votes. During the parliament this was reduced to 1 by the time Boris Johnson became Prime Minister. Once 21 Conservative MPs had the Whip suspended in September 2019, there was a minority Government. Theresa May's government lost 25 votes and Boris Johnson did not win a division in the House of Commons until mid-October (the votes for an early General Election were not won by the required 2/3 majority required under the Fixed Term Parliaments Act).

In a practical sense this meant that votes could be called at any time, including on procedural matters like Business of the House Motions, Programme Motions and Money Motions for Bills as well as substantive business. The Government lost control of the Order Paper on occasion, there were Humble Addresses, votes were won or lost by single votes – or even tied.

Parliamentary process was front-page news like never before, all while the Government was attempting to legislate for the most emotive issue for a generation: Brexit. The only certainty that existed was that of uncertainty.

For these reasons, the requirement for MPs to be on the Estate at all times was like that not seen since Callaghan's government in the 1970s. Life was what seemed like a permanent three- line whip for MPs and for a significant period, like the 1970s, pairing with the Official Opposition broke down.

Instructions were issued regularly by the Whips' Office not to leave the Estate for fear of a vote while there were also what seemed to be permanent protests outside of Parliament and as such meetings and other business colleagues were required to undertake was encouraged to take place while they were on the Estate to ensure they were not delayed in returning.

Similarly, government ministers were regularly asked to do their ministerial work and meetings on the Estate rather than their Ministerial Departments. In most cases this was at considerable inconvenience to the individual members concerned, with many disliking being on a three-line whip due to the restrictions imposed by the requirement to be present on the Estate at all times.

There were regular and substantial protests outside Parliament during this time and many MP's, especially those (like yourself) with a public profile, experienced considerable difficulty at times getting through these crowds. It is a requirement to vote when whipped and then to be within eight minutes of the division lobby. If an MP was off the Parliamentary Estate, even close by, this time could not be met with certainty and that added to the need not to leave the Estate.

Within this context it is reasonable to assume that those MPs with outside interests would be conducting some form of their business while in Parliament i.e., from their office. The excuse of missing a division because you were at a private meeting would not have been tolerated such were the stakes while leaving the Estate to even make phone calls would not have been practical nor potentially safe. The House authorities increased provision for broadcast media on the Estate I believe for this reason. This would have been the case for MPs of all parties.

During this period there were also daily meetings and discussions relating to parliamentary business. These often took place at short notice. This added to the reality that MP's needed to be on the Estate really full time during the days the House was sitting. It was an extraordinarily busy period.

It has never been suggested to me that the use by an MP of his office for occasional meetings due to the need to be on the Parliamentary Estate is an abuse of the Rules

on Conduct and I don't believe it is. We certainly wanted MP's to do this during this period and not leave the Estate and we encouraged this.

25xxvii Former Deputy Chair of the FSA's Statement, 14 March 2021 (provided on 19 March)

The content of this statement is true and within my own knowledge.

I was the Chair of the Food Standards Agency between July 2013 and March 2016. Following this I was the Deputy Chair of the FSA until March 2017.

I was first contacted by Owen Paterson in respect of the issue of contaminants in milk in early November 2016. Mr Paterson requested a meeting to share with the FSA, as the regulator for food standards, test results from point of sale milk which caused him serious concern.

At all times Mr Paterson explained that the tests had been undertaken by Randox and he was retained as a consultant by Randox. I know of Mr Paterson's interest in food safety and production and the dairy industry and his expertise in these areas.

Due to the potential severity of this issue, both myself and the Chair of the FSA, then met with Mr Paterson accompanied by Professor Guy Poppy, who was at the time, the Chief Scientific Advisor at the FSA.

At the meeting, we discussed Randox's findings and the concerns in respect of Florfenicol found in milk. Randox were present at this meeting only to explain their tests and findings. I recall being aware that Randox's tests were new and not accredited. Therefore further accredited tests by the agency or other government agencies would be required to verify the findings before taking action.

I understand it has been suggested that this meeting may have been a forum to promote Randox. Any such suggestion is quite wrong. This meeting was set up solely to disclose to the FSA, as the appropriate body, the test results. The Chair and Deputy Chair of the FSA would not have attended a commercial meeting and we would play no part in any procurement process. Further, the Chief Scientific Advisor attended as this was a meeting solely about the test results.

I cannot recall any discussion about purchasing testing equipment.

The FSA prides itself on being an open and transparent agency. Attendance at events and meetings by the Chair and Deputy Chair are put on the website at regular intervals.

As a regulatory body, it is of utmost importance that the FSA is apprised of intelligence such as this. In my experience, it did not matter who was presenting the intelligence, whether this was a consumer or an MP, providing there was good evidence this would be inputted into the system in the same way to ensure the appropriate action was taken.

If anyone believes there is a problem in the food industry, the FSA should always be the first point of contact. Once the FSA had this information, the appropriate organisation could be informed, whether this was the VMD or otherwise. The FSA

were responsible for dairy farm inspections and so the FSA was the correct body to raise concerns relating to possible contaminants in dairy products.

Within the last 10-15 years, testing technology has developed quite rapidly and often the latest tests are more sensitive. These new tests have made the food supply much safer. The food science industry is often therefore at the forefront of food safety and it is vital that the regulatory bodies, such as the FSA, are kept informed about any potential technological advances.

Mr Paterson had a strong background in both dairy, through his rural constituency, and biosciences, through his Defra position. His intelligence was therefore highly respected. We welcomed him bringing this information to our attention.

I am aware that Mr Paterson subsequently raised these issues within the industry, through his Milk Quality Forum. It is by actions such as these that food safety is improved.

25xxviii Chief Veterinary Officer's statement, 22 March 2021 (provided on 26 March 2021)

I was first contacted through my office by Owen Paterson in respect of a milk contamination issue in May 2019. Mr Paterson informed me that a company with whom he had a consultancy, Randox, had carried out around 100 random sample "off the shelf" tests of milk which had discovered contaminants which should not have been present in milk.

Dairy UK undertake non-statutory testing as commercial due diligence, however due to the unknown risk of this issue, I agreed to meet with Mr Paterson and Dr Kath Webster, the Director of Scientific Services, APHA. Dr Kath Webster was the previous Head of Biotechnology and Manager of the Test Development Programme at APHA.

This meeting took place on 22 May 2019 in Mr Paterson's office. The purpose of the meeting was to discuss the testing which had resulted in these contaminants being identified. I wanted to understand the validity of the testing, the sampling methods and what the impact of these findings could be to public health and the food industry. We needed to establish whether there was a statutory significance to the findings and whether there was a safety issue. This was in effect a risk assessment.

Following this meeting, we held a follow up meeting on 16 July 2019, to which a number of people with key responsibilities within the milk industry were invited.

The purpose of this second meeting was to further investigate the contamination issue with those with knowledge of the potential issue and to determine the necessary next steps. During this meeting, [NML Director] and [NML Veterinary Advisor] of the NML gave a presentation entitled "Surveillance for Contaminants – what are we finding?" which analysed the prevalence of the issue, the validity of the testing, how accurate the testing was and how concerning these findings were. Because the Randox testing was not accredited, it was necessary for NML to carry out further testing to determine whether the issue was as presented within the Randox tests. I attach my minute of this meeting.

Following this meeting, we determined that there were no significant statutory or safety concerns related to the contamination of milk but that there was much more that could be done within the industry in terms of stewardship and communication relating to use of certain drugs in cattle, particularly Flukicides and certain anti-biotics. We agreed worthwhile improvements for the long term as a result of this intelligence being raised by Mr Paterson in this manner. This group continued to meet to discuss these issues and we referred to ourselves as "the Milk Quality Forum".

The focus of this group is on how better to improve testing and safety within the dairy industry. It is not about whether there was a need for more testing, it is about how we can reduce the contaminants which had been detected. Whilst I am aware that Mr Paterson is a consultant to Randox, as he declares this at each meeting, at

no point have I felt that these meetings have been used in any way as a sales pitch for Randox.

A further Milk Quality Forum meeting was held in October 2019, which was attended by the same individuals (albeit that due to transport issues Ben, Eamon and Jane attended via telephone), and another meeting had been planned for May 2020, however due to Covid this had to be postponed. I found these meetings very helpful and hope they are able to continue in the future.

At each of these meetings, Mr Paterson would make reference to the fact he was sat on a "three legged milking stool": (1) as the MP for a rural constituency which is home to Müller, one of the largest dairy suppliers in the UK; (2) as the former Secretary of State for Defra; and (3) as a paid consult for Randox. I remember he would make these declarations at the start of each meeting.

At no point were commercial issues discussed at these meetings and there were no requests for further Randox testing. These meetings were entirely proper and focussed on how to improve food safety in dairy products.

A key part of my role as CVO is to make sure intelligence is received by the correct people within the organisation and passed on to those with the power to act upon it. I had previously dealt with Mr Paterson when he was the Secretary of State for Defra and he had set up Monthly Biosecurity Meetings to discuss and detect potential issues in biosecurity and ensure they were acted on before they became critical. After the foot and mouth outbreak, Professor Anderson said risks must be analysed on a regular basis and Mr Paterson's Biosecurity Meetings provided a Ministerial forum for this. As such I was aware of Mr Paterson's extra sensitivity to detection of unmanaged risks. With this background, it made complete sense for Mr Paterson to be raising this contamination issue and I felt compelled to investigate this fully.

I welcome intelligence such as this being brought to my office. The intelligence Mr Paterson had indicated that there may have been a serious issue which I needed to be aware of. As CVO, I must have access to new information and those with specialist knowledge must not be deterred from bringing new intelligence forward.

26. Letter from the Commissioner to Mr Paterson, 2 February 2021

Dear Mr Paterson,

Thank you for your comprehensive response to the memorandum. I will consider the evidence you have provided carefully and incorporate it into the memorandum, ensuring I reconsider the analysis in light of this material where necessary. I have also commissioned an internal review of the investigation so far in order to consider the concerns you have raised in your letter and check whether the inquiry has been conducted in an impartial, thorough, fair and timely manner given the necessary suspensions of the inquiry. I will update you on 12 February as to the progress of this. To ensure this work is completed promptly, I have allocated additional resource to this investigation. I hope this action will reassure you that I am committed to an investigation which is independent, impartial, thorough and fair. I also want to take this opportunity to respond to the points you have raised about contact you have had with my office, in the hope that it will provide some assurance around the process. For ease of reference, I have used the numbering from your chronology.

	Date	Event
2.	30 October 2019	In your letter you have queried why I initiated an inquiry when Parliament would shortly be dissolved for the election. While I must halt my work during the Dissolution period, I aim to minimise the delays to investigations during that time. It has always been my policy to inform a Member as soon as practicable once the decision has been made to initiate an inquiry, as to do otherwise would not be fair and might disadvantage a Member if relevant evidence is disposed of because they were not informed promptly of the inquiry.
3.	16 January 2020	In my initial letter I also stated that, "While I do not, at this stage, know whether it will be necessary to interview you about this matter, it would be open to you to be accompanied at any interview. I am, of course, very happy to meet with you at any stage if you would find that helpful". In your letter of 16 January 2020, you said, "If you wish to interview me, I would be pleased to meet you. If you require any additional information, please let me know". You did not ask to meet me, and I did not at that stage ask to meet you. This investigation therefore followed the usual route for investigations by the Commissioner, being conducted through exchanges of correspondence. I should add that on 26 November 2020 [PCS office] did extend to your solicitor an offer for you to meet me remotely, but he declined this

		offer. Should you still wish to attend an interview I am happy to extend this offer. Please may you contact me by 5 March to arrange this if you still feel an interview would be helpful.
10.	24 June 2020	I would like to explain why I took the course of action of sending further questions rather than meeting you. I have found that, when I am asking very detailed questions, Members generally prefer to respond in writing. This gives Members time for consideration, and to identify any material they have that supports their responses. This decision was taken to allow you the best opportunity of responding fully, and to attempt to minimise the impact and stress of the process. In response to your concern that I had not commented on your answers, it would have been inappropriate for me to do so until the investigation had concluded. It is common for further information to come to light during an investigation, and further questions were put to you to ensure you had the opportunity to respond. In your first letter you told me that you believed you had approached public officials with or on behalf of companies which paid you, which is forbidden except in very narrow circumstances. I asked further questions in order to help establish whether your approaches were justified under the "serious wrong" provisions in paragraph 9 of chapter 3 of the Guide to the Rules. You also told me you had used parliamentary resources in the course of your outside work. I asked further questions to establish the extent of this and so that I could consider any mitigation.
11.	26 July 2020	I considered the suspension of the inquiry was necessary given the news of your loss. As a mark of respect, I did not contact you in the immediate aftermath.
16.	23 November 2020	We asked whether you were acting as a consultant or employee to Randox and Lynn's, because we noted that ACoBA had referred to "your employer". You had referred to yourself as a consultant but given the lack of contract and/ or paperwork for both consultancies. I felt it important to get absolute confirmation on this point.

I am sorry you felt the deadline to respond to the memorandum was insufficient. My intention was not to make it unnecessarily onerous on you, but to ensure this process was concluded in a timely fashion. The deadline was initially set to before
5 Christmas, and I took the decision to extend it following your solicitor's request

and to allow you to collect additional material. I thought six weeks would have been sufficient for this. Given the length of time you had been aware of the allegations and the number of opportunities you had had to provide any supporting evidence, I had not thought you would be conducting such a detailed evidence collection at this stage. In the interest of fairness, I will include the concerns you have raised in the amended memorandum. As stated above, I will update you as to our progress on 12 February 2021.

2 February 2021

27. Letter from Mr Paterson to the Commissioner, 4 February 2021

I write in response to your letter 2 February 2021.

Rather than dealing with the issues in correspondence I wish to accept your offer to meet me.

I would like to arrange a meeting at my solicitor's offices, Devonshires, who are based at Finsbury Circus. Their offices are Covid secure and they accommodate socially distances meetings.

I would like this meeting to take place as soon as possible as the material I have provided to you is not my comprehensive response to your draft memorandum. Rather, it is the best that I was able to do in the time available to me. I would like to discuss the allegations, the evidence I have provided and to know whether or not you now accept my rejection of the allegations. If you do then there is no need for me to undertake any further work. If, however, there are still issues which need to be addressed, then I would like to know what they are in order that I can answer them with further evidence. By way of example, there were quite a number of people who were not available last Christmas who I sought to speak with.

If we could meet in the week of 15th February, I would find that most helpful.

4 February 2021

28. Letter from the Commissioner to Mr Paterson, 11 February 2021

Thank you for your letter of 4 February 2021. I am unable to meet in person given the current COVID restrictions but will be available to meet 'virtually' to conduct an interview. Your solicitor can be present but will not be able to answer questions on your behalf. This will be a formal interview, which I intend to audio record. I will send you a draft transcript afterwards for you to check for factual accuracy before I reach any decisions.

I note your request to discuss the allegations and understand which issues you need to address. You are aware of the nature of the allegations which were set out in the initiation letter and draft memorandum. You have provided me with additional information about these which I am currently considering.

I do not need any more material concerning the public health risk you have raised. The allegations concern whether your actions went beyond what was permitted under chapter 3, paragraphs 8 and 9 of the Guide to the Rules. It would therefore be helpful if you could provide any material I have not yet had sight of that provides evidence as to what was said during the meetings you attended with the FSA, DfID and the Minister for Policing, including any minutes from these meetings.

For clarity, I am of the provisional view that I have sufficient material to make my decision. I accept that you do not agree with me on this point and am therefore conducting an interview to ensure you have the opportunity to provide any further material you wish me to consider, relevant to the allegations under investigation. Should I have any further questions based on this it will also provide an opportunity for me to put these questions to you. During this interview I will not comment on my interpretation of the evidence provided or on my decisions; this will be covered in the memorandum. I have enclosed below a proposed Agenda for this interview.

Please call my PA [redacted] as soon as possible to confirm who will be accompanying you and to arrange a mutually convenient time for a meeting to be arranged on Microsoft Teams.

Agenda for meeting between the Parliamentary Commissioner for Standards and Mr Owen Paterson, date TBC

1. Provision of any additional material collected by Mr Paterson with an explanation of its relevance to the allegations under investigation.

2. The content of the meetings with DfID, the FSA and the Minister for Policing.

3. The timeline of involvement of the Chief Vet and National Milk Laboratory in the issue involving antibiotics in milk, and the setting up of the Milk Quality Forum.

4. The requirement of rule 16 in the Code of Conduct for Members of Parliament that, "Members shall ensure that their use of public resources is always in support of their parliamentary duties".

5. The relevance of additional witnesses highlighted by Mr Paterson that have not provided statements, including an indication of what their evidence relates to.

6. Next steps

7. AOB

11 February 2021

29. Letter from Mr Paterson to the Commissioner, 24 February 2021

This written evidence includes redactions, authorised by the Committee, of material which is of a sensitive personal nature or material which in the view of the Committee might be legally actionable were it not subject to parliamentary privilege.

I write in response to your letter 11th February 2021.
Your letter has highlighted issues which, I hope, can be resolved or at least considered by you before we meet. I want to raise three main points.
Awareness of the allegations

Your statement (second paragraph of your letter) that I am aware of the nature of the allegations does not address the concerns I have raised. I have answered the draft memorandum as fully as possible in the time permitted, with independent witness testimony, not only supporting my account but clearly showing that I have not done anything to breach the Code. I don't know what I am now accused of. I hope we can cover this topic when we meet. I believe the evidence provided answers your concerns but if not, I am entitled to know why not and to have the opportunity to respond. This is in accordance with natural justice, transparency and fairness which are your touchstones.

Public health risk/evidence of serious wrong

You say you do not need any more material on public health risk. For the avoidance of doubt, and again in the interest of transparency, fairness and natural justice, I ask you please to confirm the following:

You accept that Randox discovered that 12.5% of milk at the point of sale in random tests was contaminated with Florfenicol which is a prohibited substance and should not be in milk. Consumption of milk with Florfenicol increases the risk of Anti-Microbial Resistance in humans, which means that antibiotics will cease to be effective and the WHO regards this as an extremely serious public health issue and one that will cause the largest number of deaths world wide by 2040.

You accept that Kerry Foods' product "Denny's Ham" contained nitrites from vegetable extracts, which is prohibited under European law as it is carcinogenic and a cause of colorectal cancer, which itself kills over 16,000 people per annum in the UK. Kerry Foods were marketing their product as "naturally cured" which was a lie; it was cured using a banned prohibitive carcinogenic curing agent. This was the issue I raised. Separately, the FSA raised with Lynn's the issue of Lynn's natural curing agent and its description on labelling. I did not initiate this discussion.

You accept that a priority for UK overseas aid is the improvement of health in developing countries. This objective is undermined by the poor application of laboratory quality control systems in some countries, leading to unreliable results and diagnoses. As a result of frequent misdiagnoses lives are lost and valuable healthcare resources wasted. Any MP with this knowledge has a duty to share it for

the benefit of the recipients of overseas aid and for effective use of taxpayers' money. Here is a serious wrong that the UK can readily address.

If you don't accept these clearly evidenced matters of scientific fact then I am entitled to know the basis on which you reject them, so I can meet the case being made. This is in accordance with fairness, transparency and natural justice.

2.3.I ask you also to accept that as a result of my interventions, staple foods consumed by millions, milk, ham and bacon, are now safer to eat than before. As a result of my interventions, experts in Overseas Development now know of the weakness of laboratory services in many developing countries. They have additional policy options to optimise UK overseas aid whilst maximising the health benefits in those countries. If you do not accept these statements, I would be pleased to expand and explain when we meet.

The limits of what is permitted by Chapter 3 of the Guide, paragraphs 8 & 9.

In your letter you state that the allegations concern "whether [my] actions went beyond what it permitted" under these paragraphs of the Guide. The paragraphs are both clear, and (when read together) permit a Member when dealing with a serious wrong or substantial injustice to approach the responsible Minister or public official. There is a sensible and logical reason for this exception.

The matters I raised were of general public concern and, as a matter of fact, there was no financial or other material benefit, as mentioned in paragraph 8 of Chapter 3 of the Guide. This is in addition to the serious wrong exemption in paragraph 9.

To prevent me from exposing the contamination of milk, for example, would be wrong and contrary to the interest of the British Public and my constituents. In my view it would be a shocking and unacceptable position to adopt.

Returning to your letter, you say that your provisional view is that you have sufficient material to make your decision and then add that I do not agree with you on this point. This is not correct. For the avoidance of doubt, you have been supplied with clear evidence from many witnesses which show that the allegations are wrong. My position is that you should dismiss the allegations now. The reason I wanted to meet you is clearly set out in my letter of 4 February 2021, which I here repeat, with emphasis added:

"I would like this meeting to take place as soon as possible as the material I have provided to you is not my comprehensive response to your draft memorandum. Rather, it is the best that I was able to do in the time available to me. I would like to discuss the allegations, the evidence I have provided and to know whether or not you now accept my rejection of the allegations. If you do then there is no need for me to undertake any further work. It however, there are still issues which need to be addressed, then I would like to know what they are in order that I can answer them with further evidence. By way of example, there were quite a number of people who were not available last Christmas who I sought to speak with."

Thank you for the Agenda for the meeting. I will endeavour to follow it, but would ask you to add (perhaps between 3 and 4) the three headings set out above.

I will check to see if there is any further material providing evidence as to what was said during the meetings I attended with the FSA, DfID and the Minister for Policing. I am in the process of collecting additional evidence which involves liaising with third parties and I will get this to you as soon as is possible.

[redacted] This is an extremely serious matter and our meeting should not be at risk of a communication failure, lack of clarity, or misunderstanding by being dealt with remotely; my firm view is that we need to be in the same room, socially distanced. Many meetings in person are currently taking place in this way, in Parliament and elsewhere; people are taking all necessary precautions. I therefore repeat my request that we meet in person.
I look forward to meeting you to discuss the above further.

———

30. Letter from the Commissioner to Mr Paterson, 1 March 2021

Thank you for your letter of 24 February 2021 in which you raise several issues you wish me to address. I should start by explaining that this investigation is an inquisitorial process where I inquire into the facts before reaching my decision. It is not an adversarial process. As it is important that my investigations are independent, impartial, thorough and fair I will follow the same process in this investigation that I do in other investigations.

You say that you are not aware of what you are now accused and have answered the draft memorandum in the time permitted. I shared my draft memorandum with you on 1 December 2020. The sharing of the draft memorandum takes place at the end of the process and is primarily an opportunity for fact checking. It is not the first time that the allegations have been brought to your attention or your first opportunity to respond to them. I wrote you on 30 October 2019 as follows:

"I would welcome your help with an inquiry I have started, following a recent article in The Guardian, which raised some questions concerning your paid work for Randox Laboratories Ltd (Randox) and Lynn's Country Foods Ltd (Lynn's Country Foods). It appears that you may have used parliamentary resources in the course of your work for these two companies. I will also consider whether you at any time crossed the line into paid advocacy when you approached government departments and agencies and others on their behalf; and whether your business interests were at all times properly declared."

I have written to you on several occasions since requesting more detail about your work for Randox and Lynn's Country Foods. You have had opportunities to respond with any supporting evidence you think relevant, or to provide me with the names of witnesses I could contact in my inquiry.

You also raise the issue of scientific evidence you have provided and ask me to confirm whether I accept this evidence. I have explained that I do not need any more material on this issue. This is because the issue I am investigating is not the scientific evidence, but your actions, and whether they fell wholly within the exception against paid lobbying in chapter 3 paragraph 9 of the Guide to the Rules, or whether they fell wholly or partly within paragraph 12 of the Code of Conduct and chapter 3 paragraph 4 of the Guide to the Rules.

I note that you assert that your actions fall wholly within the exception in paragraph 9, but that is a matter on which I will make my decision.

I have not quite completed my analysis of the additional evidence you have provided. When I have done so, and when I have amended my memorandum, I will send it to you for information and for fact checking. Whatever findings I reach, the Standards Committee will review these, and will consider any representations you make, before reaching its own decision. For this reason, if you have any further evidence relevant to the allegations against you, which have not changed since the start of this inquiry, please send it now, so that I can include it in the evidence bundle and assess its value.

Finally, I provided you with an agenda for our forthcoming meeting. This is being held at your request and for you to provide any additional material to assist my inquiry. I will listen carefully to any further concerns you have about my decision making and consider any submissions in the redrafted memorandum. I cannot offer a meeting in person at this time so the meeting will be held remotely.

If you can confirm that you are prepared to proceed with a meeting as outlined above, I will arrange for a convenient date within the next week for the meeting to take place. I then need to conclude my investigation without further delay.

1 March 2021

31. Letter from Mr Paterson to the Commissioner, 5 March 2021

I write in reply to your letter dated 1st March 2021. I agree that this matter needs to be concluded properly and as quickly as possible.

Before we meet, I would like to clarify the concerns expressed in my letter of 24 February, as there seems to be some misunderstanding. The point I was making under the heading "Awareness of the allegations" is that I don't know what I am now accused of. In your letter, second paragraph, you repeat the reference to "now", but then go back to the letter of 30th October 2019. What I need to know, before we meet, so I can provide helpful answers, is what specific allegations have not yet been fully addressed? Taking but one small example, I refer to paragraphs 101 to 103 of your draft memorandum in which you state that I am mistaken in my account and should have contacted DEFRA or DAERA Ministers. I deal with this allegation in my letter of 15 January 2021 at paragraph 2.14.2. Do you accept my response? Do you need further information or does your original provisional finding stand? If additional information is needed, I will try and provide it before we meet.

There is the reference in the 5th and 6th paragraphs of your letter to my actions falling "wholly within the exception in paragraph 9". This misrepresents my position. As I have previously explained, for example, in my letter dated 24th February "The matters I raised were of general public concern and, as a matter of fact, there was no financial or other material benefit, as mentioned in paragraph 8 of Chapter 3 of the Guide. This is in addition to the serious wrong exemption in paragraph 9."

I have explained how the two-test process applies. (1) Was a financial or material benefit obtained or sought? (2) If so, does the exemption apply?

To be clear, there was no financial or material benefit. I sense that you disagree with this. I would· like you to explain what financial or material benefit you see as having been sought or obtained and if so, why the exception doesn't apply. I can then know what case I still have to answer and I will address that in detail when we meet.

When we meet no doubt we can also discuss the question of evidence should there be a disagreement between us on any issue.

In your letter of 11th February 2021, you asked me to obtain evidence as to what was said at various meetings. I am in the course of doing that. This is material held by third parties, including the Secretary of State for the Home Office. I anticipate that my enquiries will be completed within 2/3 weeks although I am not in control of when I can access the relevant witnesses.

As soon as I have collated this latest round of information which you have requested, I will be in touch to arrange a meeting.

32. Letter from the Commissioner to Mr Paterson, 16 March 2021

Thank you for your letter dated 5 March 2021. I agree that there seems to be a misunderstanding and I hope this letter assists in clarifying. You have stated that you do not know what you are now accused of and have queried why I, in my last letter, went back to the allegations set out in my letter of 30 October 2019. To assist, I shall set out the allegations under consideration below.

The allegations under investigation are that in 2016, 2017 and 2018:

(1) You made approaches to Ministers and other public officials which would have the effect of conferring financial or material benefit on your clients;

(2) You omitted to make necessary declarations of interest;

(3) You misused House-provided resources when communicating with the Food Standards Authority and the Department for International Development, and when holding meetings on the parliamentary estate.

In view of the gravity of these allegations, I have also had to consider whether your actions were such as to cause significant damage to the reputation and integrity of the House or of its Members generally, in breach of paragraph 16 of the 2015 Code of Conduct. You have provided large amount of fresh evidence which you consider has demonstrated you did not breach the rules of conduct. I assure you will understand that I am currently examining this material carefully and assessing it against the allegations and rules of conduct to inform my final decision. I am also mindful that you have told me you are gathering further evidence that you also think is relevant to my final decision. You will appreciate that I will also need the time to consider that additional material before arriving at my final conclusions.

I recognise that it is your position that you have not broken the rules and I am currently considering your recent submission alongside the evidence you have submitted. Ultimately, it may be that my final interpretation of the evidence differs from yours. However, at the moment have not reached that final interpretation and, as this is an inquisitorial process rather than an adversarial one, I do not think that it would be appropriate for me to be drawn into a discussion about my provisional interpretation of the rules part-way through my decision making. Such a discussion would also seem premature given that you have told me that further relevant evidence is still to be submitted. I am happy to meet with you in order for you to provide additional evidence, but not for a discussion on the interpretation of the rules.

In line with Standing Order 150(e)I have investigated the allegations. My final report will set out my view on the interpretation of the rules, and whether they have been broken. If I consider that you have broken the rules in the Code of Conduct, I will report this to the Committee on Standards to adjudicate. Given the seriousness of the allegations, I will report this matter to the Committee regardless of whether I consider that the rules have been broken, in line with the Guide to the

Rules (chapter 4, paragraph 14).You will be given another opportunity to review my report before I finalise and submit it, in order for you to comment on its factual accuracy. Before the Committee go on to consider the matter there would also be a chance for you to make a written submission to them or to give oral evidence.

Finally, you have said that you expect to be able to submit your additional evidence within two to three weeks. I need now to bring my investigation to a close. I will therefore expect to receive this evidence by 26 March. If you would like to meet me to provide further evidence during this period, please do let me know.

16 March 2021

33. Emails from Mr Paterson to the Commissioner, 17-19 March 2021

Thank you for your letter dated 16th March. I will reply in more detail later in the week. In the meantime, I note your deadline of 26th March. This is the only day next week that I am available for a meeting.

17 March 2021

Further to my email dated 17th March, I attach a statement from … former Chair and Deputy Chair of the Food Standards Agency. I am expecting to receive at least one further witness statement in the coming days which I will forward to you on receipt.

19 March 2021

34. Letter from the Commissioner to the FSA, 24 March 2021

I am writing to seek your assistance with an inquiry I am undertaking concerning the conduct of the Rt Hon Owen Paterson MP. Mr Paterson is a consultant for Lynn's Country Foods and Randox. I am investigating whether Mr Paterson breached the Code of Conduct and Rules of Conduct for MPs, when he met with the FSA in 2016, 2017 and 2018.

We have had sight of the material published by the FSA relating to FOI Requests 2402, 2422 and 2476. Our understanding is that Mr Paterson approached the FSA about the levels of antibiotics in milk in November 2016, and then met with the FSA on the subject on 15 November 2016, 18 January2018 and 18 December 2018. Lynn's Country Foods then approached the FSA in 2017 regarding nitrites in a competitor product; Mr Paterson and Lynn's Country Foods then met with the FSA on 15 November 2017, 15 January 2018, 24 May2018, 9 July 2018 and 18 December 2018.

I enclose a copy of the Commissioner's Information Note, which sets out the procedure I follow.

Before listing my questions, I should also explain that correspondence with my office, including this letter, is now part of the evidence for this inquiry and is protected by parliamentary privilege. This means you must not disclose this letter, or your response, to others except insofar as it is necessary for you to do so to respond to my request. Should that be necessary, those with whom it is shared will be similarly bound and you should ensure that they understand these confidentiality provisions. Please provide responses to the following:

1. Please provide any material you have relating to the meetings between Mr Paterson and the FSA in relation to Lynn's Country Foods or Randox. This includes, but is not limited to:
a. The unredacted versions of the material published by the FSA in response to FOI Requests 2402, 2422 and 2476;
b. Any internal correspondence relating to the meetings attended by Mr Paterson;
c. Any correspondence between the FSA and Mr Paterson; and
d. Any agendas, minutes or notes of the meetings between the FSA, Mr Paterson and either Lynn's Country Foods or Randox.

2. Please provide copies of any material provided to the FSA by Lynn's Country Foods, Randox or Mr Paterson prior to or during these meetings.

3. What is the usual process for raising issues such as antibiotics residues and mislabelling of competitor products?

The material provided would be confidential to my inquiry, but I would expect to show it to Mr Paterson as part of the investigative process. Any such material is likely to be published once my inquiries are concluded. I do not routinely publish the details of third parties, except where their identities are material to the decisions I reach or where such information is already in the public domain. The

content of any report which I might publish at the end of an inquiry would be a matter for me alone, but I would be willing to consider representations about the redaction of any personal/identifying details if that were relevant.

I would be grateful for your help on this matter. If you would let me have any such material by 7 April, that would be most helpful. If this is not possible, it would be helpful to have an early estimate of the time it will take to produce the material. If you have any questions about this request or need more time to provide a substantive response, please contact my Senior Investigations and Complaints Manager [redacted] in the first instance.

It may be helpful to underline that my investigation is concerned solely with whether Mr Paterson has acted in breach of the Code of Conduct for Members.

Finally, I should emphasise the fact that this inquiry is taking place has not been put into the public domain by me or my office. The House of Commons decided on 19 July 2018 that the Commissioner should no longer routinely publish the name of Members whose conduct is under inquiry, and my office will therefore neither confirm nor deny that an inquiry is in progress. The enclosed information note does not yet reflect that change, but I would ask that the decision of the House is, nonetheless, respected.

24 March 2021

35. Mr Paterson interview transcript, 26 March 2021

Mr Owen Paterson MP (OP)
Mr Paterson's solicitor (OP's solicitor)
Ms Kathryn Stone OBE, Parliamentary Commissioner for Standards (PCS)
Senior Investigations and Complaints Manager (SICM)

PCS: I'm very pleased to have the opportunity to meet with you this morning and I anticipate that the meeting will take no longer than the time that we've allocated. You said that you haven't had the opportunity to fully respond to the draft memorandum. So, the purpose of this interview is to hear anything else you'd like me to consider when making my decision and I just want to run through the structure of our discussion.

I'm firstly going to ask you some specific questions about the allegations under investigation that have arisen from the evidence that you very kindly recently provided. Then of course I'll give you the opportunity to say anything else that you will consider to be relevant, and then I'm going to ask (SICM) to set out the next steps.

As I previously confirmed, I'm not going to comment on my interpretation of the evidence provided or my decisions, including my interpretation of the rules, as I haven't yet completed my decision-making.

And should you wish to raise any further concerns about the investigation, I'm not going to comment on those during the meeting. As you know this is being dealt with by review and I will ensure that any additional comments from you are dealt with as part of that review, and for transparency, that review will be added to the final memorandum as an appendix.

(OP's Solicitor) – I'm very grateful to (OP's Solicitor) for being here as your adviser and as I'm sure you'll appreciate, (OP's Solicitor) can't answer questions on your behalf and can't ask me any questions. Obviously if you'd like to take some time out to consult with (OP's Solicitor), please do let me know and we can take a break.

The meeting is being recorded and a transcript of the meeting will be provided to you in due course for your records and a copy will be held securely in line with the House's data protection policy. After the meeting, as well as providing you with the transcript of the meeting, I'm also going to provide you with a copy of the recording, so I hope that that's clear in terms of process.

I'm going to ask you some questions relating to the evidence you've provided recently. You then have an opportunity to say anything else you consider relevant. (SICM) will then set out the next steps. I hope that's clear. Mr Paterson, have you got any questions about that?

OP: Well, I thought I was going through something very similar. I've prepared an answer to the questions that you put to me in your last letter.

PCS: Okay.

OP: I thought if I go through that, I think I'll probably pick up nearly everything you were going to ask, and then we can go through see what you think of my replies.

PCS: Okay.

OP: I think we will probably come to the same result in the end, but at least I've got a sort of ordered manner.

CS: Okay, well let's do it in my proposed way first. You've got the answers, I'll ask the questions and then if there's anything we've missed, we can pick it up after I've gone through the points I'd like to place. How about that? Let's do that.

OP'S SOLICITOR: He has a prepared statement that he's worked on.

PCS: Okay.

OP: I've got kind of details down here, which I think is intended to answer all the questions you put to us.

PCS: Okay, well why don't

OP'S SOLICITOR: I think you'll be happier if he could read it.

OP: If I could have a crack at it, because I think you'll see as we go through, I've sort of laid it out in quite a logical manner.

PCS: Okay.

OP: The three questions and then the three - there are basically - there are three issues.
There's the meetings with the FSA in relation to milk contamination.
There are meetings with the FSA in relation to nitrites in cured meats.
There are meetings with DfiD in relation to calibration medical equipment. So if we take it to these in turn, there are meetings in 2016…

PCS: Well, well hang on let me just go through the questions I've got for you Mr. Paterson.

OP: Okay, alright.

PCS: I'm sure you've got the answers contained in your statement. And then if we haven't picked the answers up, we can take your statement, you can send that to me and but we will make sure that we get your statement and everything that's in it before the end of this meeting. Alright? So let's start then. You started talking about the contents of the meetings with DfiD, the FSA and the Minister for Policing.

I wonder if you can confirm for me please that your first contact with ministers or public officials with Randox to discuss blood testing was on the 12th of October 2016. Can you just confirm when the first meeting was?

OP: I think we've given you that already in previous answers. I'll chase that up.

PCS: Okay, well I'm sure that's a detail we can check. And we'll check. Can you tell me then, at what stage did you decide that each of your approaches amounted to raising a serious wrong under the guide to the rules on conduct for MPs?

OP: Well, this is why I think, if I could I give you my approach - I will answer all these questions in a fairly logical manner. If I could go through, because I think I'm going to pick up all these questions you're putting. What I've done, I've outlined each case and it will give you the background of what my thoughts were at the time.

PCS: Right.

OP: So if you take contamination with milk, I said.

PCS: So just in terms of the meetings with DfiD, the FSA and the Minister for Policing then - looking to your statement at what stage did you decide that each of those approaches amounted to raising a serious wrong under the Guide to the Rules on conduct for MPs?

OP: Well, if you take milk there was - I was over at Randox and they raised the fact that they had taken random samples from supermarkets across the UK and had found a shocking lack of conformity and failure on several totally banned substances, one of which I focused on is florfenicol that is banned in cattle.

So if you think of the impact of that in the massive dilution in milk, that was a real serious health problem. Randox were very concerned that because they have this much more sensitive equipment that was currently being used at the time by the industry - they were sitting on information which I described it at the time and very clearly in the meeting, as absolute dynamite, and it wasn't that long before that we had the huge row about salmonella in the egg industry.

So when I was made aware of this, and they were extremely worried as to what to do with the information. If this had got into one of the public papers, think what the Daily Mail would have done with it, we could have had a complete total public panic on all dairy products.

So given my background and don't forget I come from a farming family, I grew up on a farm. You'll see in the register my family have still got interest in agricultural land. I've represented - I've got relations who are in the farming industry still. I live in a very rural part of the UK. At the last election, I said never lived more than 15 miles from where I was born, in Whitchurch. Someone put on Twitter 'sad man should get out more'.

I have represented that area for just coming up to 24 years. The dairy industry in the area I grew up and the area I now represent is all part of one large Milk Lake which is hugely important. So I was acutely aware from my own personal experience. My own experience in industry because don't forget I was in the leather industry for 20- 25 years which processes the by-products of agriculture. So I have absolute direct experience of the vagaries of processing irregular animal products with dangerous chemicals and providing a safe product for consumers that all built up to my knowledge. So when I became an MP it was inevitable, but quite proper that I should take a real interest in these areas, which I did. I was involved in the debate setting up the Food Standards Agency. Which I think looking back, I don't regret many of the statements I made at the time. I think it could have been set up in a different way.

I was then a Junior Shadow and I spent a lot of time on Bovine Tuberculosis, various other issues to do with food processing and then of course I ended up as Secretary of State for DEFRA; as well in Northern Ireland, there was a lot of work to do with food processing. When I was the Shadow - so as the Shadow Northern Ireland Secretary I went North and South of the border. Again, I visited Monaghan Dairies. It's really important to get Monaghan Dairies, because 80% of their milk came from Northern Ireland.

To move on from Defra - obviously I was completely immersed in this and I spent a lot of time at Defra on new technologies and I actually, following the catastrophe of Chalara which, if only we had a proper system of monitoring set up which we've now got, we could have prevented. I set up a monitoring system. I created the role of Chief Plant Health Officer which is basically the Chief Veterinary Officer for plants and forestry. We used to have a monthly meeting on this, for which you've got the testimony from [Chief Vet]. We met every month, so on this I was fully aware of the huge importance of this issue and to have done nothing would have been a total dereliction of my duty as an MP.

PCS: Mr Paterson, I don't think anybody would question, I don't think anybody would question your knowledge, skill and experience in this area, particularly your background in your involvement and your in-depth understanding. What I'm trying to get to is some specific issues so in respect of milk contamination then, who from Randox informed you of the issues around antibiotic residues in milk? Who was it from Randox, who informed you of that?

OP: The senior team. When I go over I see Peter FitzGerald who founded the company who is, not just a brilliant scientist in his own right - but obviously a very good businessman – but fully aware of their very public position. And that they were responsible and they of their own volition, had done this testing and found out that the publicly stated contamination of about less than 1% something like 0.01% I think that was contamination on the official figures was completely false and the real figure was 12.5%.

And he quite rightly said, "What do I do with this information? Can you take this to someone senior in the government? Because this is absolute dynamite." We could have brought down the whole dairy industry if we'd handled this in an

irresponsible manner. Now following my time at Defra, I had had dealings with [Former Deputy Chair FSA] who'd been a senior figure in the NFU and actually concentrated on dairy at the NFU. He was an ex-chairman of the FSA, he was at the time a deputy chairman and I knew Heather Hancock from my time as well. I've met her a few times. She was then the chairman. I remember I rang [Former Deputy Chair FSA] and explained what had happened. I said this is really serious…

PCS: Was it your idea Mr Paterson, to contact the FSA?

OP: Yes absolutely because Peter FitzGerald said "We've got this information. How can you get this into the government system without blowing up the dairy industry"? And he was really worried, quite rightly, really worried about it.

PCS: What evidence did you provide to the FSA in respect of the milk contamination?

OP: Well, we convened a meeting in my office and we had a presentation from Randox on the detailed figures that they had discovered, which the FSA then took away.

PCS: Right, and what do you consider Randox was hoping to achieve from this approach?

OP: Well, they were performing as a responsible public company.

PCS: Okay.

OP: Because they've got this superior equipment, they'd uncovered a most alarming and very unwelcome fact. So there was a real threat to health. These are really bad materials, these antibiotics. They're not banned, just because they've got a nasty colour on the packaging. They're banned because they are really dangerous. They are completely banned in dairy cattle, so if you think of the impact on a human being in the massive dilution by the time they get to retail milk, there's a really serious health issue. When I was at Defra, one of the biggest rows we had was trying to convince the Chinese that our milk was superior and our testing was superior because they'd had the horrors of melamine.

It was a great scandal in China where very large numbers of Chinese infants were killed because of deliberate contamination by dairy producers in China. So the Chinese authorities, quite rightly were incredibly sensitive to dairy and we were having a big push. I took the biggest delegations ever to Shanghai three years running - the big food fair there and a really detailed discussion with the Chinese authorities, so I was acutely aware of the danger of this. At the time we also had I think it was Lord O'Brien who was doing a drive on antibiotic residual resistance.

No, this is a huge health problem. If the human race is at risk, if we become immune to antibiotics and we know there are certain cases already, certainly on TB I came across which is very alarming, where people literally cannot be treated.

It's one of my biggest drivers on TB, it's a really dangerous diagnosis so, it is impossible to over exaggerate how serious this was. Peter FitzGerald built up his company from a chicken shed not just by being a brilliant scientist but by being an extremely responsible public citizen. That's why I think he's got a CBE.

So for him to bring this to me showed how serious it was, and he - that's partly why I'm there to help on something like this, which is really strategic. Now there was no gain to Randox because the FSA do not buy testing machines. The FSA do not direct what tests happen that is done by the National Milk Laboratory which is a private limited company owned by the dairy industry.

If I was a swag bag salesman – something really important I would have gone off to the NML. I wouldn't have wasted my time with the FSA. I'd have gone off with my bag of samples, probably a Randox salesman and knocked on the door. I didn't. This was entirely about milk standards so I did not go to NML until many months later.

PCS: Mr Paterson. Can I just say to you that my inquiry, my investigation is inquisitorial not adversarial? I am genuinely interested in what you have to say and I am not questioning at all your colleagues' scientific knowledge or the seriousness of the matters that you are putting forward. I need to think about how that fits in the Code of Conduct and the rules for Members of Parliament.

So I am very interested in what you have to say from a kind of inquisitorial perspective. So it's helpful, but I do want to try to move through this process and get to a point where you feel you've given me the information you want to give me and I feel that I've got the information that I need. Let's move now to blood testing please. You said that [Senior Manager at Randox] made you aware of his letter to DfiD that hadn't been answered and [Senior Manager at Randox] has stated that he mentioned to you his concern at the failure to support laboratories in developing countries. Did [Senior Manager at Randox] ask you to speak to DfiD about this matter?

OP: Yes, he raised the fact. He spends a lot of time in developing countries, he's been to these laboratories in Africa and described how generous European, American, Australian whatever taxpayers spend millions on very very expensive state of the art laboratory equipment. Which is completely wasted because they don't go through this very simple calibration process, which they are very easy to use – high-tech technologies which could be used three times a day to get total value and accurate results. So you have pregnant mothers in remote parts of Uganda and you have young babies whose lives could be bettered or lives saved if all this wonderful equipment, which generous Western taxpayers gives was properly used and he was really concerned that it was improperly used. So it happens that Randox had a technology. Every one of these cases is about bringing the agencies of government to realize there are superior technologies available. What they do with that knowledge is up to them. Now it's quite clear when I went to see Priti Patel and by the way she's been really busy recently, but I did talk to her at the weekend. I talked to her last night. She is going to give us a statement similar to the other witness statements.

PCS: Okay can I just take this opportunity to just pick up on this witness statement point. The Commissioner's Information Note that was sent to you at the beginning of this process says very clearly that if there are witnesses you would like us to speak to or to take statements from, we will do that. So if you could give us the contact details and the names of those people you would like us to approach to take witness statements, we will do that. It really isn't necessary for you to try to find that. If you give us the information, we will go and get that for you. As I've just said, it's an inquisitorial process and we're very interested to get that.

OP'S SOLICITOR: We fully understand that. We only went and got the witness statements after the draft memoranda came in because people who you were aware of hadn't been approached and we've given you 17, 16 witness statements and so you have those details of all of those individuals.

PCS: Yeah we…

OP: Can I just, it's very important this…

OP'S SOLICITOR: We were trying to help in that process.

OP: You first wrote on 30th October 2019, two days before the election was called and I replied in January. I thought in that letter I had comprehensively answered your questions and we went to huge trouble about this. Commissioner, I cannot exaggerate the amount of time I have spent and my staff above all have spent trying to give you the most accurate detailed replies. So we thought we'd gone to an exhaustive effort and had answered all the questions. You then came back in successive letters, broadening out the inquiry to a whole range of other questions. Each one of those, again, I went to huge trouble to answer.

It never crossed my mind until we got your draft memorandum in December that you didn't believe my answers. That is where it suddenly stuck out. I had no idea that you haven't been talking to other people and what was revealed was you'd only got a very very partial picture from basically a totally random collection of documents and emails and internal memos from FOIs presumably gleaned by The Guardian and other papers who are totally hostile to me and everything I stand for. So we then went out when we realized that a lot of this, you had simply not understood, not surprised as you haven't had access to the information. An absolute classic was you said I shouldn't have gone to the FSA because they're not responsible. Well, the former chairman of the FSA [Former Deputy Chair FSA] says absolutely, I was right to go to the FSA to bring up the food issue. You also said I should have gone to the Chief Vet, I didn't just go to the Chief Vet - she came to my office, and we had a preliminary meeting. We then had successive meetings which we christened the Milk Quality Forum of experts from the milk industry, the Chief Vet, the VMD and various others. Now, if you had called me in in January, we had had an interview like this, we could have cleared all this up many months ago. So the issue of the Chief Vet is really important.

PCS: Yeah, I'm going to…

OP: Your inquiry did not flush out, that I went to the key person on this and her testimony is absolutely critical because she confirms quite clearly all the meetings were totally to do with improving milk standards. And actually we sent it to you this morning, her testimony says we were very helpful and as result of this process, improved the quality of British milk and yet at the end of your memorandum you say my behaviour is so disgraceful I brought the House of Commons into disrepute. So here I am: background, family background, business background, constituency background, shadow ministry background, real Defra background - knowing about the dairy industry, I find there is a complete horror in a very high-tech analysis of milk. What am I supposed to do? Sit on my hands? An absolute dereliction of what I am - but hang on at the end of your memorandum you say I behave so badly I brought Parliament into disrepute. I have experts in the industry that have said British milk and the dairy industry is safer thanks to my efforts.

Florfenicol is now on the list of products that they're testing for. Flukicides which we don't mention because you didn't even know about them, are now being sought out and the Chief Vet says she rather wishes these meetings had carried on. How can I possibly have brought the House of Commons into disrepute? Isn't that what an experienced MP is there for?

PCS: Mr. Paterson, I know that you've been critical of the investigation and I am absolutely aware of those comments. There is the review ongoing that will deal with those matters. The reason that we're having this conversation today is so I can take more information from you about this. And as I've already said, my decision-making is not concluded. The draft memorandum is an opportunity for you to comment on it. In respect of witness statements, as the Commissioner's Information Note makes very clear, if you would give us the contact details and the names of those who wish us to contact, we will do that for you. It is not necessary for you to spend all that time doing that. That's our process and inquisitorial process, and we will do it for you.

OP: I'm sorry Ms Stone that doesn't work. Your draft memorandum came up with a totally incorrect history of what happened because you would not talk to any witnesses. You've never even talked to me. So after 14 months you had not talked to anybody apart from your junior employee, the Registrar, and it was essential that I got other witnesses to corroborate what I said had happened. Because it was completely clear from your draft memorandum you didn't believe a word I had said. Now I found that very difficult. I spent half my life in business running a very very difficult technical business in an intensely competitive world, taking it from 15% export to 95% export. I represented my country on the European body, I then became president of the European body. At no stage in my business career was my probity ever questioned. I've been an MP for 24 years and in that time I would confess to that one instant with John Bercow when I was ticked off by Betty Boothroyd in my first Parliament.

And apart from that - the most regrettable issue of the two pieces of paper stationery, which were used, which is a mistake, sadly by a temporary employee. That is the only thing I think I've been found having done wrong. There's one tiny

slip up in the expenses when council tax was charged for one month extra. That was a mistake. There are many MPs, many of them on senior select committees, senior members of select committees, I won't name them who had a shameful record during the expenses scandal and I came right through that. No one has ever questioned my probity. No one has ever questioned my ability to tell the truth. They don't like my views, that's very common. The Guardian finds me absolutely toxic on many fronts and they've been running a long campaign against me.

So I was absolutely astounded to read your draft memorandum in December to find that you had a totally incorrect view of the history of what happened and a totally false view of me. But what was completely shocking was it was quite obvious you didn't believe a word I'd told you. That is why I have gone out at huge cost and trouble in a very very short time because you only gave me to the 10th of January to get responses to get witness statements. What I have to ask you is you is why you have to go and see these people again? If you don't believe me, and we know from the draft memorandum you don't believe me, why don't you believe me after my record in business and in Parliament? What has led you to believe that I'm a liar apart from The Guardian?

If you don't believe me why do you not believe the witnesses because every one of those witnesses has corroborated my version of what's happened. The Guardian weren't present in these meetings. Jon Trickett, who put you up to this wasn't in these meetings. You weren't in these meetings. The Registrar wasn't in any of these meetings. Every one of these people in these meetings corroborates my version. Why do you not believe me or them?

PCS: Shall we, shall we go back?

OP: No please, I'd like an answer to that question it's a very, very important question.

PCS: Mr Paterson this meeting is for me to interview you and what I'd like to do is to get through the questions, the headings that we've sent out to you. My decision-making is not completed yet. This is your opportunity to give me more information. I understand that you feel very strongly about the process of the investigation. That is being reviewed and that will be appended to the memorandum for reasons of transparency. To promote transparency and accountability.

I understand that you believe that my decision is wrong. My analysis of this investigation will be set out in the completed memorandum, and I'm not going to comment on that during this interview, and this interview has been arranged to give you the opportunity to provide additional evidence relevant to the allegations. I'm an independent officer of the House and it's not appropriate for me to debate my decisions or interpretation of evidence or approach to investigation during this interview. It will all be dealt with in the memorandum - now I am sorry that you disagree with that, but I'm afraid that's the way it is. What I'd like to do is to get to a point where you have told me what you want to tell me, and I've got information.

You make some very compelling arguments and please understand that I am listening very carefully.

OP'S SOLICITOR: Is it possible that Mr. Paterson – sorry to interrupt - is it possible that he can read to you the statement he's prepared? That would address the issue of him telling you that which he wishes to tell you, in addition to the witness statements which you have.

PCS: I think at this point (OP's Solicitor), thank you for your intervention. I think at this point that would be really helpful and then we'll come back to the questions that I've got just to make sure that we've got it all covered off so please go-ahead Mr Paterson.

OP'S SOLICITOR: Okay, that would be great. So if you start from the top.

OP: Let's start right from the beginning. So I've listed them - first of all meetings:

with the FSA in relation to milk
meetings with the FSA in relation to nitrites in cured meat
meetings with DfiD in relation to the calibration of medical equipment

So if we take these each in turn, addressing specific allegations which you raised during 2016, 2017, 2018.

you say that I made approaches to ministers and other public officials which would have the effect of confirming financial material benefit on my clients
you say I omitted to make necessary declarations of interest and
you say I misused House provided resources when communicating with the FSA and DfiD and when holding meetings on the Parliamentary estate

So if we take these in turn we look at the first question, which is the contamination of milk. So the FSA do not have contracts for testing of milk, so there can be no financial or material benefit in this matter. While the FSA act in a supervisory role, they do not test milk. [Director at NML] deals with this in his witness evidence. There is no evidence whatsoever that there was any attempt at any stage to sell Randox products to give Randox a material or financial advantage. The witnesses in this matter confirm the opposite. [Former Deputy Chair FSA]confirms this. [Director at NML] confirms this. [Senior Manager at Randox] confirms that even when the Milk Quality Forum was set up, Randox were not part of it.

The National Milk Records would be the appropriate place to go had I been looking for a financial benefit. The NML have oversight for testing within the dairy industry, however, as [Director at NML] states, NML acquired Randox machines in July 2016, before this was mentioned to me, they had Infiniplex testing kits before I had any involvement and have not made further purchases since.

So as I set out extensively in correspondence, Randox had undertaken a number of off the shelf tests of milk products, which have discovered contaminants which should not have been present in milk, including florfenicol. Randox were extremely

concerned by these findings and the huge impact which this could have had on the dairy industry. We were not at the time fully aware of the impact of florfenicol on human health. However, we were aware that it should not be present in milk as it was banned in cattle. [Professor of Food Safety], the leading food expert, confirms in his statement that it is genotoxic. This was therefore a most serious harm which I brought to the attention of the FSA in November 2016. As detailed within the statement of [Former Deputy Chair FSA], the deputy chair of the FSA during this period, the FSA was absolutely the right body to approach regarding this issue, as they have the overall line management for milk testing in the UK.

Whilst the FSA oversee testing, they do not carry out any large-scale testing of their own and do not have any testing equipment. As such, there was never any possibility of the FSA investing in Randox testing equipment, and therefore there can be no financial benefit to Randox from this meeting. [Former Deputy Chair FSA] deals with this point in detail within his statement, strongly asserting that "the chair and deputy chair of the FSA would not have attended a commercial meeting and we will play no part in any procurement process".

My sole concern irrespective of this issue was the safety of milk and ensuring that there was no risk to consumers. Having raised this issue with the FSA in November 2016, I sent a follow up email as I often do summarising the action points which were discussed at the meeting. Following this meeting having raised the serious harm to the relevant body, I then left this to the FSA as industry experts to take necessary action.

In November 2017 and December 2018, it was brought to my attention there were still contaminants being found in milk, which should not have been present at all. I therefore wrote to the FSA again to flag my concerns and follow up meetings were arranged. Alongside these approaches to the FSA, due to my concern over contaminants with milk in the UK, I met with various others with input and control over testing within the dairy industry and subsequently set up the Milk Quality Forum which consisted of [Chief Vet]as the Chief Vet, Jane Clark as the Vet Director of the FSA, [Director at NML] and [Veterinary adviser at NML]. [Chief Vet], [Director at NML], [Veterinary adviser at NML] have all provided statements which confirmed that at each of these meetings my sole concern was consumer safety and improving testing of milk products as had always been the case.

Randox were never invited to the Milk Policy Forum showing clearly that I was not acting as a salesman for Randox. Indeed, there was never any sale to be made. As a direct result of my having raised these concerns, there have been improvements in milk safety. [Chief Vet] states that stewardship and communication in relation to the use of certain drugs in cattle, in particular flukicides was one such improvement.

Now we turn to b) nitrites in cured meats. There are two entirely separate threads of communication in relation to this issue which become mixed. Firstly, there is the communication when I was informing the FSA that Kerry Foods were selling a product which contained a carcinogenic product prohibited by European law. I'm sure we all agree that was a serious harm. I did not make any further approaches

to the FSA. It was an entirely different thread of communication which relates to Lynn's nitrite free products. That issue was not raised by me, it was raised by the FSA.

(i) Disclosure to the FSA that Kerry Foods products contained a prohibited carcinogenic material.
Firstly, I provided a wealth of evidence as to why the presence of nitrites in cured meats is a serious harm to public health, with 42,300 people being diagnosed with colorectal cancer in the UK, every single year. This has been the opinion of the World Health Organization for over 10 years. I don't believe you dispute this. Nitrites can be extracted from vegetables such as celery. The use of this form of nitrite is prohibited by European law.

In November 2017 it came to the attention of Lynn's Country Foods that Kerry Foods were selling a product in Northern Ireland, which was targeted at families and young children claiming to be "all natural" when this was simply not the case. This product contained nitrites derived from celery extract, which is explicitly prohibited under EU law as it's a hidden carcinogenic.

[Professor of Food Safety], who is a leading food expert, described how appalled he was that this product and states that "in 35 years working in food safety and research, this is the worst video I have ever seen for the promotion of food".

Due to the fact that this product contained prohibited nitrites which are carcinogenic and a potential risk to consumers who may be seeking nitrite free products, this issue had already been raised by Lynn's with the FSA in Northern Ireland who had not been active in resolving the issue. Given the seriousness of the issue, I agreed to raise this with the FSA at UK level as they have overall management for food safety and a meeting was arranged for the 15th of November 2017. [Technical Director of Lynn's] was heavily involved within these interactions and details the serious risk of harm within his statement.

Throughout this process my motivation was to address the substantial risk to the public of Kerry Foods selling a product which contained a carcinogenic and prohibited curing agent. I was seeking to draw to the FSA's attention that a product that was being marketed to young families contained a concealed carcinogenic. This product contained a prohibited substance should not have been present. The removal of this prohibited substance would have not confirmed material or financial benefit to Lynn's. Any benefit would be to consumer health.

Secondly the FSA question on Lynn's labelling. Following this meeting, the FSA raised an entirely separate matter and approached Lynn's Country Foods in respect of their own labelling. These meetings became very technical. Whilst I attended, this was very much taken forward by [Technical Director of Lynn's], [Legal adviser to Lynn's Country Foods], who address these issues within their detailed statements.

Third, c) was calibration of laboratory equipment. Around 70 to 80% of clinical decisions are based on laboratory results. It is vital that these results are accurate

and reliable to avoid misdiagnosis which result in increased human suffering and a waste of valuable limited health care resources, particularly within the developing world. One way of improving the accuracy of laboratory results is by improved calibration of laboratory equipment.

The UK Government is a significant contributor overseas aid with one UK priority to "ensure healthy lives" in part by "creating the safest and highest quality health care services, including through supporting research and innovation".

[Senior Manager at Randox] of Randox who has extensive experience of healthcare in Africa is a man who is deeply committed to improving health care in the developing world had brought this to my attention. [Senior Manager at Randox] had written to Priti Patel to bring this to her attention. He'd informed me of this and advised he received no response from her and I believe this was a most serious issue. I had not made any appointment to meet with Priti Patel because I knew she would be in the Commons during votes. As such I made it my business to bring the potential benefits of improving the calibration of laboratory equipment to the attention of DfiD and Priti Patel.

As a former Secretary of State, I was very regularly approached on an ad hoc matters in the lobby during a vote by other MPs, and this is how I approached Priti Patel. This is quite normal when Parliament is in session and not out of the ordinary. Whether or not I describe my meeting with Priti Patel as a "chance meeting" is an irrelevance. All I did was flag to Priti Patel this issue and she told me that I should have a meeting with Rory Stewart, then Minister of State.

Priti Patel arranged for Randox and me to meet with Rory Stewart (then Minister of State for International Development) to discuss the possible benefit to DfiD of this technology. There were a number of senior officials at this meeting and I am absolutely sure that had they had any concerns as to the properness of this meeting, they would have put a stop to it immediately. This was not a sales pitch. Ministers are not involved in procurement and both [Senior Manager at Randox] and I were very aware that, if DfiD decided to proceed with improved laboratory calibration equipment , Randox would be required to tender alongside many other suppliers as is always the way with government procurement.

There was no financial benefit to be had in this meeting. Whilst you haven't approached the individuals involved this meeting, I have. The best independent person to ask as to whether I undertook paid advocacy in that meeting is Rory Stewart. Rory Stewart says "Mr Paterson did not, in my view use the meeting to advocate specifically for this company. Instead, he approached the conversation with some of the concern for UK tax funded programs, lab testing and an interest in proving healthcare and an expertise in UK government". He goes on "Owen Paterson was totally clear with me as to his capacity as a consultant, but he was not in my view, conducting himself in that particular meeting as a paid advocate for that product. Instead, he made arguments about the principle of good laboratory testing as someone who was concerned to make sure that UK tax money was well spent overseas and to achieve better health outcomes".

That is the government minister who was present saying there was no paid advocacy. If you do not accept this evidence from Rory Stewart, I would like to know why as I would like to put your reasons to him if you doubt his credibility. Rory Stewart confirms in his statement that there was no paid advocacy at this meeting.

Omissions in making the necessary decorations of interest.

Every single witness who was present at the meetings you are investigating states that I made a clear direct declaration.

[Professor of Food Safety] at paragraph 18 of his statement states, "The principal meeting was with the FSA on 15 January 2018. Mr Paterson was clear that he was present in his capacity as a consultant to Lynn's Country Foods."
[Technical Director of Lynn's] at paragraph 11 of his statement states, "Mr Paterson always stated he was a consultant in each meeting at the outset." At paragraph 20 of his statement he reiterates, "I do not recall the exact words Mr Paterson used at the beginning of each meeting but he would always say that he was a consultant acting on behalf of Lynn's Country Food. I remember thinking this was quite an awkward way to start a meeting but Mr Paterson always said it and his status was always abundantly clear. His position as consultant is also noted in the meeting minute of 24 May 2018."

[Legal adviser to Lynn's Country Foods] at paragraph 12 of his statement states, "I have noted that Mr Paterson was attending in his capacity as a consultant for LCF. I recall that at the outset of the meeting all of the attendees were required to introduce themselves in turn, confirming the capacity in which they were attending…. I cannot remember the exact words Mr Paterson used when he introduced himself at the beginning of the meeting but I am reasonably certain that he confirmed he was attending in his capacity as a paid consultant for LCF and that everyone attending was aware that he was attending in this capacity and nobody took issue with this." He goes on at paragraph 15 to state, "Mr Paterson was always transparent in the FSA dealings that I was involved with and there was never any question of the capacity he was acting in."

[Senior Manager at Randox] at paragraph 32 of his statement states, "I have attended a number of meetings with Owen Paterson with third parties present and Mr Paterson invariably starts each meeting by saying he is a paid consultant to Randox. To my memory he is fastidious in this. I have often thought that this was a very unnatural way to start a meeting but I understand that this was necessary to ensure Mr Paterson remained within the parliamentary rules."

[Director at NML] at paragraph 10 of his statement states, "Mr Paterson made it clear that he had three interests in this issue: (i) as the MP for North Shropshire, a rural constituency with a huge dairy industry, (ii) as the Former Defra Secretary; and (iii) as a paid consultant for Randox."

[Veterinary adviser at NML] at paragraph 7 of his statement states, "At each meeting Mr Paterson made it clear that he was there wearing three hats: (1) as the

MP for North Shropshire a rural constituency and home to a Muller processing site; (2) as the Former Defra Secretary; and (3) as a paid consultant for Randox." Rory Stewart in his final paragraph states, "Owen Paterson was totally clear with me as to his capacity as a consultant."

[Former Deputy Chair FSA] at paragraph 4 states, "At all times Mr Paterson explained that the tests had been undertaken by Randox and he was retained as a consultant by Randox."

[Chief Vet] states at paragraph 8, "Whilst I am aware that Mr Paterson is a consultant to Randox, as he declares this at each meeting, at no point have I felt that these meetings have been used in any way as a sales pitch for Randox."

These individuals cover all of the meetings covered by your investigation. I don't know what more I can add. If you do not believe I made this direct declaration often enough, I would ask you to list the occasions on which I omitted to do so. Do you accept the evidence of these nine witnesses on the basis of what I'm summarizing for you is correct? Do you accept this should be withdrawn from your next draft memorandum?

Misuse of Parliamentary resources

First of all, Parliamentary letterhead. I have always accepted that on two occasions a temporary secretary printed a letter on headed paper, which should not have been. This was an administrative oversight which could happen in any office environment and which has been addressed and dealt with and for which I've already apologised, and I apologise to you again today for the misuse of two pieces of paper, which I put to you is the only mistake I've made in 24 years, at the beginning of May as an MP.

Two - misuse of my Parliamentary office. My assistants, [names redacted] have both provided their written evidence that they were not involved in my consultancy matters. In addition, the statement of [parliamentary assistant] sets out the meetings with Lynn's Country Foods and Randox equate to a tiny minority of the meetings undertaken my office around 2.5%.

My understanding is that many MPs carry out business matters on the estate during times of intense Parliament pressure, and this is corroborated by many of my colleagues who have provided statements, including the following:

Rt Hon Sir Iain Duncan Smith MP who states at paragraph 5 of his letter, "Many members take phone calls relating to their other interests within their parliamentary office." And at paragraph 7, "When there is a whip in place, it is absolutely necessary to remain on the parliamentary estate." He also states at paragraph 2, "The subject matter of any meeting could, in the future, become parliamentary business and so it is vital that we are aware of these issues." [Former MP] who states, "there will inevitably be times when an MP who needs to be on the estate will need to make or receive calls or written communications, or will need to be involved in meetings, that relate to the party political, private or

business dealings of that MP." He continues, "As someone who was (in the period between 2017 and 2019) actively involved in the Brexit debate, on the opposing side to that supported by Owen Paterson – that I can testify to the huge absorption of time during which participants on either side of the debate were compelled to remain on the parliamentary estate in order to be rapidly available for a series of often unpredictable and sometimes very important parliamentary interventions and votes."

Graham Stringer MP who states in relation to the period between June 2017 and December 2019, "It was very difficult during this period to plan to be away from the Parliamentary Estate as it was an extremely fluid situation in which amendments were being tabled to motions and then withdrawn or added at a late state and it was necessary to be closely monitoring all that was happening and that was difficult to do other than being within the Parliamentary Estate."

I've also obtained evidence from the Government Whip Rebecca Harris MP. She is a Government minister. She speaks with the full authority of the Government and in her statement to me and I will read this out in full
because I think it covers your extensive questioning on the number of meetings I had and all the questions about the relevance of three-line whips and two-line whips etc. She says:

Dear Owen,

You have asked me to comment on the proposition that MP's with outside interests should not deal with those interests whilst on the Parliamentary Estate, for example they should not use their office occasionally regarding these interests.

This proposition cannot be correct. In my 10 years as a member I have never heard of any suggestion, let alone a rule, prohibiting MP's from using their parliamentary office for all matters relating to outside interests, including ad hoc meetings relevant to that business, whether it is commerce, property management, legal, academic, journalism, book writing, preparation of speeches for outside organisations, charities, taking part in paid stakeholder surveys and even providing remote GP consultations, etc. Over previous decades members have registered a very broad range of interests with the Registrar and it seems common sense that due to the constraints of how Parliament operates, they will have to have conducted some degree of personal business from their own office on the estate. Further, with modern communications there is really no difference between for example a meeting in person and via Zoom, WhatsApp or Microsoft teams.

It is hard to see how it could ever be deemed practicable to expect members to conduct all their potential non-Parliamentary or constituency business off the Estate. The published Business is not announced many weeks in advance and can still be subject to short-notice changes, which has always made it difficult to arrange off-site appointments in advance with a good level of certainty. In addition to which there is very little notice for Statements and Urgent Questions which members may need to contribute to (only since the pandemic and the implementation of call lists have members had notice of these up to 24 hours in advance).

Apart from the business of the Chamber, Westminster Hall, Bill and Select Committees, there are also normally many other meetings and events scheduled on the Estate throughout the day with either just other members present or external stakeholders which are routinely open to all members.

Furthermore, the 2017-19 Parliament significantly changed the context for those MPs with outside interests as they were required to be on the Parliamentary Estate even more frequently.

Following the General Election in June 2017, Theresa May formed a Government only once a confidence and supply agreement had been signed with the DUP. This gave the Government a working majority of 13 votes. During the parliament this was reduced to 1 by the time Boris Johnson became Prime Minister. Once 21 Conservative MPs had the Whip suspended in September 2019, there was a minority Government. Theresa May's government lost 25 votes and Boris Johnson did not win a division in the House of Commons until mid-October (the votes for an early General election were not won by the required 2/3 majority required under the Fixed Term Parliaments Act).

In a practical sense this meant that votes could be called at any time, including on procedural matters like Business of the House Motions, Programme Motions and Money Motions for Bills as well as substantive business. The Government lost control of the Order Paper on occasion, there were Humble Addresses, votes were won or lost by single votes – or even tied. Parliamentary process was front-page news like never before, all while the Government was attempting to legislate for the most emotive issue for a generation: Brexit. The only certainty that existed was that of uncertainty.

For these reasons, the requirement for MPs to be on the Estate at all times was like that not seen since Callaghan's government in the 1970s. Life was what seemed like a permanent three-line whip for MPs and for a significant period, like the 1970s, pairing with the Official Opposition broke down.

Instructions were issued regularly by the Whips' Office not to leave the Estate for fear of a vote while there were also what seemed to be permanent protests outside of Parliament and as such meetings and other business colleagues were required to undertake was encouraged to take place while they were on the Estate to ensure they were not delayed in returning. Similarly, government ministers were regularly asked to do their ministerial work and meetings on the Estate rather than their Ministerial Departments. In most cases this was at considerable inconvenience to the individual members concerned, with many disliking being on a three-line whip due to the restrictions imposed by the requirement to be present on the Estate at all times.

There were regular and substantial protests outside Parliament during this time and many MP's, especially those (like yourself) with a public profile, experienced considerable difficulty at times getting through these crowds. It is a requirement to vote when whipped and then to be within eight minutes of the division lobby. If an

MP was off the Parliamentary Estate, even close by, this time could not be met with certainty and that added to the need not to leave the Estate.

Within this context it is reasonable to assume that those MPs with outside interests would be conducting some form of their business while in Parliament i.e., from their office. The excuse of missing a division because you were at a private meeting would not have been tolerated such were the stakes while leaving the Estate to even make phone calls would not have been practical nor potentially safe. The House authorities increased provision for broadcast media on the Estate I believe for this reason. This would have been the case for MPs of all parties.

During this period there were also daily meetings and discussions relating to parliamentary business. These often took place at short notice. This added to the reality that MP's needed to be on the Estate really full time during the days the House was sitting. It was an extraordinarily busy period.

It has never been suggested to me that the use by an MP of his office for occasional meetings due to the need to be on the Parliamentary Estate is an abuse of the Rules on Conduct and I don't believe it is. We certainly wanted MP's to do this during this period and not leave the Estate and we encouraged this..

And she then lists the Parliamentary arithmetic and you already have that memo. So, to assist you in the analysis…

[MS Teams echo]

PCS: Carry on Mr Paterson.

OP: Okay, I'm nearly finished. Just to assist you in your analysis, I prepared a spreadsheet which deals with the relevance of each of the statements of your preliminary findings within your report. A copy of this will be provided to you. I'm extremely disappointed that until this point you have not interviewed me on these matters and have dismissed my account of events without providing reasons for doing so. I have now corroborated my account with witnesses. The allegations against me stem from an article published by The Guardian newspaper. The Guardian is not an impartial source - it is a political newspaper, who held views adverse to my own, particularly on Brexit and it runs regular articles attacking me.

As you stated, this matter will now be brought before the Committee. Please can you confirm we provided you all the documents you've considered as part of your investigation and can you please also confirm the outcome of your internal review into an investigation as detailed in your letter dated 2 February 2021?

PCS: Thank you.

OP: Sorry we lost you.

PCS: Can you hear me now?

OP: Yeah that's great, thanks.

PCS: Thank you very much for that and there's many of the points we were going to raise with you. What I will do is review the recording, review the transcripts, and if there are any points that weren't picked up by your statement there, Mr Paterson, we will come back to you about them. I just wanted to pick up a few points from what you've said there. Just in terms of the milk contamination would Randox's accreditation not constitute a material benefit?

OP: Well, they weren't accredited.

PCS: Were they not?

OP: No. They weren't accredited. I mean, NML had the equipment and that was what they were using it for, but they weren't accredited with these tests, so the FSA had to go off again to corroborate the results.

PCS: Okay and when you think about the blood testing, were you concerned when there were procurement officials at the meeting?

OP: I wasn't aware there were procurement officials. It was done remotely, I think they were in Edinburgh actually the officials. So the only person at the meeting I remember was Rory Stewart and I think the private secretaries, the officials were at a different office outside room we were in. But it never crossed my mind, that there would be procurement people there. We were introducing technology which could benefit them. Don't forget, I have been a Secretary of State in two posts. There was never a single meeting that I can remember in Northern Ireland or in Defra that I was involved in procurement - that was always done at arm's length.

It is absolutely clear that it would be quite improper if that was considered to be a selling expedition. So these were experts in running the as I remember the different health programs. So if they decide to take this forward – it was always assumed that there are very detailed procurement processes. I mean Graham Stringer Labour MP - you know he was a very senior local Government official. He led Manchester City Council. In his testimony, he says in both local government and national government, there are very, very clearly defined procurement processes. It never once happened when I was a Secretary of State in four years that I was ever involved in a buying decision. It's quite wrong.

PCS: [We need to come statement provided…]

OP: Sorry we've lost you. We're getting every other word, I'm really sorry. You're breaking up.

PCS: I'm going to go out [MS Teams echo]

PCS: [Senior Manager at Randox]'s statement states that there were procurement officials present.

OP: That was down to the Secretary of State or the Minister to invite particular officials to meetings. I don't remember the exact title they had or what they were doing, but I was completely clear that there would always be a separate procurement process. So perhaps they might've been involved in purchasing laboratory equipment, or overseeing the allocation of DfiD funds. But it didn't occur, you know it didn't occur to me that we were there to sell Randox products], we were there for a civic purpose, because Randox would have to, they were already accredited I think as a supplier to DfiD, they would have to compete with lots of other companies. There might be a better Australian company or a French company who could have bid for. What we were doing was making them aware that this huge investment every year by generous taxpayers was sadly, completely wasted. If a pretty simple but high-tech calibration process wasn't used, I think it would be three times per day with the proposal to check the equipment morning, noon and evening. How they took that forward, was entirely up to the department.

PCS: Let me just come back again to the point about milk. In your email to the FSA on the 16th of November, you say you offered to help with ISO 7025 accreditation as a suitable laboratory. So you just said they weren't accredited and that they probably weren't at the time, but you had raised with the FSA that they offered to help with accreditation. Would that not be a benefit?

OP: Well, only if NML agreed to take it forward. FSA is not the customer…it's really important this - the FSA do not buy equipment. The equipment would be bought by a private limited company. And also it is very important…

PCS: The conferring of the benefit and in your email to the FSA on the 16th of November you say you offered to help with ISO 7025 accreditation at a suitable laboratory. Would that not be a benefit to the company?

OP: I mean, it would be a benefit to British consumers in the dairy industry to have a more modern technology.

PCS: Would it be a benefit to the company to be accredited?

OP: Only if the technology was taken up. This is not for the FSA to decide. It's really important this and [Former Deputy Chair FSA] is quite clear and all the other witnesses, the FSA do not buy equipment. What we were doing was making the FSA aware that the Delvotest is effectively up here at 5 or 600 parts per billion. And the Randox test is down here with 1 or 2 parts per billion that's because it's so much more sensitive, it can pick up these grievous breaches where very dangerous antibiotics are being administered to cattle illegally.

What the FSA did with that information, whether they went through accreditation was entirely down to them – if they asked NML to take it up was entirely down to them. So I think what they did as I said is they went off to get it tested properly by the LC-MS system.

PCS: Okay, I want to move onto Lynn's and when the FSA raised Lynn's products after their November meeting, about Kerry's product, an email sent on the day suggests it was brought up by Lynn's during the meeting and that would seem to be corroborated by the fact that it was a product that had not yet been launched. And a later internal FSA meeting referred to Lynn's using the rest of the meeting to sell the product.

OP: Well, the Lynn's issue, that's very broad. That's why in the memo I split it. I was brought in because there was a very serious wrong – of a Republic of Ireland company selling an illegal product and very wrongly marketing it as safe for children. So that had been brought to the attention of the FSA in Northern Ireland who, in simple terms, had not done very much about it and certainly hadn't sorted the problem out. So they raised that with me, very like Randox, saying there's a wrong here what do we do about it? Because this was not right that this product, promoted by a big marketing campaign which [Professor of Food Safety] raised was absolutely shocking. So that's why I was drawn in.

And the FSA - they did take it up with the FSA in the Republic of Ireland and Kerry Foods were required to change the product and I think we actually did some good. I mean the idea that I'm going to be regarded as having disgraced the House of Commons because I drew attention to the national body that there was a carcinogenic product for young children. it's completely extraordinary. And thanks to our intervention and it's very important this - the chronology – we did I think successfully achieve a result.

The FSA then misunderstood the nature of the curing agent and disappeared down into a very lengthy number of meetings discussing the labelling of the Lynn's products which was finally resolved. But I wasn't really involved in that. That was a technical discussion between Lynn's, [Legal adviser to Lynn's Country Foods], who was their lawyer and their technical director [Technical Director of Lynn's], and you've got all the submissions on that.

PCS: Yeah…

[MS Teams echo]

OP: It's breaking up again. Can't hear you I'm sorry. It's better, it's just better then.

PCS: Sorry it's rural broadband - perhaps something could be done about that.

OP: Couldn't agree more. Totally agree with you I'm from North Shropshire.

PCS: Thank you for your patience, I'm back with the Wi-Fi. I'd like to go back over the points that we wanted to raise. We will listen very carefully to the recording, have a look at the transcript to make sure that we've got all our questions answered by your statement. Just on a couple more points I want to raise with you Mr Paterson.

Registering as a consultant lobbyist. Now, as you know the Ministerial Code imposed restrictions on lobbying activities a few years after you let ministerial office. Your contracts with Randox and Lynn's began after the expiry of that two-year period. Did you consider whether you would have been in within ACOBA's rules if you had made these approaches to ministers or the FSA within the two years?

OP: Yes, I remember I honoured the two years. I think I was very careful about it.

PCS: Okay and yes, thank you for that.

OP: And the other very, very important fact which is absolutely required by ACOBA was at every meeting and every document I should always say I was a paid consultant and I was absolutely punctilious about that.

PCS: So did you consider registering then as a lobbyist? [MS Teams echo]
PCS: So did you consider registering then as a consultant lobbyist?

OP: No, no I mean I had been given clearance by ACOBA. We had correspondence with ACOBA and they had given me clearance and I understood that I could raise issues after the two years on the absolute strict condition, I always made it clear that I was a paid consultant and I think you'll see from the documents I was absolutely punctilious about that.

PCS: Okay, two points I want to pick up with you. Thinking about the relevance of additional witnesses highlighted by Mr Paterson, who have not yet provided statements. Do you want to draw my attention to any other witnesses who may hold evidence relevant to my inquiry? And please could you provide the contact details for witnesses who have supplied evidence. I need to make sure that I can confirm with them what will happen to the evidence that they provided, and I may take further statements from them if I consider it necessary. So if you could provide me with their contact details.

OP: Yes, that would be great. Absolutely.

PCS: Okay, thank you.

OP: If you want to talk to all these, that'll be really good.

OP'S SOLICITOR: And any others too.

OP: There is one more I particularly want to get because there were so few people involved in the issue and that is the DfiD question. So it's very important I do talk to Priti Patel. As I said I talked to her on Sunday, I talked to her last night. She is in fairness, horrendously busy at moment like any Home Secretary. You know their diaries are in 20-minute slices but she has agreed to do that. So I'm really sorry we didn't get that for today's meeting, but I think she's the last important one and she would certainly have thoughts I'm sure. I'll get that. I'll get that first.

OP'S SOLICITOR: We will provide you with the contact details for the witnesses.

PCS: Thank you for that. Before I invite you to just add anything else Mr Paterson, can I just test this? One interpretation and you just talked about ACOBA and being very punctilious in making sure that you stuck within their requirements. One interpretation is that you ensured that you were absolutely aware of your obligations with respect to lobbying following the advice you received from ACOBA. But forgot to ensure that you are aware of and adhered to the rules on lobbying for Members as set out in the Guide to the Rules. It might also be alleged that you then retrospectively applied the exception of a serious wrong once this investigation was commenced. I wonder what your response is to that?

OP: Oh, I think that's a really fair question. That's the nub of the whole issue. I'm absolutely clear on every one of these cases, I would do the same thing this afternoon. That despite the nightmare we've had over the last 17 months - very important this - it would have been an extraordinary dereliction of duty as an MP with my experience to be privy to this very specialist knowledge about the milk industry and not take action, it would be absolutely wrong. Same, I didn't know as much about DfiD - but I had actually done a Defra trip to Kenya, and I'd seen healthcare provision on the ground.

So I was interested, but I wouldn't pretend I'm a huge expert on healthcare in developed countries, but it seemed to me a really really good case where bringing modern technologies and every one of these cases, all of it, is all about bringing technologies forward, could bring health outcomes which were greatly superior to what was happening and will give better value to hard working British taxpayers.

And then the last one exactly the same. It's quite wrong that this company in the Republic of Ireland was mis- selling a very dangerous product and particularly targeted at children. It was really shocking. So I have no doubt at all, and it would have been on the most broad basis of my knowledge and my experience. It was absolutely the right thing to do as an MP. That's really important, though it is still in and it's in your draft memorandum I think would be really helpful to discuss this. There is a very, very clear exception rule on page 64. The exception rule is very clear. "Exceptionally, a Member may approach the responsible minister or public official with evidence of a serious wrong or substantial injustice even if the resolution of any such wrong or injustice would have the incidental effects of conferring a financial or material benefit etc." Now, and it's really important, you and I discuss the definition of that because I am absolutely clear that I would not have been performing my role as a responsible MP with my long experience privately and in government if I had not brought these three cases forward. Now I think you've touched on it in your correspondence that…

PCS: Mr Paterson…
OP: Two secs, two secs. This is a very narrow interpretation. I don't believe it is - I think each of these cases there was a serious wrong and I was right to bring it forward. Therefore, I am clear…

PCS: That's your interpretation. I will now need to go away and consider in the light of the information you've presented me and any other information…my interpretation and it's for me to interpret that. It's for the Committee to consider our different interpretations. What I would like you to consider is the first part of my question to you just now, which was that one interpretation is that you ensured you were aware of your obligations with respect to lobbying following the advice you that received from ACOBA but forgot to ensure that you were aware of and adhered to the rules on lobbying for Members of Parliament.

OP: No, I didn't forget. I was fully aware of the obligations and I knew that on each of these three cases there was a very serious wrong or injustice, if you want, about the mis-selling of a product into the market. I was absolutely right using my position and experience in taking it forward. I'm elected for my judgement. Iain Duncan Smith's very good on this. We're not elected to be officials, we're not ciphers, we're not delegates.

[MS Teams echo]

OP: My judgement was very clear – I was doing the right thing. It was quite wrong that there were certain vets in the country administering a totally illegal antibiotic at a time when the Government had a huge campaign on antibiotic resistance. I was absolutely clear if that information had got out we'd have blown up the British dairy industry, which I'd spent a huge amount of time privately, in business and in Defra promoting. I wouldn't have any hesitation this afternoon after this interview, if I'd heard about this, I'd go straight up there and do it again. Exactly the same with the other cases. So I exercised my judgment. I'm absolutely convinced that I was doing the right thing. There is also the general duty point, which is, I think relevant to this. It's incumbent on MPs, I've got it here somewhere – "Members have a general duty, to act in the interest of the nation as a whole, and a special duty to their constituents". So absolutely smack bang on. That's what I was doing and yet your draft memorandum says I behaved so badly I brought Parliament into disrepute. It's absolutely ludicrous your summary. It is quite ridiculous what you've come down to.

PCS: Okay Mr Paterson. [MS Teams echo]

OP: Sorry, sorry I can't hear you again.

PCS: Can you hear me now?

OP: Yes, try again.

PCS: Okay I must apologise it's rural broadband. You were elected for your judgment and I was employed for mine and what we will do is we will review our draft memorandum in the light of this discussion. We will take from you the additional evidence. We'll come back to you with any questions that we haven't quite got a full answer to from your statement. We'll take the information from witnesses - about witnesses from you and let me just check in with (SICM). (SICM)

- could you just outline what the next steps are please? You might fare better with your Wi-Fi.

SICM: With my microphone on yes, that might help. Thank you very much. Okay so thank you very much for attending this meeting as the Commissioner has just outlined at the start, I will send a copy of the transcript for the meeting for your records. We've got the transcription service going, but it might take a little while, but I'll keep you updated as the process of this. When we send you the transcript, the Commissioner will then outline in writing the next steps her inquiry will take. The Commissioner will carefully consider the evidence you've provided and whether there are any additional lines of inquiry that she needs to undertake in light of this evidence and in light of any witness names that you may provide to us.

We'll keep you updated as the progress of this, so the Commissioner's also said that she would like to give you a final opportunity to submit any evidence or information you feel she should consider prior to making a final determination and please may you provide this no later than close of business on the 1st of April. So that's next week just before the bank holiday. The Commissioner will then provide you with another draft of her memorandum which will allow you to comment on its factual accuracy. As we've confirmed previously, given the seriousness of the allegations, the Commissioner will report this matter regardless of whether she considers the rules have been broken in line with Chapter 4, Paragraph 14 of the Guide to the Rules. And then before the Committee go on to consider the matter, there would also be an opportunity for you to make a written submission to them or give oral evidence.

OP: Could I just come in on that? There is no way we're going to get the Home Secretary to give evidence before 1st April. We'll probably see her the week after.

PCS: Mr Paterson, if you provide me the names of the people, I will do that. If there are any witnesses, I will contact them.

PCS: But if there's anything else, your statement for example, it would be very, very helpful to have a copy of that. If you could arrange for that to be sent through, that would be very, very helpful. But please don't be concerned about going off to interview witnesses. We will do that.

OP'S SOLICITOR: That's fine. Can I just ask one thing – which is that you're conducting quite rightly an inquisitorial process and you're going to come to your views. Can I just ask that if those views do not…

[MS Teams echo]

OP'S SOLICITOR: …reflect submissions that have been made, that he has an opportunity in which he could talk through…before you finalize the memorandum, any criticisms of him so he can help express opportunity to answer.

[MS Teams echo]

PCS: Of course, you will have a copy of the final draft memorandum to comment on the…

OP'S SOLICITOR: …Before you finalise your draft memorandum, part of your inquisitorial process, can you not put to him any concerns you have? He can then answer them before you finalise your draft memorandum. Any concerns you have at that stage put to Mr Paterson and he can then respond. Otherwise we repeat, history repeats itself and you issue a memorandum which has issues in and then another considering material which he wishes to draw your attention. It's very hard to be able to say to you these are the witnesses you should consider if we don't know what your findings are.

PCS: You've already submitted quite a lot of witness statements and what we're what we're looking to do now is to finalize our memorandum. So if there are things that you think we've missed or people that you think we haven't heard from we're very, very happy to contact them and to take statements from them. The opportunity to challenge the memorandum and the contents of the memorandum apart from the factual accuracy will be at the Committee and there will be an opportunity to provide with written evidence and all evidence to the Committee if we still are not able to come to an agreement. If there are still very differing interpretations of the information that's being provided.

[MS Teams echo]

OP'S SOLICITOR: I would consider at that stage, witnesses will appear before the committee…I don't know how the process works but…

PCS: I'm afraid I will have to go away and find out from the Committee if they will take oral evidence from witnesses. It's not something that I can answer immediately (OP's Solicitor). Now I would have to go away and find that out.

OP: Could I propose, once you have got your second draft memorandum, we convene another meeting like this and go through it? Because what we don't want to do is waste Committee time by going to dispute stuff in it. So I think that the best route is - I hope after today there will be some radical changes to your memorandum because there's a lot of it that is actually completely incorrect. So what, I hope is, we could have another discussion and come to an agreement.

PCS: I think we've asked you if there are things that are factually incorrect. If you could let us have information about that. Let's go away and we will come back to you with next steps.

OP: Yes, there is a constant criticism through the memorandum that I did not declare my interest. I've emphatically said I always did. You haven't believed me. I've then given you a raft of every single one of my witnesses having confirmed that I was right. So that is a thread right through the memorandum. It is completely wrong on the fact that I did not declare an interest.

PCS: And as I said, Mr Paterson…

OP: So what you're going to have to do is radically rewrite the memorandum or it's going to be torn apart in front of the Committee, so it would be much better if you redrafted it and we convene another meeting like this.

PCS: Mr Paterson, I will go away and review the memorandum in light of the information that you provided and any other information that you want to provide. We will send that back out to you for you to consider the facts. I'll consider whether or not it's useful for us to have another meeting and I will…we will write to you to confirm that.

OP: Well, personally I think this has been going on 17 months now, this is the first time we've met. It will be much more sensible if we had an amicable discussion like we just had to try to get this sorted out because there are bound to be details in it, there's bound to be interpretation. It's quite clear you are not still fully across each of these issues, and there is still more to be flushed out. So I thought it would be much better if once we got the fresh draft memorandum we discussed it.

PCS: Okay well let me come back to you Mr Paterson we've a number of steps to go through. You're going to send your statement. You're going to send us any other people you want to contact you're going to send us the contact details of the people that you have already submitted evidence from. Once we've got all that together we'll get back to you with information about next steps. I hope that's helpful. That's as far as I can go at the moment.

OP'S SOLICITOR: Thank you.

PCS: Alright? Thank you very much. Very good to meet you anyway. Thank you very much for your time. Thank you very much for your time (OP's Solicitor), I'm very very grateful. Thank you.

ALL: Thank you. Thank you. Bye.

OP: Bye (SICM).

SICM: Bye. Right, let me stop the transcription.

36. Letter from the Commissioner to Mr Paterson, 30 March 2021

Dear Mr Paterson,

Thank you for meeting me on Friday. As promised, I enclose the transcript of the meeting for you to check for factual accuracy. If there are any points you would like to add or clarify, please let me know when you reply to this letter.

I have considered the information you provided during the interview and would appreciate your response to the following questions:

Milk quality

1. In your follow up email of 17 November 2016, you stated that, "...Looking further ahead, [one of your FSA colleagues] mentioned the issue of mycotoxins in maize and I have long been worried about the potentially explosive danger of campylobacter in chickens. It would be good if he could liaise with Randox and discuss further how their latest technologies might help on grain and meat. " You stated in your interview that you were not seeking a benefit to Randox, but this part of your email seems inconsistent with that assertion. What is your response to this?
2. When did you first decide this issue fell within chapter 3 paragraph 9 of the Guide to the rules?

Blood testing
1. When did you first decide this issue fell within chapter 3 paragraph 9 of the Guide to the rules?
2. What evidence did you provide to DfID in respect of your concerns?
3. You have said that Randox's reference to a procurement opportunity was not the aim of the approach to DfID. What were you hoping to achieve from the approach?
4.What did you consider Randox was hoping to achieve from the approach?
5.What other actions did you take or consider in respect of this issue?

Mislabelling of Kerry Foods' product
1. You have said that Lynn's had contacted the FSA in February 2017 and were frustrated by the lack of response. Who from Lynn's informed you of this?

2. [Technical Director of Lynn's] has said that Lynn's approached you for advice on how to deal with this perceived lack of response. What advice did you provide?

3. Did [Technical Director of Lynn's] (or anyone from Lynn's) ask you to approach the FSA?

4. When did you first decide this issue fell within chapter 3 paragraph 9 of the Guide to the rules?

5. What did you consider Lynn's was hoping to achieve from the approach to the FSA?

6. Was that what you were hoping to achieve? If not, please outline the difference.

7. What evidence did you provide to the FSA in respect of this issue?

8. You said in your interview that the FSA later raised the issue of Lynn's product. However, the note of the meeting (at page 13 of the FSA response to the FOI request, which you have already seen but I have attached to assist) suggests that this product was actually raised at the meeting you attended on 15 November

2017. I would also like to draw your attention to [FSA employee's] email of 24 January 2018(at page 27)and his assertion that, “[t]he reason Finnebrogue’s own compliance came under scrutiny is because they chose to use the remainder of meeting to “sell” their product referencing WHO/nitrates/nitrates/cancer etc". What is your response to this?

9. What other actions did you take or consider in respect of this issue?

It would be helpful to understand the timeline of involvement of the Chief Vet and National Milk Laboratory in the issue involving antibiotics in milk, and the setting up of the Milk Quality Forum.

1. When did you initiate contact with the Chief Vet and National Milk Laboratory on this issue?

2. What was the timeline for the setting up of the Milk Quality Forum?

3. Is there anything else you would like to say on this point?

Regarding the requirement of rule 15 in the 2015 Code of Conduct for Members of Parliament that, “Members shall ensure that their use of public resources is always in support of their parliamentary duties". You have said that your use of public resources was in support of your parliamentary duties as it enabled you to discharge your parliamentary duties. What test do you apply when considering whether your use of public resources is in support of your parliamentary duties?

Please provide your response to these questions and any suggested amendments to the transcript by 9 April.

You have agreed you will provide a table detailing the relevance of additional witnesses highlighted by you. Please provide this, along with the details of anyone who you consider may hold relevant evidence who you would like me to contact.

30 March 2021

37. Letter from Mr Paterson to the Commissioner, 9 April 2021

I write in reply to your letter of 30th March 2021.
As advised, the Home Secretary, the Rt Hon Priti Patel MP, who was previously (and at the relevant time regarding your inquiries) the Secretary of State for the Department for International Development, has agreed to provide you with a statement regarding the issue of calibration of medical equipment. I will get this to you as soon as I can.

I enclose my overview analysis of the issues in your draft memoranda and the subsequently obtained witness evidence which each prove I have complied with the Rules of Conduct.

I also enclose the witness contact list. This has the contact details for all the witnesses who have given evidence to you. These addresses are all publicly available. For [Former Deputy Chair FSA] and the Chief Vet, I have only private email addresses and so I am first asking them whether I can disclose these to you.

I have requested on several occasions that you should provide me with all of the evidential material you have obtained, for example but not exclusively by FOi requests and correspondence with third parties. Would you now please do this so I can see and answer all of the material you hold? Please either send me a hard copy or make the material available electronically for example by way of a portal or Dropbox.

Before answering your questions, I wish to highlight some facts which are central to this matter. If you disagree with these facts, it is important that you let me know the details with which you disagree and why, so I can address these matters. This is in accordance with your stated objective which is to provide a fair and thorough investigation.

I believe the following facts are incontrovertible.

1. I have provided clear scientific evidence which shows that I was addressing, in each case, a serious wrong or substantial injustice.

    a) 12.5% of milk randomly sampled at the point of sale, was contaminated with a genotoxic substance that is carcinogenic and promotes anti-microbial resistance. It was my duty as a Member of Parliament to advise the FSA of Randox's findings and to follow that up to promote better milk quality and safety.

    As a result of my work, Florfenicol is now the subject of standard testing procedures and milk safety has been improved via the Milk Quality Forum (MQF), which I established. There is more work to be done in this regard.

    As a matter of fact, Randox did not receive any material or financial benefit and the suggestion that I was seeking a benefit for Randox is wrong.

The suggestion you have put to me is that I was promoting Randox testing. If that had been the case, there would be evidence of exclusive benefit for Randox. It might also have been expected that I would have invited Randox to the MQF, but I did not do that as I was not promoting Randox. Rather, I was dealing with a most serious health issue, which could have badly damaged the dairy industry.

b) Denny's Ham was being marketed at families with young children as an "all-natural" and safe product, but it contained a prohibited carcinogenic curing agent. Selling such a product is clearly a serious wrong.

My duty as a Member of Parliament was therefore to bring this to the FSA's attention, which I did.

To suggest that I was seeking to benefit Lynn's Country Foods by drawing to the FSA's attention that a product targeted at children contained a banned carcinogenic curing agent is illogical and wrong.

I did not raise the issue of labelling of Prosur, which is the natural curing agent used by Lynn's Country Foods. The FSA raised this issue and so the response falls outside the lobbying rules, which cover approaches by Members, not matters raised with Members by public officials.

c) The Department for International Development was seeking new suppliers and new technologies; it positively encouraged companies to come forward.

Randox had written to the Rt Hon Priti Patel MP, then Secretary of State at DfID, regarding the serious wrong caused by the failure of medical equipment to save lives because of poor management of equipment in the field and lack of calibration.

I followed this up with Priti Patel and then had the meeting with Rory Stewart.

Rory Stewart confirms that I did not lobby or breach the paid advocacy rules. I have spoken to Priti Patel who confirms that I acted correctly.

2. Notwithstanding in each of the public interest cases, I was bringing attention to a serious wrong or substantial injustice, I must remind you that in every separate case where I was representing Randox I was also clear about my relationship with Randox. To that end, I have provided you with 10 witness statements which state that I always disclosed my interest and yet I am perplexed as to why this is still a matter that you put to me.

3. I have provided you with witness evidence from a Government Minister and three senior Members of the House which shows that I acted in accordance with the Government guidance and standard practices in connection with the use of my office.

Witnesses

You have been conducting an inquisitorial investigation, throughout which I have offered to assist. It was only when I received your draft memorandum in December 2020 (14 months after your investigation started) that I learnt you had not interviewed a single witness or investigated the science which lies behind each of the matters. You had not even interviewed me.

In a few weeks and over Christmas I provided you with 17 witness statements showing your provisional findings were wrong, because of the lack of witness statements or scientific corroboration beyond FOIA requests, selective emails and minutes of meetings. Attached to this letter is a table detailing the relevance of the evidence from witnesses.

You ask me now to identify any further witnesses. Before I can do this, I need you to first review the evidence I have provided and advise me as to which witness statements you accept and any which you reject. Then I will know which factual issues remain so that I can direct you to additional witnesses.

You are required to comply with natural justice. It would be a clear breach of natural justice for you to reject witness evidence without advising that witness in advance of the reasons why you reject their evidence and giving them an opportunity to respond. That is a basic requirement of natural justice. I am advised that this is standard practice within investigations and in Judge led inquiries this process is called Salmon Letters.

I believe you have overwhelming witness evidence that proves that the allegations made by

The Guardian newspaper are not correct and that I have not breached the Rules of Conduct.

If you review the material I have provided against your new touchstones "independent, impartial, thorough and fair," I am sure you will see that I have complied with the Rules.

Rule on Lobbying

The Rule on lobbying is at the heart of this matter. There can be no dispute between us as to the meaning and effect of what is a very clear Rule and yet you still ask questions regarding approaches being made to me, which are clearly not within the Rule. The lobbying Rules do not cover approaches that are made by a

public official to a Member of Parliament. They apply only when it is the Member of Parliament who is initiating or participating in approaches which have been initiated by their client.

This is a fundamental distinction which is clear in the Rules and I have previously drawn to your attention, yet you ask me questions regarding occasions when the FSA itself raised issues regarding Lynn's Country Foods and now in relation to Mycotoxins.

Serious Wrong and Substantial Injustice

You ask when I first decided that each issue fell within the lobbying exception (chapter 3 paragraph 9 of the Guide to the rules).

Where a Member approaches a Minister or public official "with evidence of a serious wrong or substantial injustice" the restrictions on lobbying do not apply.

This can be split into two issues:

1. Was I dealing with a serious wrong or substantial injustice?

2. Did I have evidence of the serious wrong or substantial injustice?

I have provided you with detailed witness evidence that proves that each issue was a serious wrong or substantial injustice and the evidence that was provided. Therefore, my actions at the time they were conducted fell within the exception within the Rules of Conduct.

I have explained that I knew on each occasion that I was dealing with a serious wrong or substantial injustice in each case and that I would do the same again in the same circumstances.

I would be grateful for your detailed reply on this as I believe I have addressed the factual allegations in considerable detail and have demonstrated that the allegations are clearly wrong. A different conduct case appears now to be raised against me. It is only fair that you explain exactly what it is you allege I have done which breaches the Rules and that you give me an opportunity to answer that before you form a view and prepare your next memorandum.

My solicitor in our recent meeting asked you to do that and I repeat this request. I would also remind you that I have asked for full copies of all documents you have received in this matter rather than selected extracts.
In answer to your questions and adopting your subheadings and numbering:

Milk Quality

1. As stated above, the Rule on lobbying is engaged where a Member of Parliament with a relevant financial interest approaches a Minister or public official about a particular issue. It does not prevent any Member of Parliament

responding to an approach by a Minister or public official. I have previously explained this to you in some detail in connection with the issue of Lynn's Country Foods. This should not be controversial. The extract you have quoted from the email is not complete as the name of Professor Guy Poppy has been redacted and replaced with "[one of your FSA colleagues]". Professor Poppy was at the time, the Chief Scientific Advisor to the FSA. He was present at the meeting, at the invitation of the Chair, because of the extremely serious findings that had been made by Randox, namely that 12.5% of milk randomly sampled at point of sale contained a prohibited, carcinogenic, antibiotic residue which would also promote anti-microbial resistance.

This meeting was convened to discuss these findings.

As a matter of fact and science, it was advances in technology made by Randox that revealed this contamination.

As a scientist and leading expert, Professor Poppy then raised the issue of mycotoxins in maize. I did not raise this and that is clear from my email. I responded to Professor Poppy and suggested he liaise with Randox.

With my farming background and being the former Secretary of State for Defra, I had longstanding concerns regarding Campylobacter in chickens entering the food chain. Campylobacter causes serious illness, hospitalisation and significant numbers of deaths each year. I recall discussing this in 2012-2014 as part of the Biosecurity Meetings I instigated whilst Secretary of State for Defra (see [Chief Vet's] statement for further details).

The rules are absolutely clear that this was not lobbying. After 17 months, I am surprised that at this late stage you are raising yet another new question when on the face of it, the email itself is clear and the issue was being raised to me, not by me. I have previously explained my concerns in this regard.

2. I have provided a response to this generic question above.

If you are asking me when I first decided that this issue was a serious wrong or substantial injustice, the answer is immediately upon being told that 12.5% of milk sampled contained a banned, carcinogenic, antibiotic residue. I was immediately concerned that these findings would devastate the dairy industry if leaked and that banned carcinogenic substances promoting AMR had entered the food chain.

The rule expressly permits my actions as I was dealing with a serious wrong or substantial injustice. I acted in the discharge of my duty.

I would add to the above that I was acting solely to protect the British public from the potential risk of serious health consequences and to protect the dairy

industry which would have been badly damaged had this information become public.

If you don't accept this, I would ask you to set out the basis on which you reject these key provisions.

Calibration of Laboratory Equipment (which you refer to as Blood Testing but it is far more than that)

As advised, I am in the course of obtaining a witness statement from the Rt Hon Priti Patel MP, which will have a bearing on this issue.

1. When I was first told of the serious consequences that flow from a failure to calibrate laboratory equipment, i.e. adverse health outcomes, including obviously loss of life and wasting millions of pounds of taxpayers' money, I realised immediately that this was a serious wrong and substantial injustice which should be addressed.

   [Senior Manager at Randox] had raised serious concerns in his letter to the Secretary of State for DfID on 28 July 2016 stating, "The key point to make is that over 70% of healthcare decisions are based on laboratory results - and if those results are inaccurate then any related diagnosis will be unreliable - leading to increased human suffering and significant resource wastage."

2. I provided the evidence that a failure to calibrate laboratory equipment renders health outcomes unreliable, causes human suffering and loss of life and wastes the resources UK taxpayers are providing. DfID did not challenge this.

   [Senior Manager at Randox] of Randox provided evidence in his letter to the Secretary of State for DfID dated 28 July 2016 and spoke of his personal experiences, for example in visiting hospitals in Africa.

   The fact that the lack of calibration of medical equipment is _a "serious wrong and substantial injustice" was not challenged in this process.

3. I am mindful of your earlier statement that you do not want evidence on science and I believe that this is a fundamental problem.

   Part of the function of any Government is to maintain capability in the realm of new technologies. The UK is a world leader in laboratory equipment and testing.

   This matter centres on new technologies that are available to deal with serious wrongs and substantial injustices. The motivation of Randox was to inform

DflD of the existence of this technology, which is not exclusive to Randox, as well as the way that new technology would improve health outcomes.

This answer will be dealt with in the evidence of the Home Secretary to follow. DflD wanted access to new companies with new technologies and MPs were encouraged to assist DflD. Randox answered this call and I followed it up because of its importance.

My objective made clear in correspondences was to bring to the attention of those in a position to do something, the serious wrong being caused by the lack of calibration of medical equipment and the technical solutions.

4. As above. My motivation aligned with Randox's - to answer DflD's call for new technologies and new companies, and to bring relevant failings (serious wrong) to the attention of Government.

5. I raised the issue with the correct Government department so they could take action. As you know from the evidence, 2017-2019 were extraordinarily busy times in Parliament. Since October 2019, I have had to deal with this investigation and so throughout this time, it has not been practical and then possible for me to further advance this matter.

Mislabelling of Kerry Foods Product

1. I was informed by either or both of (Lynn's CEO) and [Technical Director of Lynn's] that Lynn's had contacted the FSA in Northern Ireland.

2. As you know from the evidence, what happened is that Lynn's discovered that Denny's Ham "all natural" product contained a concealed, banned carcinogenic curing agent. I was told that this had been reported to the FSA in Northern Ireland who had not taken any effective action.

In light of the information I was given regarding the carcinogenic product, as well as its obvious dangers which I knew and the fact that it was going to be marketed in Great Britain, I decided to take this to the national level and approach the FSA in England, to alert them of the unlawfulness of this product and the risk to consumers.

It was my decision to approach the FSA in England. I decided to do when I was made aware of this issue and that is what I then did.

3. No.

4. As soon as I was told that Denny's Ham contained a carcinogenic curing agent which was prohibited under EU law, I recognised that this was a serious wrong, as I am sure that anyone else would have done.

5. Lynn's was hoping to protect consumers from eating a concealed carcinogenic product. Some 16,000 people a year die of colorectal cancer in the UK and these diseases are known to be linked medically with the consumption of carcinogens in food, particularly in processed meats.

6. I was acting to protect my constituents and the general public in accordance with my duties as an MP.

7. I arranged for a substantial volume of evidence to be made available to the FSA via the independent expert [Professor of Food Safety], who attended and met with the FSA. I hope you have read and considered his detailed evidence in relation to this issue and in particular that he describes this as the worst case of product mis-selling he had ever seen. Do you accept his evidence? If not, why not?

8. [FSA employee's] email to which you refer was an internal FSA email that doesn't reflect the witness evidence with which you have been provided by a number of witnesses. Each of these statements has been made under a statement of truth so I am not quite sure why you are putting to me three lines from an email which was never sent to me at the time when you have a substantial volume of witness evidence that explains in detail what happened.

You will see from the witness evidence that the problem was the lack of understanding by the representatives of the FSA as to Kerry's and Lynn's curing agents. The FSA incorrectly assumed and asserted that Lynn's used the same curing agent and so they thought that Lynn's were acting out of self-interest and perhaps you are making the same mistake. The fact is the scientific evidence is conclusive in demonstrating that totally different curing agents were being used. Kerry Foods products contained nitrite which was prohibited in this form. Lynn's did not include or involve nitrites and used a natural curing process.

It was the FSA who raised this issue and who then went on to challenge Lynn's labelling. This is set out in the witness evidence with which you have been provided.

I think it is worth mentioning that a signed witness statement carries significantly more weight than a line in an email which was not sent to me or anyone at Lynn's at the time so that we could not challenge it. Here you have four witness statements which are telling you what happened and if you do not believe them, I would like to know why because discounting unduly would not be fair or in accordance with natural justice.

9. Kerry Foods removed the prohibited curing agent in Denny's Ham and replaced it with a lawful curing agent. Therefore, Kerry Foods suffered no loss. They continue to sell their ham, but it is now healthier and safer for consumers, as the prohibited curing agent has been removed. I had protected the public.

I continue to be concerned about nitrites in food and this concern is voiced by organisations such as the WHO, as well as companies and governments.

Chief Vet/NML

You then ask three questions regarding the above, the answers to which merit this separate sub heading.

I refer you to the evidence of the Chief Vet which answers question 1.

I refer you to the Chief Vet's minute of the meeting which answers question 2.

In your draft memoranda, you accuse me of not having dealt with the Chief Vet. This is an example of a failure to understand the most basic facts relating to the issues you are investigating - this problem arises because you have not contacted witnesses.

You have known who the Chief Vet is throughout this matter and so far, as far as I am aware, you have not approached her.

The evidence in your possession proves that my sole motivation was to protect the public and improve milk safety and quality. Thanks to my work, the UK now tests for Florfenicol and has better milk safety standards.

I have been prevented from carrying on my work because of this investigation which has gone on for far too long. These matters should have been dealt with in a meeting with me at the outset.
I intend to continue my work to improve dairy standards as I represent a constituency where dairy farming and dairy products are a major employer.

Public Resources

I have provided you with witness evidence from three senior Members of the House and a Government Minister explaining the use to which MPs put their offices and the extraordinary circumstances of 2017-2019 when Members were directed by their Whips to remain on the Estate.
I have conducted a relatively small number of meetings in my office. This is in accordance with the evidence you have been provided.

Some of those meetings were with civil servants who are engaged in advising on, amongst other matters, the Rules of Conduct, none of whom ever raised an issue as to the probity of these meetings.

I served tea, coffee and biscuits at some of these meetings, but these were not paid for out of public funds.

The evidence I have provided demonstrates that I have not misused public resources.

You ask "What test do you apply when considering whether your use of public resources is in support of your parliamentary duties?". This is an odd question to ask, particularly after such a long investigation. The test I have always applied and continue to apply is whether or not my (very limited) use of public resources in fact, in my opinion, supports my parliamentary duties, and to satisfy myself that such use does not confer any undue personal or financial benefit on myself, or anyone else.

Further Meeting

Once you have considered the evidence, including the Home Secretary's statement to follow, then I would like a further meeting so that if you have any remaining concerns you can put them to me and I can answer them. This is requested as part of a fair process compliant with natural justice.

38. Letter from the Commissioner to the former Secretary of State for DfID, 21 April 2021

I am writing to seek your assistance with an inquiry I am undertaking concerning the conduct of the Rt Hon Owen Paterson MP. Mr Paterson is a consultant for Randox. I am investigating whether Mr Paterson breached the rules on paid advocacy, declaration and use of House-provided resources with regards to his consultancy with this company.

I should first explain that my role is to investigate allegations that MPs have acted in breach of the Code of Conduct for Members. This inquiry is focussed solely on whether or not Mr Paterson has acted in breach of the 2015 Code of Conduct.

Mr Paterson has indicated to me that you hold evidence relevant to my inquiry. He has referenced a conversation he had with you on 12 October 2016 in the House of Commons and has provided me with a letter he sent you the following day, which I have attached. Please may you provide responses to the following questions:

In as much detail as possible, what you recall about your conversation with Mr Paterson on 12 October 2016. Please cover the following questions:

- How did the conversation start?
- Who initiated the conversation?
- What was the conversation about?
- How long did the conversation last?
- Were you aware of Mr Paterson's role at Randox Laboratories? If so, how had you been made aware?
- What, if anything, was agreed during this conversation?
- What action did you take in respect of this conversation?
- What action did you expect Mr Paterson to take in respect of this conversation?

Regarding Mr Paterson's letter to you on 13 October 2016, please record in as much detail as possible what you recall about this letter. Please cover the following questions:

- What action did you take in response to this letter?
- Were you expecting this letter from Mr Paterson following your conversation from the previous day?

Mr Paterson has provided a letter from Randox sent to you on 28 July 2016, which I have attached. Do you recall receiving this letter? If yes, what action did you take in respect of this letter?

Is there anything else you would like to add?

Correspondence with my office, including this letter, is now part of the evidence for this inquiry and is protected by parliamentary privilege. This means you must not disclose this letter, or your response, to others except insofar as it is necessary for you to do so in order to respond to my request. Should that be necessary those with whom it is shared will be similarly bound and you should ensure that they understand these confidentiality provisions.

The statement provided by you and any other material provided is confidential to my inquiry. Any such material is likely to be published once my inquiries are concluded. Depending on the outcome of the inquiry, it will either be on my own webpages or as part of an appendix to a report by the Committee on Standards.

I do not routinely publish the names of third parties who have provided evidence for my inquiries, except where their identities are material to the decisions I reach or where such information is already in the public domain. The content of any report which I might publish at the end of an inquiry would be a matter for me alone, but I would be willing to consider representations about the redaction of any personal/identifying details if that were relevant.

I would be extremely grateful for your help on this matter. Please respond to my enquiries by Wednesday 29 April. If this is not possible, it would be helpful to have an early estimate of the time it will take to provide your response.

21 April 2021

39. Material provided by the FSA on 23 April 2021

These documents were provided by the FSA to the Commissioner at the Commissioner's request (see Written Evidence 34). The material is extensive, and we have therefore copied below only material on which the Commissioner has relied. Other material has not been included.

39i FOI 2422

Internal FSA email, 22 January 2018

Finnebrogue pushed OP quite hard on the Kerry point and my response was the same as yours. OP read from his 'notes' of the 15th Nov meeting but I don't recall his playback being as definitive as his mail below suggests. At the most recent meeting Finnebrogue asked what FSA would do to 'protect me' but when I played this back in terms of competition the move to 'nitrate free' became more altruistic in terms of public health. OP did declare his interest at the start of the meeting.

22 January 2018

Internal FSA Email, 24 January 2018

As you know, I attended the first meeting on 15 November 2017 with Heather and David. As Heather says, we did not agree what OP is suggesting at that meeting. The points in his e-mail are more akin to what Finnebrogue originally hoped to get out of the meeting. In the event, they were content with the action the FSA had taken which resulting in FSAI getting the RoI company to agree to reformulate and relabel their product. They also welcomed our confirmation of the legislative position / EU Guidance (on which there was full consensus) and even went as far to say that they didn't want to attack/antagonise the RoI company (although they certainly wanted to ensure that their non-compliant product comes off the market).

We flagged - and they acknowledged - the need to maintain the constructive working relationship between FSANI and FSAI and to play our role, more generally, in maintaining North/South relations in the light of EU exit. We were clear that the FSA has no jurisdiction in the RoI and as such is not in a position to compel FSAI to do anything, although we very much welcomed the action that FSAI had taken. We also touched upon being realistic about the timescales for change given that the product had been on the RoI market for 6 years.

The reason Finnebrogue's own compliance came under scrutiny is because they chose to use the remainder of meeting to "sell" their product referencing WHO/nitrates/nitrates/cancer etc. We advised that the FSA supports innovation within the legislative framework and efforts to protect health without compromising food safety etc. They described, in very basic terms, what the substance they are using is/does. This included references to "flavourings already on the market", "pomegranate extract" and a "preservative" effect. Bearing in mind discussions on the legislative requirements earlier in the meeting (on which there was consensus), I asked how their product complies with the same rules that their competitor's product does not. They said several times that the substance they use does not contain nitrates/nitrites and I explained that, as had been discussed, from a regulatory perspective the use of any substance in food to perform an additive function could mean that the substance needs to be authorised as a food additive before it can be so used. At this first meeting, they could not demonstrate that their product was compliant in this regard.

As regards the follow-up letter, we ultimately agreed that we would write to Finnebrogue confirming the legislative position and EU guidance (i.e. the basis on which the RoI company's product was deemed non-compliant) and outlining the position with FSAI/the RoI company (i.e. that which we had agreed with FSAI was suitable for release into the public domain). Given the potential issues about the compliance of Finnebrogue's product, we also included a general line that Finnebrogue should assure themselves of the compliance of their product before placing it on the market. Some notes on the points in OP's e-mail:

1. Kerry should reformulate their products following your challenges to their adherence to the FSA and EU guidance on nitrates/nitrites from vegetable extracts.

Partly correct. Kerry had agreed with FSAI to reformulate and relabel. The FSA clearly has no jurisdiction in the RoI and the guidance is EU guidance (which the UK follows, as do other Member States).

2. The FSAI would inform you of the changes before the product was released back into the UK market.
That is what they wanted. In the event we said that FSANI we would keep in touch with FSAI on the issue and, as all had agreed, continued good relations with the RoI are crucial particularly in the light of EU Exit. We also mentioned being realistic about the timescales for change given that the product had been on the RoI market for 6 years. I can't remember, but if challenged on RASFF/bans etc. in respect of the RoI company's product we would have said that this would not be possible as there is apparently no safety concern.

3. You would write to Finnebrogue or the trade press confirming the above action. This letter could then be used to warn the multiples and other suppliers not to use this form of additive/technology in the future.

We agreed to write to Finnebrogue as I have outlined above rather than the trade press (which I sense is what they really wanted). As the letter was to set out the position with regard to the EU legislation and guidance we knew that this would provide Finnebrogue with the material which they could, in turn, use to warn "the multiples and other suppliers not to use this form of additive/technology in the future". However, the addition -rightly - of the point in the letter about them ensuring the compliance of their own product–instigated by their own choice to "sell" their product during the meeting–may have got in the way of them doing so.

24 January 2018

39ii *FOI 2476*

These documents were provided by the FSA to the Commissioner at the Commissioner's request (see Written Evidence 34). The material is extensive, and we have therefore copied below only material on which the Commissioner has relied. Other material has not been included.

Internal FSA Email sent on 24 November 2017

I personally felt that as the meeting revealed that (a) the issue was essentially all about the NI company trying to clear the market for the launch of its own product(s) and (b) they could potentially be proposing to do something just as illegal as the RoI company, this put a different complexion on matters and would therefore lead us towards a more generic draft explaining the EU/legal position (which is indeed what we produced). This would avoid the NI company being able to quote from a letter from the FSA stating categorically that another company is in the wrong which might enable them to occupy "high ground" to which they may well not be entitled. A significant part of the meeting was devoted to the NI company trying portray a "David versus Goliath" battle and to promote their product(s) as healthier/safer than others (the RoI company's in particular) because the pomegranate/[Section 43] flavouring blend they use does not (apparently) contain nitrates/nitrites, whilst sidestepping the key issue of explaining how this blend is not a food additive by definition.

39 iii FOI 2476 Forde Law to FSA

39 iv Paterson Owen MP 30 November 2016

39 v Paterson Owen MP 10 February 2018

39 vi Owen Paterson MP 10 December 2018

39vii Freedom of Information request to the FSA

These documents were provided by the FSA to the Commissioner at the Commissioner's request (see Written Evidence 34). The material is extensive, and we have therefore copied only material on which the Commissioner has relied. Other material has not been included.

40. Former Secretary of State for DfID's Statement, 11 May 2021

When I became Secretary of State for the Department for International Development (DFID), the Department faced considerable challenges. In particular a lack of supplier competition with very few contractors being selected for most major contracts. This led to poor value for money for the taxpayer, whilst delivering often poor outcomes for recipients of aid.

As Secretary of State, alongside other ministers, I encouraged MPs to bring new suppliers, technologies, and charities to the attention of the Department in order to diversify and deliver better value for money and better outcomes. The Department also carried out a full supplier review.

It is against this backdrop that I recall Mr Patterson approaching me in the division lobby in October 2016 to draw my attention to harmful medical practices resulting from a lack of calibration of laboratory equipment in medical centres in the developing world.

Mr Paterson stated he was a paid consultant to Randox Laboratories. He said that Randox had written to the Department regarding technologies for laboratory calibration technology, but they had not received a reply.

I had not seen this letter. More often than not, letters written to Secretaries of State in their Department do not reach them directly.

I informed Mr Paterson that I would speak to officials in the Department to check if a reply had been sent to Randox. The matter was picked up by the Minister for State, Rory Stewart.

Mr Paterson's motivation as an MP is to effect change and drive better outcomes. I do not believe there was impropriety in his approach to DFID and he was always completely transparent in his position as a consultant to Randox.

If I can provide any more information, please do not hesitate to contact me.

41. Transcript of meeting between Mr Paterson and Commissioner, 3 June 2021

This evidence includes redactions, authorised by the Committee, of material which is of a sensitive personal nature or material which in the view of the Committee might be legally actionable were it not subject to parliamentary privilege.

Thursday 3 June 2021 11:00-11:30 Microsoft Teams Meeting

Rt Hon Owen Paterson MP (OP)
Mr Paterson's Solicitor (OP's Solicitor)
Ms Kathryn Stone OBE, Parliamentary Commissioner for Standards (PCS)
Legal Adviser to the Commissioner (LA)
PCS Office Manager (OM)

PCS: Good morning, very good to see you again Mr Paterson. May I please introduce my colleague (LA) who you haven't met before. (LA) is the Legal Adviser in my team and she's sitting in with me today. (LA), Mr Paterson is in view. (OP's Solicitor), Mr Paterson's solicitor is just off camera.

Just to remind you, as we did previously, we are recording this conversation so that we can provide a transcript to you and because of our technical - dare I say – incompetence, my colleague (OM), who's our Office Manager, is in the background to manage the tech. So there we are.

Mr Paterson, you've invited us to a meeting. Very, very happy to be here. Very happy to discuss the process and next steps with you. Over to you for what you want to achieve from the meeting.

OP'S SOLICITOR: What we would like to achieve from the meeting is to understand where you are in terms of your process, and we think that - we might be wrong on our part - but we think your process is to a part predicated by your views on the evidence that we've submitted.

PCS: Okay.

OP'S SOLICITOR: And if that could be our starting point, we'd find that helpful.

PCS: Okay, very very happy to discuss process (OP's Solicitor), and what we're going to do now following the submission of additional material, including correspondence from the Home Secretary…we are going to conclude the revision of our memorandum in the light of the additional material that was sent through. The revised memorandum will be sent to Mr Paterson on Friday next week, so Friday the 11th and Mr Paterson will be invited to check the factual accuracy of the amended sections of the memorandum. That's the purpose of sending the memorandum to you, and I would hope that you would be able to return that back to me by the following Friday - the amended sections to consider.

OP'S SOLICITOR: The 18th?

PCS: The 18th yes.

OP'S SOLICITOR: Can I mention one thing, which is that I've got a problem with a disc in my neck.

PCS: Oh, I'm sorry.

OP'S SOLICITOR: No, it's alright. I've got to go in next week and just have a second injection and I'm just out for a couple of days at least. If we could push back our response by a week that will enable me to have the time to deal with that.

OP: Can I also make a very clear statement. [redacted] So, I will not be responding to anybody in the week commencing the 21st because my family are reassembling.

PCS: Mr Paterson, I am acutely conscious of the anniversary of your wife's death. I am acutely conscious of that. I've expressed my condolences previously and I must say to you again, I am sincerely sorry for your loss. Given (OP's Solicitor)'s operation and the anniversary, I'm going to suggest that we push this back to the end of June if that's convenient for both of you.

OP'S SOLICITOR: Second of July is the Friday of that week, that would be a good time.

PCS: The second of July, and to say again I am acutely conscious of the times here.

So, the analysis and the interpretation of that evidence, that information is for me alone at this point. Once I've received your response by the second of July, I will amend any kind of factual inaccuracies which you've identified if I agree with them. And then I'll send it to the Committee, and the Clerk will then be in touch with Mr Paterson, to invite him to submit written evidence to the Committee or to appear in person if he wishes to do so.

So, the process from now just to repeat that then is that we are concluding our revision of the memorandum in light of the additional material that is sent. You will receive that on next Friday the 11th of June. We've just agreed that you will review the amended sections of the memorandum for factual accuracy and return that to me by the second of July. Once I've seen that, if there are factual inaccuracies, if we've got any dates wrong, if we've got any names wrong or places wrong, we will amend that and then we will submit the memorandum to the Committee. My investigation is now concluded, and it will be for the Committee now to determine whether they agree with me or they do not agree with me.

OP'S SOLICITOR: I mean, obviously we don't know at this point what your conclusions are. We believe that we've submitted voluminous evidence to demonstrate that the initial findings that preceded the evidence are not supported. You know, natural justice can show that there is just a massive weight of evidence. What I'm proposing to do is just to send what I hope is a short analysis of that

evidence. It runs to about six or seven pages, no more than that. I don't know (PCS) or (LA), if we could have a conversation, not today necessarily, but as a lawyer I would like to understand the evidential threshold which is being applied in the investigation.

I'd like to understand how if there are allegations that stand up and there is a substantial volume of evidence to the contrary, I'd like to understand how it is that those allegations do stand against that weight of evidence. What evidence is accepted? What evidence is rejected and where it's rejected, why it's rejected so that we have, you know, what I would consider to be…I'm not being in any way disrespectful, but just a fair process in the ordinary way that you reach your conclusions. You explain them to us and that we have an opportunity to say, well that's you know if it's appropriate, that's against the weight of evidence and we would like the opportunity to go through that process with you when we received your draft report.

PCS: (LA)?

LA: The burden of proof is a civil standard, balance of probabilities. The explanation as to how the Commissioner comes to her conclusion, which evidence she has accepted or which she hasn't, will be set out in the memorandum. The place for what you're trying to put forward, is your explanation as to why you may or may not agree with her, is later at the Commission…the Committee. So that's when you put forward your explanation, the Commissioner's finished her investigation now or she will do once she's finished going through the final evidence you've submitted. So it's not now a moment to open it up and discuss whether or not you agree with her. The Committee is the place for that, and they decide whether or not they agree with her, having heard your evidence, your submissions, her memorandum. Is that clear?

OP'S SOLICITOR: Yes, that's clear. In relation to the Committee, my understanding is the Committee is the decision maker of its own process and if there are going to be issues of fact between us, then we would just like to ensure that there is a proper process before that Committee where the witnesses can attend and give evidence and can be examined if necessary.

LA: That's not how the procedure works. There's a factual accuracy check for you to point out any inaccuracies in the memorandum. If you want to give evidence or to ask the Committee to consider other evidence, that is the place for that. It's not now when the investigation's finished.

OP: Could I chip in? The first draft memorandum showed very, very serious misunderstandings of basic fact. Some of those have been repeated in very recent correspondence. So, in the very last letter of the Commissioner, after our last meeting, there was an allegation concerning a quote from an alleged senior official, which turned out to be Professor Poppy. Now that showed a total misunderstanding of the issue. Professor Poppy himself, a senior scientist had raised an issue with me. I had not raised it, so I think, given the huge misunderstandings in the last draft memorandum, I was accused of not contacting

the Chief Whip. Not only had I just not contacted the Chief Whip, I had a meeting with her in my office. We set up a little committee called the Milk Quality Forum and I met the Chief Whip…

OP'S SOLICITOR: Chief Vet

OP: Chief Vet sorry, and I do think it's important that we do see your next draft memorandum and we have a chance to discuss it with you because they were huge basic misunderstandings on virtually every issue. I would not want a report like that to go to the Committee.

PCS: Okay, so Mr Paterson, there have been a number of opportunities for you to comment on different iterations of the memorandum. You've submitted additional material, additional evidence to support your position. We've considered that very carefully, we've revised the Memorandum in line with your additional material. We will be sending that to you next week. If you feel there continue to be errors of fact in the memorandum, then please do respond to that as we've agreed by the second of July.

If you disagree with the interpretation or the analysis that I've undertaken, that's a matter for you to discuss with the Committee. The analysis and the interpretation are for me and for me alone at this point. The Committee will determine whether or not they agree with me or they agree with you.

OP: Okay so if we take one issue which is you accused me of not declaring an interest. Even some of your own evidence, an internal memo which I had never seen from the FSA, stated that I had declared an interest. Subsequently we have sent you evidence from ten witnesses who were actually in meetings. The Guardian who made these original allegations were not in any meeting. Trickett, is hard left Labour MP who campaigns ad hominem against Tory MPs like me was not in any of the meetings. I've given you evidence from ten witnesses who were in those meetings. Every one of them has said I declared an interest, so if you're going to maintain that, I would like to know on what basis you have other evidence.

PCS: Mr Paterson, you haven't actually read the revised memorandum yet, and I would invite you to read the revised memorandum, particularly on the point about declarations, because you will see that we've considered very carefully the material that you sent to us and considered very carefully the matter of declarations. So I would invite you to just read through that memorandum, and if you still feel that there are errors of fact, then please do let me know by the second of July.

OP'S SOLICITOR: We'll do that and presumably if in that period, that last week of July if we'd like to have a further Zoom call with you, like this one, we can request that.

PCS: You can indeed (OP's Solicitor). You can indeed. But just to repeat again as I've said in this, and (LA)'s said - my investigation is now concluded. I am happy to take consideration of any errors of fact and consider them very carefully, as I've

done with other material that's been submitted, and to ensure that you feel that you've had the opportunity to respond to matters of factual inaccuracy.

OP'S SOLICITOR: I understand that, I'm grateful for that. I mean, from our point of view, it's not something for now, but in addition to making sure that the facts as you state them are correct…I mean, obviously, you know Mr Paterson's rights are at play here, so we wish to understand that if there are findings against him why evidence is rejected that's been provided and what the evidence is that supports those findings?

Because of course, you know I don't believe that this process that we're going to go through, it's in any way compliant with Article 6, and what I'm interested in doing is to make sure that it is as compliant as possible in that we actually have a proper and fair determination of rights, which involves if there are issues of fact - witnesses attending, giving evidence and people making objective decisions in the Committee.

PCS: The evidence, the material, the information it is included in the memorandum and has been considered very carefully in the memorandum and where we have not considered that material we set out clearly in the memorandum why we haven't considered that material so...

OP: Could I raise the issue please, of evidence. On several occasions I've asked you to provide me with all the evidential material that you've used. You've occasionally taken random quotes from anonymous memorandums of internal documents from the FSA. We have provided you with signed witness documents taken down by a very experienced lawyer and I think some difference in quality. I wonder if you could please deliver all that evidence so we can see the whole thing.

PCS: Of course.

OP: Because I think on some of that mistakenly you quoted stuff which actually endorses my case, which you thought it condemned me. So I think it's a basic principle of disclosure, we've provided you with our evidence and I'd like you to provide everything…absolutely every document you've looked at. I've no idea what the FOIs are that the Guardian originally looked at because I haven't seen them, but I think we're 20 months into this investigation, it's only fair and proper. I think it does accord with the principles of justice that you give me every single document that you've looked at and I have requested this on several occasions, verbally and in writing, and it's now getting quite late, it's now the third of June. I would like to see every single document so that we can go through and see what you're picking and choosing from.

PCS: Mr Paterson of course that will be appended to the memorandum and of course it's right that you see that and what you've just identified is a difference in interpretation and this is what the Committee will consider very carefully. If you consider one piece of evidence to support your case and we consider it to support our case, that's for the Committee to decide on the balance of probability. So of

course, I'm happy to provide that information to you. It will be appended to the memorandum that we will send out to you next Friday.

OP: So I will get the totality? Every single page, every email that you've looked at…

PCS: Yes.

OP: Because what you've done so far is to cherry pick documents which you think endorse the Guardian's case against me…

PCS: No

OP: I think there may well be information in those memorandums in those FOIs, emails, I don't know what you've got. There may well be stuff in there which actually totally exonerates me, but I would like to be able to read that myself and have my lawyers look at it. I want to see the absolute totality, every single document you've looked at, not just the ones that you think endorse your case.

PCS: Okay I want to be absolutely clear that this investigation has not been about supporting the Guardian's case. This investigation has been about investigating allegations of breaches of the Code of Conduct, not anything that the Guardian may or may not have said. So, I just want to be absolutely clear about that and also to say that we will send you that information.

OP'S SOLICITOR: Thank you.

OP: Well, I'd just like to comment on that. I mean, I think you quoted the Guardian in your very first letter to me. In fact, your first letter 30th October 2019 it's in the first line – "I would welcome your help with an inquiry…following a recent article in The Guardian"

PCS: Following. Following a recent article in The Guardian, Mr Paterson. We have not conducted this investigation to support any case put forward by The Guardian newspaper. We are investigating breaches of the Code of Conduct and you and I disagree about my interpretation of what the Rules of Conduct are. Rules which support the Code of Conduct and your conduct in respect of a number of matters relating to blood testing, antibiotics in milk and nitrites in bacon, we have a different interpretation of that. Let's stick to the process today, you'll be able to read in the memorandum the detail. We will supply you with the evidence that we have relied on. The memorandum will set out where we have not relied on material that you sent us and why, and you will receive that by Friday of next week. On Friday of next week and we will look forward to your responses coming back by the second of July.

OP'S SOLICITOR: So we'll get everything then, everything will be attached to the draft memoranda, we can have a further Zoom call if we wish in the week ending the second of July.

PCS: Yes, that's right. That pushes us up very very close to recess. So there is a possibility that this matter might not be able to go before the Committee until after recess, which will be unfortunate, but I absolutely understand the reasons that we need to push back. And of course, I'm very supportive of that.

OP'S SOLICITOR: I think that covered everything.

PCS: Okay thank you very much. Very best of luck with your surgery and Mr Paterson I will be thinking of you and your family in the coming weeks.

PB/OP: Thank you very much.

3 June 2021

42. Letter from the Commissioner to Mr Paterson, 11 June 2021

Dear Mr Paterson

I attach a pdf copy of the second draft of my memorandum to the Committee, along with the written evidence upon which I have relied. This is in accordance with the arrangements agreed with the Committee on Standards and outlined in the Commissioner's Information Note, a copy of which I sent to you when I began this inquiry.

There are several things I should explain about the draft report. The first is, as I am sure you are aware, that the content of my report is a matter for me alone. However, I would welcome your comments on its factual accuracy.

I have included in the written evidence pack appended to the memorandum the evidence I have gathered during the course of my inquiry. Some of the documents are too large to be included in the main written evidence pack and will therefore be provided separately. When the Committee publishes its own Report after considering a memorandum from me, they routinely publish the written evidence in a separate volume.

You have stated that I have not provided you with all of the evidential material. The majority of the evidence appended to the memorandum has already either been sent to you previously or is documentation which has been provided by you. The only documents you have not yet have sight of are Written Evidence 35, 38 and 39. Written Evidence 39 is the material I have received from the FSA. In light of your request I have sent the material in the form it was provided to me by the FSA. You have referred to the FOI requests, as I stated in my letter of 12 January 2021, this material is available to see on the FSA website in accordance with their practice of publishing responses to FOI requests.

With regards to correspondence with third parties, I have included any requests I have made to third parties for evidence, and their responses, within the written evidence pack.

I thought it would be useful to summarise when the written evidence I have gathered has been sent to you during the course of this inquiry.

Evidence	Date sent
Written Evidence 2 and 3(i)-(xxvi)	30 October 2019
Written Evidence 9 - Registrar Advice	25 February 2020
Written Evidence 1-19	1 December 2020
Written Evidence 20-33	Correspondence between OP and PCS
Written Evidence 35	Attached
Written Evidence 35	31 March 2021
Written Evidence 36-37	Correspondence between OP and PCS
Written Evidence 38-39	Attached
Written Evidence 40	Provided by OP on 27 May 2021

I would be grateful to have your comments as soon as possible and by no later than 2 July 2021, as agreed. Subject to any such comments, I would hope to submit my memorandum to the Committee shortly after that.

You will see that I have redacted the personal details of third parties where that information is not relevant to my decision. If you think I should consider redacting any additional material, please identify the material and explain why you think it should be redacted. I will consider carefully any such request.

I will let you know when I send the memorandum to the Committee and the Clerk would then let you know when a date has been arranged for the Committee to consider the report. He will send you a copy of the final text shortly before the Committee meeting. The Clerk will also offer you the opportunity to submit written comments or to address the Committee should you wish to do so before it reaches a conclusion.

A copy of this letter and the draft memorandum has been sent to your legal adviser, as requested. In the meantime, our correspondence about this inquiry remains protected by parliamentary privilege and you should continue to keep this matter strictly confidential.

May I take this opportunity to remind you of the support which is available to you. The Parliamentary Health and Wellbeing Service provides confidential support and counselling and their contact number is 0207 219 4014 or 0943, email: PHWS@parliament.uk. The Employee Assistance Programme (which is also available to Members) provides a 24-hour, 7day a week service on 0800 030 5182. Details of how to contact them on-line are available on the parliamentary intranet: https://intranet.parliament.uk/employment/health-and-wellbeing/

Enc. A copy of draft Memorandum and Written evidence pack

11 June 2021

43. Letter from Mr Paterson to the Commissioner, 2 July 2021

This written evidence includes redactions, authorised by the Committee, of material which is of a sensitive personal nature or material which in the view of the Committee might be legally actionable were it not subject to parliamentary privilege.

Dear Ms Stone,

Further to our recent agreement, my response follows as requested.

Introduction

You have asked me to inform you of any factual inaccuracies in your second draft memorandum by close on 2nd July 2021. Your report is substantially and factually inaccurate. This is due to three fundamental failures in your investigation and analysis:
A failure to accept and apply uncontested witness evidence, as a result the facts you find in each issue are wrong. The draft report has not been produced in accordance with the basic rules of natural justice. This governs your work. As a result it is inaccurate.

You have misapplied the key Rule in the Code of Conduct (Paragraph 9 of Chapter 3 of the Code of Conduct) and have created an incorrect test, which has produced a false and wrong analysis.

In addition, despite specifically asking me to provide you with any amendments to the transcript of our conversation on 26th March 2021, which I did on 20th April 2021, you have included your previous version of the transcript within your second draft memorandum. You have also failed to provide a transcript of our conversation on 3rd June 2021, despite advising me that a transcript would be provided following the call.

References to paragraph numbers unless otherwise stated are to paragraphs within your Report.

Uncontested Witness Evidence

It is a basic rule of natural justice and the common law that uncontested evidence of a witness has to be accepted and applied. You have not done this.

This has been the position for over 100 years. In Browne v Dunn (1893) 6 R 67 it was held that it is only fair to witnesses that if their evidence is to be disbelieved, they must be given a fair opportunity to deal with any challenge and where a witness's evidence is not challenged, it is deemed to be accepted.

This binding legal authority has been applied on many occasions and provides a basic standard of fairness. By way of example it was recently followed in the 2018 employment tribunal case of Jesudason v Alder Hey Children's NHS Foundation Trust in which it was held that, "The rule of law was that an adverse finding could

not be made in respect of a significant matter on which the relevant witnesses had not been challenged. "

Your work is subject to the common law. It is not open to you to ignore and not apply unchallenged witness evidence. This failure fundamentally undermines your work.
You have received evidence from key witnesses of fact and experts, had every opportunity to speak to those witnesses, whose contact details you requested and I provided on 9th April 2021, so that you could speak to them, but you have not done so.- You then reject most of the witness evidence as being irrelevant, when it is directly relevant and only relates to the issues you are investigating.

The witness statements supplied have been signed under a perjury declaration/statement of truth. You do not refer to this. It demonstrates the truthfulness of the evidence given. Some witnesses sent emails as that was all that could be obtained in the time available. This stands as evidence and was directed to you.

Natural Justice

Your report does not comply with natural justice and so it would be wrong for the Committee on Standards to consider your report, as it is not compliant with the very standard to which you work. I have given consideration as to how this matter can proceed from here because, after 20 months, I wish this matter to be quickly and fairly determined.

Natural Justice requires a fair, thorough, objective investigation undertaken in accordance with basic legal principles. This reply addresses many failings in this regard.

You explained to me that you undertake an inquisitorial process and you will decide what steps you take. I do not disagree that you conduct an inquisitorial process, but it is one that is subject to the common law and natural justice, as we all are. Accordingly, it is not open to you to ignore unchallenged witness evidence or dismiss it as irrelevant.

The tagline to your correspondence is "Independent I Impartial I Thorough Fair".

Chris Bryant MP, Chair of the Committee on Standards, said on 12th May 2021 in the House of Commons:
"I am absolutely clear in my mind, and I'm sure the Committee is, both that the Commissioner was granted the power to do this by the House - indeed was required to do this, in returning to the situation that existed before July 2018 - and, **even more importantly, that the Committee will always consider every single instance that comes be/ore us on an entirely impartial basis, so as to secure justice and fairness for every single Member of this House**." (My emphasis).
Code of Conduct Paragraph 9, Chapter 3

You have misapplied Paragraph 9 of Chapter 3 by inserting a financial test that isn't within the Rule.

This Rule expressly permits any Member to approach a Minister or public official with evidence of a serious wrong or substantial injustice even if there may be an incidental effect of a financial or material benefit.

The issue is whether or not there is evidence of a serious wrong or substantial injustice. If there is, then the Member can approach a Minister or public official. The Rule states this in clear unambiguous terminology. The Rule is:

"Exceptionally, **a Member may approach the responsible Minister or public official with evidence of a serious wrong or substantial injustice** even if the resolution of any such wrong or injustice would have the incidental effect of conferring a financial or material benefit on an identifiable person from whom or an identifiable organisation from which the Member, or a member of his or her family, has received, is receiving or expects to receive, outside reward or consideration (or on a registrable client of that person or organisation)" (my emphasis)

This permits a Member:

To approach a Minister or public official;

With evidence of a serious wrong or substantial injustice; and

This applies whether or not the incidental effect of 1 and 2 above is to confer a benefit. Incidental means happening as a consequence of and so is "incidental to". Most importantly, in my case there was no benefit, as the uncontested witness evidence makes crystal clear.

The test that you apply when considering paragraph 9 is at paragraph 20 of your draft memorandum: "When deciding whether Mr Paterson has observed these rules on paid advocacy, I considered the following questions:
Did Mr Paterson initiate these approaches? (I'his would determine whether the approaches fell under paragraph B(a) or B(b) of the rules)
Was it an approach which sought to confer, or would have the effect of conferring, any financial or material benefit on either Randox or Lynn's?

If the answer to the first two questions was yes, was Mr Paterson acting under the exception in paragraph 9 of chapter 3 of the Guide to the Rules? In other words, was he approaching the responsible Minister or public official with evidence of a serious wrong or substantial injustice, where the resolution of that wrong or injustice would confer an incidental benefit on either Randox or Lynn's?"
This test is not within the Rule. It is wrong:

Limb (a), although correct, is not relevant. I have always said that I

approached: (i) the FSA regarding contaminated milk/ ham and (ii) DfID on the failure of calibration in medical equipment. There is no test to apply as you suggest in order to determine if l approached public officials as I did- the issue is why I did.

Limb (b) is not within the Rules. You have added an additional test which is incorrect. If a Member has evidence of a serious wrong the Member can approach a public official or Minister. You mistakenly apply a financial test. Yet the Rule is clear that where there is evidence of a serious wrong then an approach can be made even if the resolution of the wrong has the effect of conferring a financial or material benefit. This 'test' has drawn you into a false analysis of benefit.
If you are asserting that my motivation was solely to benefit Randox and Lynn's, then that would be perverse for the following reasons:
There was for each matter a clear and serious harm.
The unchallenged witness evidence is that I was dealing with a serious harm in each case and that was my sole motivation. So any benefit would have been incidental.
In addition, there was, as a matter of fact, as set out in the witness evidence, no benefit received by Randox or Lynn's.
You further apply two additional variations that are not within the Rule:
That the Member can make only one approach and cannot follow that up (at paragraph 62 of the second report), this draws you into false criticism of any follow up discussion or action and this is not prohibited by the Rule; and
In Paragraph 22 of the Draft Memorandum you imply that there is a further test, namely that an approach should only be made where alternative actions would not address the issue effectively or in time. You have created this and it is not within the Rules.
Overview of Issues

The Contamination of Milk and Ham with a Banned Carcinogenic Substance

You rightly accept that the presence of a concealed, banned, carcinogenic substance in milk is a "serious wrong". It can be nothing else. However, you deny that the presence of a concealed, banned, carcinogenic substance in ham is a "serious wrong". Your findings in this regard are not based on the science or the regulations, are mutually inconsistent and not in accordance with natural justice. They are both clearly "a serious wrong" and are based on identical facts.

In both cases, I acted to protect the public who consume milk and ham as is my duty. See the Duties of Members within part III of the Code of Conduct for Members: "Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents".

Where a Member is aware that food is contaminated with a prohibited carcinogenic substance it is their duty to act to protect the public and that is what I did.

Milk
In contrast to your findings at paragraph 81 of your report, there was no breach of the rules relating to milk.

You have ignored or not applied the unchallenged evidence provided by the Chief Vet, [Former Chair of FSA], [Director of NML], [Veterinary Adviser to NML],[Senior Manager at Randox], [Lynn's CEO] and [Professor of Food Safety].

My work has improved the safety of milk. Florfenicol which is a banned substance and so should not be in milk at all because it is inherently dangerous, is now tested for, when it was not before. In addition, flukicides, which are banned in dairy cattle, are now also tested for. This is the "resolution" of the serious wrong, and there is absolutely no evidence of financial or material benefit to Randox, but even if that was the case, such benefit would obviously be "incidental".

Following my engagement with the FSA and as milk was still not as safe as it could be, in 2019, I set up the Milk Quality Forum. This was created solely to improve milk safety. The evidence of [Director of NML] and the Chief Vet confirms that the Milk Quality Forum has improved milk safety. Randox has no role in this forum. I set this body up on an entirely pro bono basis and this confirms my motivation is and always has been consumer protection / milk safety.

The most telling evidence that you ignore as being irrelevant is that the FSA has no role to play in the actual testing of milk or the methodology of testing. It is the umbrella food safety agency. The testing of milk is done by the National Milk Laboratory who have always had Randox equipment. There was therefore no prospect whatsoever of Randox receiving a financial benefit and as a matter of fact Randox has not received a financial benefit. You ignore this evidence.

In an attempt to make good the allegation that Randox could have benefited from my actions you make a case, which is entirely unsupported by any evidence you have received. You find that as I was seeking an accreditation for Randox, this would have amounted to a material benefit. This is your own analysis and not evidenced, and not put to any witness, and it is wrong. Having an accreditation would permit the FSA to accept Randox test results and that would benefit the FSA not Randox, as the FSA doesn't test milk.

I acted solely to protect my constituents and the consumer because the presence of a banned carcinogenic substance in milk was a serious wrong (as you accept) and I followed that up to create a better and safe system for milk testing - all of which you ignore. As a matter of fact, there has been no financial benefit to me or to Randox and could not have been.

This approach fell fairly and squarely within paragraph 9, properly understood and applied.

Ham

In contrast to your findings at paragraph 155 of your report, there was no breach of the rules relating to nitrites in cured meat products.

You have ignored or not applied the evidence provided by [Professor of Food Safety], [Technical Director of Lynn's], [Communications Director of Lynn's] and [Legal adviser to Lynn's].

There is absolutely no difference whatsoever between this issue and the above issue relating to milk. They are both classic examples of a Member of Parliament becoming aware of a serious wrong. Both products contained a concealed, banned, carcinogenic substance. You have ignored the evidence of [Professor of Food Safety] who is entirely independent and a world leading authority. If you applied [Professor of Food Safety]'s evidence, you could not have reached the conclusions you have.

DfID
[Professor of Food Safety]'s evidence is that a banned, carcinogenic substance, nitrite from vegetable extract was used by Kerry Foods as the curing agent for Denny's Ham which was described as "all natural" and targeted at families with young children. Far from being all natural it contained an unlawful, dangerous product. That is why Kerry Foods withdrew the banned additive.

You have failed to understand, that the FSA mistakenly thought that Lynn's Country Foods were using the same curing agent as Kerry Foods. That was completely wrong.

If you had read and considered the evidence of [Legal adviser to Lynn's] and [Technical Director of Lynn's] you would know that Lynn's Country Foods do not use nitrite, they use a derivative of lemon juice. The FSA raised this issue, not me, and so when I was responding to the FSA I was not raising a matter with a public official, but dealing with a matter raised by a public official and that takes this issue firmly outside the rules on lobbying. To use the language of paragraph 9, I was not approaching the FSA on this issue.

Further to the above, Kerry Foods' product is ham. Lynn's Country Foods' primary product is bacon. There was no commercial advantage to be gained by Lynn's Country Foods. It is quite wrong to suggest that there was any commercial advantage to be gained where the issue relates to the removal of a concealed, banned, carcinogenic additive. Ultimately, Kerry Foods relaunched the product without the illegal additive and that is all that was desired of Lynn's Country Foods. The removal of the dangerous additive was the resolution of the serious wrong, and there was no financial or material benefit to Lynn's Country Foods - and if there was it could only be incidental.

I was protecting my constituents and the British consumer.

You find that I engaged in paid advocacy in a meeting with the then Rt Hon Rory Stewart MP on 12th January 2017 at paragraph 211 of your draft memorandum. However, you did not ask Mr Stewart, or so far as I know, anyone else who was present at the meeting for their views. Mr Stewart has informed you that there was no paid advocacy at that meeting. You have disregarded or rejected his uncontested evidence, which you are bound by law to follow.
You have ignored the evidence of [Senior Manager at Randox] as to the adverse health consequences of the failure to accurately calibrate medical equipment. This is a serious wrong.
You have ignored the evidence of the Home Secretary, Rt Hon Priti Patel MP, who confirms that under her leadership, DfID explicitly requested that Members of Parliament introduce companies with new technologies so as to allow DfID to understand the innovation that is happening across all industries due to the fast development of technology. It is fundamentally in the interest of Parliament and this nation as a whole to take advantage of new technologies to provide better outcomes for those we are seeking to help and this is all that I was doing.

The only reason why there was a delay between [Senior Manager at Randox] approaching DfID and my conversation with the Home Secretary was due to the parliamentary calendar and the summer recess which prevented me speaking with her before this point. This was not in any way a separate approach.

Declaration of Interests

You have received 10 uncontested witness statements, the combined evidence of which proves I always declared my interests. Despite this, you find that I did not. Rory Stewart states, "Owen Paterson **was totally clear with me as to his capacity as a consultant**."

Priti Patel at paragraph 5 of her statement, "**Mr Paterson stated he was a paid consultant to Randox Laboratories**" and later states at paragraph 8, "he was always completely transparent in his position as a consultant to Randox. "

The Chief Vet, [Chief Vet] states at paragraph 8, "Whilst I am aware that Mr Paterson is a consultant to Randox, **he declares this at each meeting**. at no point have I felt that these meetings have been used in any way as a sales pitch for Randox. " (my emphasis)

[Former Chair of FSA] at paragraph 4 states, "**At all times Mr Paterson explained** that the tests had been undertaken by Randox and **he was retained as a consultant by Randox**. "

[Professor of Food Safety] at paragraph 18 of his statement states, "The principal meeting was with the FSA on 15th January 2018. **Mr Paterson was clear that he was present in his capacity as a consultant to Lynn's Country Foods**. "

[Technical Director at Lynn's] at paragraph 11 of his statement states, "**Mr Paterson always stated he was a consultant in each meeting at the outset.** " At paragraph 20 of his statement he reiterates, "I do not recall the exact words Mr Paterson used at the beginning of each meeting but he would always say that he was a consultant acting on behalf of Lynn's Country Food. I remember thinking this was quite an awkward way to start a meeting but Mr Paterson always said it and his status was always abundantly clear. His position as consultant is also noted in the meeting minute of 24th May 2018."

[Legal adviser to Lynn at paragraph 12 of his statement states, "J have noted that Mr Paterson was attending in his capacity as a consultant for LCF. I recall that at the outset of the meeting all of the attendees were required to introduce themselves in turn, confirming the capacity in which they were attending.... I cannot remember the exact words Mr Paterson used when he introduced himself at the beginning of the meeting but I am reasonably certain that he **confirmed he was attending in his capacity as a paid consultant for LCF** and that everyone attending was aware that he was attending in this capacity and nobody took issue with this. " He goes on at paragraph 15 to state, "Mr Paterson was always transparent in the FSA dealings that I was involved with and there was never any question of the capacity he was acting in. "

[Senior manager at Randox] at paragraph 32 of his statement states, "I have attended a number of meetings with Owen Paterson with third parties present and **Mr Paterson invariably starts each meeting by saying he is a paid consultant to Randox**. To my memory he is fastidious in this. I have often thought that this was a very unnatural way to start a meeting but I understand that this was necessary to ensure Mr Paterson remained within the parliamentary rules. "

[Director at NML] at paragraph 10 of his statement states, "**Mr Paterson made it clear that he had three interests in this issue: (i) as the MP for North Shropshire, a rural constituency with a huge dairy industry, (ii) as the Former Defra Secretary; and (iii) as a paid consultant for Randox.**"

[Veterinary Adviser to NML] at paragraph 7 of his statement states, "**At each meeting Mr Paterson made it clear that he was there wearing three hats: (1) as the MP for North Shropshire a rural constituency and home to a Muller processing site; (2) as the Former Defra Secretary; and (3) as a paid consultant for Randox."**

Your finding is that I sent four emails to the Chair of the FSA without stating I was a consultant. However, my evidence and the witness evidence as above is that those communications were following up meetings and were to people who I had already informed that I was acting as a consultant. So there is no failure to disclose my interest. As a matter of fact, I always disclosed my interest. You know this from unchallenged witness evidence and your finding to the contrary is against the evidence you have. **In addition, the internal FSA briefing note of the 18th December 2018 meeting even states that I was a paid consultant to Randox:** The witness evidence is that I am scrupulous in disclosing my interests and I disclosed them, as you know from this evidence to be the case.

Use of Parliamentary Office

You have ignored the detailed evidence that has been provided to you by:
Rebecca Harris MP, a senior Government Whip, who concludes that, "**It has never been suggested to me that the use by an MP of his office for occasional meetings due to the need to be on the Parliamentary Estate is an abuse of the Rules on Conduct and I don't believe it is**. We certainly wanted MPs to do this during this period and not leave the Estate and we encouraged this."
Rt Hon Sir Iain Duncan Smith MP, the former leader of the Conservative Party and former Secretary of State for Work and Pensions, who states at paragraph 5 of his letter, "Many members take phone calls relating to their other interests within their parliamentary office. " And at paragraph 7, "When there is a whip in place, it is absolutely necessary to remain on the parliamentary estate. " He also states at paragraph 2, "The subject matter of any meeting could, in the future, become parliamentary business and so it is vital that we are aware of these issues."
[Former MP], the former Minister of State for Government Policy and advisor to Former Prime Ministers is a man of considerable standing within and outside of Parliament. You describe him in the report just as "a former MP". **He states, "there will inevitably be times when an MP who needs to be on the estate will need**

to make or receive calls or written communications, or will need to be involved in meetings, that relate to the party political, private or business dealings of that MP." He continues, "As someone who was (in the period between 2017 and 2019) actively involved in the Brexit debate, on the opposing side to that supported by Owen Paterson - that I can testify to the huge absorption of time during which participants on either side of the debate were compelled to remain on the parliamentary estate in order to be rapidly available for a series of often unpredictable and sometimes very important parliamentary interventions and votes."

Graham Stringer MP who is an experienced Labour MP and so not a supporter of a Conservative MP, but who nevertheless confirms the following, "It was very difficult during this period to plan to be away from the Parliamentary Estate as it was an extremely fluid situation in which amendments were being tabled to motions and then withdrawn or added at a late state and it was necessary to be closely monitoring all that was happening and that was difficult to do other than being within the Parliamentary Estate."

[Mr Paterson's Office Manager] my office manager, confirms, "Mr Paterson keeps his paid consultancies entirely separate from his duties as an MP. He always uses his personal phone and personal email address for his consultancy matters. He does not involve his office staff in issues relating to his consultancy work."

[Senior parliamentary assistant], my senior parliamentary assistant states, "Mr Paterson keeps his personal business entirely separate from his duties as an MP. I am not involved in his consultancy matters and he has never asked me to be."

Each of these witnesses gives evidence that is uncontested.

The effect of this evidence is that it proves that I was acting properly in convening a very limited number of meetings in my Parliamentary Office. Some 2.5% of the total meetings. On any sensible view of the evidence, this cannot be described as anything other than very occasional, and permitted, use of my office.

The evidence from these witnesses, particularly the Members of Parliament, was that I was acting as was required at the time as I had to be on the Parliamentary Estate. The Government Whip even states that Members of Parliament were actively encouraged to conduct their external business on the estate so as to ensure they could attend to parliamentary business at a moment's notice.

The above section (paragraphs 5.1/5.4) is a brief summary from which it is fair to conclude that you have not approached this matter in an even-handed way. You ignore unchallenged witness evidence so you can reach adverse findings, which conflict with witness evidence. This shows you have not followed a fair process and appear biased against me.

In paragraphs 7 to 8 of your Report you go further in criticising me for not having written consultancy contracts. This is bias, intentional or otherwise, as there is no requirement for me to have written consultancy contracts and at no point has the

Registrar or ACOBA or anyone else ever asked me to have written consultancy contracts or to produce them.

I have properly declared my interests in the Register of Member's Interests, since 2015. At no point has the Registrar approached me and asked whether or not I have written contracts and/or recommended that I should have a written contract. This criticism shows bias.

Fairness and Your Failure to Interview Witnesses (at all) and Me (for 14 months)

You have rejected the proposition that your work is subject to Article 6 of the European Convention of Human Rights, which is the statutory definition of natural justice. You accept your work is subject to natural justice.

It is important to note that Parliament has applied Article 6 to each and every workplace in the United Kingdom and it would be strange if Parliament sought to exempt itself and apply a lower standard than it has imposed on others.

Article 6 is not controversial and it simply states a definition of natural justice, "in the determination of his civil rights and obligations ...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

You are required to follow the common law and you have not done so. In adopting Standing Order 150 which expressly refers to natural justice, the House has incorporated a feature of common law. Then the question of what constitutes natural justice becomes a question oflaw to be determined by the ordinary courts. Equally, whether or not the House has complied with natural justice becomes a matter of law and no longer exclusively a matter of privilege. I invite your response on this important procedural protection. Do you accept that Article 6 applies to your process, and that it is subject to Judicial Review? It may be in all parties' interests for your Report to be tested in this way.

It is fundamentally unfair that you did not interview me for 14 months, by which time you had formed the view that I had breached the rules of conduct. You should have interviewed me at an early stage before you formed any view and put all your concerns to me and permitted me to answer. You don't appear to have interviewed anyone else, apart from possibly the Registrar.

Without reasons being given you have not accepted my evidence despite my reputation as an MP with a longstanding unblemished record. You have in places preferred what is said in an anonymised internal email within the FSA over my evidence and that of other independent and highly credible witnesses. These internal FSA emails refer back to events two years prior, and you have no way of knowing the author's state of knowledge, if any, of those events. This is an example of unfairness and failing to act in an even-handed manner.

Further, you have been aware since receipt of my initial response to you, dated 16th January 2020, that this matter concerns contested issues of fact. You have failed to interview any witnesses. This only came to my notice when I received your first draft memorandum on 1st December 2020.

You then gave me only six weeks to reply, over Christmas, taking into account that some six months earlier I had lost my wife of 40 years to suicide. I worked hard over that Christmas and furnished you with 14 witness statements on 15th January 2021, 3 more have since been provided, taking the total to 17. Those witnesses all address key issues in your investigation and yet you have largely ignored their evidence on the basis that it is irrelevant. Far from being irrelevant, this evidence is fundamental to the fair determination of the allegations made.

The only "witness" you refer to is the Registrar who is not a witness and is your subordinate.
You have obtained opinion evidence from the Registrar (see paragraphs 125, 135, 227, 228, 247, 248 and 249 of your report. The Registrar is not a witness of fact and had no involvement in this matter. Opinion evidence from a person who is not a witness of fact is not evidence at all. It is contrary to natural justice and unfair to create evidence in this way.

What you do not reference is that the Registrar reports to you and so is not independent and furthermore the Registrar had no relevant dealings in this matter at all.

At paragraphs 228 and 247 you ask the Registrar what advice she would have given me had I asked her. This is extraordinary. I was not asked at any stage to take advice from the Registrar. There was no requirement for me to take advice from the Registrar and I did not do so. The Registrar's view of what she may or may not have said to me is not evidence and in any fair process would not be considered.

The ACAS Code of Practice

The ACAS Code of Practice for disciplinary and grievance procedures sets out the factors which employment tribunals must take into account when considering whether an employer has acted reasonably and fairly in undertaking a disciplinary or grievance investigation. This sets out the elements which must be followed to ensure issues are dealt with fairly:

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

- Employers and employees should act consistently.

- Employers should carry out any necessary investigations, to establish the facts of the case.

- Employers should inform employees of the basis of the problem and given them an opportunity to put their case in response before any decisions are made.

- Employers should allow employees to be accompanied at any formal disciplinary or grievance meeting.

- Employers should allow an employee to appeal against any formal decision made.

This well-established code of practice has not been complied with, for example:
You unduly delayed your discussion with me for 14 months. Meeting me should have been the first thing you did, not one of the last. You reached views contrary to me before we met and you did not put your case to me, save in your memoranda by when your views had been reached.
You have not acted consistently, for example, ignoring witness evidence and preferring anonymous internal emails as the content of those emails suits your finding and the witnesses assert that you are wrong. You find a concealed carcinogenic substance in milk is a serious wrong but in ham it is not.
You cannot investigate the circumstances of meetings and what was said at those meetings, without speaking to at least some of those involved. For example, you accused me of engaging in paid advocacy at the meeting in DflD on 12th January 2017 which was presided over by the then Rt Hon Rory Stewart MP without speaking to anyone present. The Rt Hon Rory Stewart has told you, that there was no paid advocacy and you ignore that.

The Limited Evidence You Rely On
The only evidence you have obtained is in contemporaneous documents, which are referred to in the Report and come from FOI's. I have asked to know whether you or a third party obtained this evidence and you have not confirmed the position. You agreed to provide me with all documents but I have not seen any FOI's nor the details of who instigated these.
Would you please provide me with all communications you have had with third parties, FOi's and all and any documents supplied? I assume you have received assurances from third parties if they provided you with documents that you have everything they have and I wish to see that. I want to make sure this is a fair process and that requires transparency.

This evidence includes internal FSA emails, which were not seen by me at the time, where the author is unknown, the author's state of knowledge of the issues is unknown and the emails contain clear and obvious errors. For example, within the internal FSA briefing note of 18th December 2018, which you rely heavily upon in respect of the allegations relating to paid advocacy at paragraph 40, Florfenicol is repeatedly spelt incorrectly despite this being the subject matter of the meeting. Nevertheless, you prefer such documents to written evidence from international experts, the Home Secretary and other senior, independent figures, and my own written evidence tested by interview. This is a serious failing.

You have not identified the author and so have no evidence of that person's state of knowledge. You accept this evidence without question whilst rejecting witness who unchallenged evidence you reject.

In respect of this internal briefing note, it is clear that you have selectively quoted from the document. On three occasions in the briefing note, it is stated in the original document, that it is not in the remit of FSA to decide on the methodology to be used in milk monitoring, which is a point I make, as then there cannot be any financial advantage:
(1) "Reiterate that is not the remit of the FSA to decide on methodology to be used in milk monitoring if new evidence from Randox Laboratories is presented",
(2) "It is not in the remit of the FSA to decide on methodology to be used in milk monitoring as it is down to VMD/Defra and those labs undertaking the monitoring programme to decide what methods are used.",
(3) "As methodology for milk monitoring is outside of the FSA 's remit there is little scope for negotiation". The FSA have no benefit to confer. There is no contract with the FSA. There is no incidental benefit to Randox. Each of these passages has been cut when you quote from the document.
Although you have been aware of the factual issues in dispute since January 2020 you have not investigated these in any meaningful and proper way.

There is a strong sense that you are unable to depart in any material extent from the findings you made in December 2020 and there is bias in the analysis of the evidence.

There was no benefit to Randox or Lynn's Country Foods

Whether or not there was a benefit to Randox or Lynn's is of no relevance as Rule 9 says any incidental benefit is irrelevant. Any such benefit can only be incidental as I was dealing with "serious harms". As a matter of fact, there was no benefit to be had by either of these companies as explained below. Your findings to the contrary are incompatible with the witness evidence.
Florfenicol in milk and why Randox could not and did not benefit
In relation to the finding of seriously contaminated milk, it is to be borne in mind that the permitted level of Florfenicol in milk is zero. Whilst you refer to the FSA saying that low levels are acceptable at paragraph 40 and 58, it is in fact a prohibited substance. Note that (Professor of Food Safety) has stated correctly that 'Florfenicol is a prohibited substance in milk and poultry. It is not permitted in any quantity.'

The problem for the FSA is that that the Veterinary Medicines Directorate (VMD) had previously stated milk was 99.9% free of contaminates only to find that it was in fact 87.5% free and worse, that one of the contaminates was a prohibited, genotoxic, carcinogenic substance.

This makes the FSA's briefing note of 18th December 2018 quite shocking. The issue was a carcinogenic prohibited substance. There is no mention of how these entered the food supply. This as a result is a very defensive note which states that the recommended outcome was to "maintain current status quo"; in other words

to permit the contamination to continue. The FSA say that levels were low. The acceptable level is zero, so it is irrelevant for compliance with the required standard that the level was "low".

The evidence of (Professor of Food Safety) in relation to this issue, who is independent having not advised on this matter, is as follows:
"23. I was not involved in issues relating to the contamination of milk but I am aware that Florfenicol was found in milk at point of sale in supermarkets in various EU countries including the UK Florfenicol is a prohibited substance in milk and poultry. It is not permitted in any quantity.

The reason it is prohibited is that the United Nation's FAO concluded that this class of compounds is genotoxic, which means it could cause genetic damages and possibly lead to cancer.

Therefore the finding of Florfenicol in milk may potentially be a most serious harm. It should not be there at all. It is prohibited for good reason.
By way of analogy, Florfenicol was found in poultry in Spain which caused significant issues within Spain.
The reason that antibiotics are used in milk producing cows is that they are effective in helping dairy farmers treat mastitis. This should not be done but there is a black market in the drug. "
You accept that I acted within paragraph 9 in approaching the FSA, but then find that all subsequent communications were in fact paid advocacy in which I was seeking a benefit for Randox. This ignores the witness evidence that you have been provided with, which states:
The FSA is the body responsible for food standards and oversees milk safety but is not responsible for the testing of milk or the methodology of testing. The FSA has no input in this regard and there is no prospect of any company receiving any benefit from the FSA.
You provide your own analysis, which is not supported by any witness evidence, that in requesting an accreditation for Randox I was seeking a commercial benefit for Randox. You make this finding at paragraphs 69 and 70, but there is no evidence to support this and you are essentially giving your own evidence and finding that it is correct, which is not a fair and objective process.
The reason that accreditation was discussed in respect of Randox's tests was so that the FSA could rely upon Randox test data in ensuring that milk was safer for consumers. That is not to benefit Randox. The FSA do not test milk but they are the responsible agency for food safety and so being able to rely on the Randox results would help the FSA not Randox.
The body that tests milk before sale is the National Milk Laboratory. You were provided with a witness statement by [Director of NML] and he said the following in relation to Randox equipment:
"5. From around 2016, approximately two years before I had any dealings with Owen Paterson, the National Milk Laboratories were engaged with Randox. In July 2016 we acquired demonstration Randox testing instruments for both of our laboratories and started to purchase their infiniplex kits. The infiniplex kits are capable of testing for a larger spread of contaminants than EU standards require, for example Florfenicol, which has no MRL and so is not ordinarily tested for. NML

were therefore aware of the capabilities of the Randox equipment and the infiniplex kits. By November 2016, we were purchasing infiniplex kits on a monthly basis, however Randox were not and still are not NML's primary kit provider. By way of example, we normally conduct around 50-100 tests per month using Randox instruments, whereas we conduct over 100,000 tests per month using our primary test method of Delva."

Put simply, there was no prospect of Randox receiving any benefit, even if that was relevant and the statements to the contrary made by you are not supported in any evidence you have received.

The most telling feature of this particular issue is that I am criticised for writing to the FSA the day after the meeting (see paragraphs 32, 61-62) and then for not following up quickly (see paragraph 76). The evidence that you have received from me is that a year after I approached the FSA with what was accepted was evidence of a serious wrong, I became aware that milk continued to be tested and prohibited contaminants continued to be found.

So I did what any reasonable person, acting in the public interest, would then do, I went back to the FSA and asked them what was happening. I did not receive satisfactory information and so I took it upon myself on a pro bono basis to set up the Milk Quality Forum with, amongst others, the Chief Vet. Evidence has been provided in relation to that by Professor Christine Middlemiss, the Chief Vet, [Director of NML] and [Veterinary Adviser to NML] of National Milk Laboratories and they say the following:

[Chief Vet], the Chief Vet states at paragraph 11 of her statement, "At no point were commercial issues discussed at these meetings and there were no requests for further Randox testing.· These meetings were entirely proper and focussed on how to improve food safety in dairy products."

[Director of NML], a director of National Milk Laboratories states at paragraph 11 of his statement, "Due to Owen Paterson's intervention in this matter and his establishment of the milk quality forum, better processes have been put in place to minimise the risks of contaminants such as flukicides entering the food chain. Key to this has been raising the awareness of the issue amongst relevant stakeholder organisations (such as the FSA, DEFRA and the VMD). We are also now seeing more comprehensive surveillance programmes becoming established that supplement the surveillance provided by statutory programmes."

[Veterinary Advisor to NML], a veterinary advisor of National Milk Laboratories states at paragraph 8 of his statement, "The Milk Quality Forum provided a welcome opportunity to share our results and observations on veterinary medicine residues, including antibiotics and flukicides, in milk and to raise our concerns with key parties in a safe forum. We were aware of the potential issue identified and we were also mindful of the potential damage this issue could do to the dairy industry."

The true position regarding my work in relation to milk safety is that as a result of my interventions:

Milk is now tested for Florfenicol and so it should not contain what is a prohibited, carcinogenic, gene toxic, anti-microbial resistance antibiotic residue.

Flukicides, which are commonly administered to cattle, are now also tested for and that is good work as confirmed by the Chief Vet, see paragraph 7 of her statement, "Following this meeting, we determined that there were no significant statutory or

safety concerns related to the contamination of milk but that there was much more that could be done within the industry in terms of stewardship and communication relating to use of certain drugs in cattle, particularly Flukicides and certain anti-biotics. We agreed worthwhile improvements for the long term as a result of this intelligence being raised by Mr Paterson in this manner."
I have as a matter of fact made milk safer.

Has Randox benefited from this? No. I did not invite Randox onto the Milk Quality Forum.
9.2.121 am also criticised for naming Randox. Randox are named because they are an internationally recognised company with advanced testing technologies and so the fact Randox had found prohibited substances means that those substances were undoubtedly present. If I had not named Randox then the findings would have lacked credibility and integrity.
Nitrites in Denny's Ham and why Lynn's Country Foods could not and did not benefit
You have consistently misunderstood this issue. There are two distinct and separate strands.
Issue 1: Contacting the FSA regarding Ham containing with a banned, concealed, carcinogenic substance.
Denny's Ham contained a prohibited curing agent, namely nitrite obtained from a vegetable extract, in this case celery. This is prohibited by law because it is carcinogenic. The clear and obvious similarity with the above issue in respect of contamination of milk should be apparent to anyone. If milk with a concealed carcinogenic substance is a serious wrong, so must ham with a concealed carcinogenic agent. To make different findings on essentially the same facts, is perverse.
You do not refer to the key evidence that either you or The Guardian obtained within the FOI requests. It was accepted by Kerry Foods that Denny's Ham contained a prohibited substance as Kerry Foods removed it. This was communicated to Lynn's Food in the FSA's letter of 24th November 2017 (exhibited at WE6ix), "FSA] also discussed the matter with the food business operator and the company has agreed to reformulate and relabel the products in question. " The fact that the labelling changed is incidental. Of course, the labelling changed because the content of the product changed.
The content of the product changed because it was previously unlawful and unsafe. The changes occurred because of my engagement with the FSA.
The result of this is that families with young children who eat Denny's Ham do not consume a banned carcinogenic curing agent and again parents up and down the country would be grateful that food their children is consuming is safer as a result of my conduct.
Further, you are confused by the difference between bacon and ham as you suggest that I was acting out of a motive to benefit Lynn's Country Foods (not Randox as you confusingly call them at paragraph 141) by getting a rival product withdrawn. This statement does not survive even a basic analysis of fairness.
You know from the evidence you have received that Kerry's Food product contained an unlawful carcinogenic curing agent. All I was doing was seeking to have that unlawful product removed. That happened and Kerry's replaced it with a

lawful product. Contrary to your suggestion at paragraph 145 this does not benefit Lynn's Country Foods in the sale of bacon.

Issue 2: The FSA contacting Lynn's and me regarding Lynn's curing agent: Prosur

The second element which you have got wrong is that you refer to me approaching the FSA with respect to Prosur which is the curing agent used by Lynn's Country Foods. You received uncontroverted evidence from the witnesses as set out below, who were directly involved in these meetings who all state that the FSA contacted Lynn's and me about this issue.

The lobbying rules relate to approached made by a Member, not approaches to a Member.

The relevant witness evidence is:

[Legal adviser to Lynn's], Lynn's Solicitor, states at paragraph 7 of his statement, "The FSA then, unexpectedly, turned their attention to the ingredients that LCF was using in its new bacon."

[Technical Director of Lynn's], the technical director of Lynn's, states at paragraph 2 of his statement, "There were two separate issues between the FSA and Lynn's: (1) Lynn's were extremely concerned about prohibited use of nitrites derived from vegetable extract in a Kerry's Food product and sought to bring this to the FSA's attention and (2) the FSA had concerns about Lynn's own nitrite free product and instigated an investigation into this. " He continues at paragraph 14, "It was at this stage that the FSA then changed their approach from co-operating to resolve the issues with Kerry's Food to initiating their own attack on Lynn's product alleging it was not correctly described."

This evidence shows that it was the FSA that raised the issue of Prosur. The reason being that the FSA when challenged become defensive. This can be seen in relation to milk where the FSA make comments that the level of contamination by a prohibited substance is low so it is safe, but that is, in fact, above the legal threshold and there is no evidence that it is safe. In relation to Kerry Foods, the FSA wrongly assumed that Lynn's were seeking to attack a rival product when their own product contained the same prohibited curing agent. That is why the FSA raised Prosur and that was dealt with through continued discussions between the FSA and LCF.

Where the FSA raise an issue with LCF, then the paid advocacy rules are not engaged because I was not approaching the public official. The issue of Prosur was raised by the FSA and so it is not relevant.

Other Failings

Ever broadening scope of investigation

Having considered the matters that were raised by The Guardian, which you said you were investigating in your initial letter to me on 30th October 2019, you broadened your investigation each time you wrote to me, raising new issues.

[redacted]

The first of these broadened issues was a suggestion that I did not always declare my interests.

You made this finding in your draft Memorandum dated 1st December 2020.

Despite this evidence and the fact that everyone engaged in each of these matters knew that I was acting as a paid consultant, you nevertheless find that I have breached the rules by not stating in four emails, each of which was sent as a follow up email to a meeting at which you accept that I did declare my interest, that I was a consultant. It cannot be reasonably argued that the recipients of these emails were in any doubt as to my capacity as a consultant, having been present at the earlier meetings.

The uncontroverted evidence that you have is that I always disclose my interest and that everybody who deals with me, when I am acting as a consultant is aware of that. There is absolutely no shred of evidence to the contrary, but you still make a contrary finding. This is not in accordance with natural justice.

Failure to Name Witnesses

Throughout your memorandum you do not properly refer to witnesses and so deprive the reader of the ability to assess the credibility and veracity of the evidence being given by the individual concerned. For example, you do not refer to [Professor of Food Safety] by name, just simply call him a Professor, whereas he is one of the world's leading authorities on food safety and so the credibility of his evidence is downgraded.
When referring to the initial meeting with the FSA and criticising me for dealing with Mycotoxin Campylobacter you omit to mention that the person who raised these issues was the scientific advisor for the FSA, [Professor].

Way Forward

As you clearly stand by your work, I suggest that the Committee on Standards, which is the arbiter of its own procedure, appoints a High Court Judge to review the evidence you have received against your report and findings. The Judge should state whether or not you have met the standards of natural justice. If you have, then the matter will proceed, but if you have not, the report cannot proceed to the Committee in this way.

In my view this is a legal issue and it would not be fair or just for the Committee Members to determine this.

Alternatively, the report could be put to one side and the evidence itself considered by the Committee, which would include witnesses giving evidence with Counsel before the Committee. The Committee Members would need to be impartial.

I am concerned with the reputational damage that will otherwise be caused. It cannot be right that your work is not subject to either national or international court review. If there is no domestic legal challenge available to me, then I can contest this process in the European Court of Human Rights in Strasbourg and I am committed to doing that. It may be that having considered the content of this letter, you will now accept the uncontested witness evidence, which as matter of law and fairness you are required to do and amend your report accordingly.

I have during this very long investigation, sought the advice of those well versed in conducting investigations in the workplace in many sectors of the economy with many years of experience. Philip Barden has been appointed as a Statutory Inspector to the Government of Northern Ireland to undertake a complex investigation and has undertaken many other investigations over 30 years and they agree that the points I am making are informed ones.

Conclusion

Whilst you have invited me to comment on the paragraphs of your report that are factually incorrect, the reality is that the entire report does not stand up to scrutiny as explained.

It is an extraordinarily inadequate document and one that would not survive the test of any Court process that would be deployed against it in any workplace in the United Kingdom.It cannot be right that Parliament accepts a lower standard than in any other workplace because its employees are cloaked in Parliamentary Privilege.

I invite you to agree that the Report is tested by the Court in Judicial Review or by a Judge appointed by the Standards Committee.

If the Committee intends to proceed despite the content of this letter, then I ask that the Committee excludes your Report and conducts evidential hearings which should be concluded as Chris Bryant MP has stated, in a fair and impartial way. I would welcome proposals as to how that can be achieved.

I am advised to formally reserve my rights in this matter.

Finally, this is an open letter and in the event that the Report is to be published in or substantially in the form referenced herein, then this letter must also be published in its entirety and become a matter of public record. As it stands this second draft memorandum is as flawed as the first draft in December and, if published, would bring the House of Commons into the gravest disrepute.
yours sincerely,

The Rt Hon Owen Paterson MP
Approved in person and signed electronically to avoid delay

2 July 2021

44. Letter from the Commissioner to Mr Paterson, 16 July 2021

Dear Mr Paterson

Thank you for your letter of 2 July 2021, with your comments on my draft memorandum. I have amended the transcript of our meeting on 26 March 2021 in the Written Evidence pack as per your comments and included the transcript of our meeting on 3 June 2021. I have appended your comments and my response to the memorandum and forwarded to the Committee on Standards for their consideration.

I have responded to the additional issues you have raised in the memorandum, and your letter has been included in the Written Evidence pack. In line with my usual practice, this will be published alongside the memorandum when the Committee publishes their report.

You have raised issues concerning the principles of Article 6, natural justice, the ACAS Code of Practice, common law and Brown v Dunn and stated that I have failed to follow these principles.

Article 6 concerns the determination of civil rights and obligations recognised by domestic law and criminal charges. This inquiry concerns the rules set down in the code of conduct for Members of Parliament, it is an internal House process. It is not a criminal charge and does not concern the determination of civil rights and obligations and for these reasons Article 6 does not apply. Despite that, I act to ensure that all my inquiries follow a due process approach that would satisfy Article 6 and provide an independent and fair investigation of the allegations.

The case of Browne v Dunn concerns how evidence must be challenged in an adversarial court hearing in England and Wales. This inquiry is not an adversarial court hearing but an internal House proceeding seeking to determine whether you have breached the code of conduct for Members of Parliament. The common law and the case of Browne v Dunn do not apply to this inquiry as it is not an adversarial court hearing, but an internal inquisitorial inquiry conducted under Standing Orders in the House of Commons. I apply a process that I am satisfied is fair and efficient in relation to all evidence produced.

The ACAS Code of Practice is designed to help employers, employees and their representatives deal with disciplinary and grievance situations in the workplace. It is not relevant in this inquiry as you are not an employee of the House.

The principles of natural justice require that decision makers must inform people of the case against them, they must give those individuals a right to be heard, they must be free from any personal interest in the outcome, and they must only act on probative evidence. There is no requirement that there must be an adversarial court hearing with the cross examination of witnesses. This is set out more fully in Appendix 2 of the Memorandum.

This inquiry concerns your conduct. The principles of natural justice have been applied because you have been informed of the case against you and have been

given the opportunity to be heard. The evidence on which the recommendation has been put to the Committee is that of your evidence and the various emails and other evidence relevant to your actions in approaching Ministers and other officials and your use of House provided resources.

My recommendations do not rely on witness evidence concerning contaminants in milk, mislabelling of products or laboratory calibration as this is not relevant to the issue, which is your conduct in approaching Ministers and officials on behalf of Randox and Lynn's. There is no requirement to challenge those witnesses whose evidence concerns contamination and mislabelling as this evidence does not go to the issue being considered.

My recommendations also do not rely on the other Members' evidence concerning their use of House resources. These Members can only give evidence as to their conduct. It is for the Committee to determine whether you have correctly followed the rules on the use of House resources.

You have commented on my decision to anonymise third parties in the report and written evidence pack. This is in line with my usual practice.

You have stated that I have applied the incorrect test. I do not agree with this assessment, I have applied the correct tests from the Rules of Conduct and Guide to the Rules.

You have requested all communications I have had with third parties, FOIs and all and any documents supplied. The FOI material published by the FSA is publicly available. I do not need to know who made the FOI request to rely upon the material. I have provided in the Written Evidence pack my correspondence with the FSA, and the material provided in response. I have also provided in the Written Evidence pack all correspondence requesting material from third parties.

During the course of the inquiry, it became apparent there might have been additional breaches of the rules of conduct. My inquiry was extended in response to this, and you were notified in accordance with natural justice.

I note your request to the Committee to refer the matter to a Judge, but it is for the Committee to determine how they will conduct their procedures and I make no comment on that.

I can confirm that I have today sent my finalised Memorandum to the Clerk on the Committee on Standards. This brings my part in the process to an end. It will be for the Committee on Standards to bring this matter to a conclusion. [Clerk on the Committee on Standards] will send you a copy of the full Memorandum and let you know the next stage in this process in due course.

Until such time as the Committee publishes its Report, this matter remains confidential and protected by parliamentary privilege.

16 July 2021

45. Letter from Mr Paterson to the Clerk, 23 July 2021

This written evidence includes redactions, authorised by the Committee, of material which is of a sensitive personal nature or material which in the view of the Committee might be legally actionable were it not subject to parliamentary privilege.

Dear Dr James,

Thank you for your letter dated 16th July 2021.

Before answering your questions, it is necessary for me to explain my position in this matter. You need to be aware of the very serious issues I am raising and which the Commissioner has failed to address. To assist you, I attach my letter to the Commissioner dated 2nd July 2021 which contains fundamental objections to the Memorandum which have not been taken into account in the final version released to the Committee.

The Guardian published allegations about me and on 30th October 2019 the Commissioner wrote to me to confirm that she was going to investigate my conduct. To date this investigation has been ongoing for more than 20 months. A few more weeks to get this matter properly determined is necessary and will not further prejudice me or this matter.

At the heart of this case is a substantial factual dispute. I do not believe that anyone can fairly determine such a dispute without a proper investigation. That requires engagement with witnesses and the consideration of contemporaneous documents, knowing their source, who the author was and their state of knowledge. This is common sense and in accordance with natural justice but none of this has happened in my case.

Natural justice is the rule against bias and the right to a fair hearing. The Commissioner's work is undertaken in accordance with this rule. This has been infringed as the Commissioner has made adverse findings of fact without conducting a fair investigation. This is a most serious matter as natural justice is the basic standard of fairness in society, to which everyone is entitled. There are numerous failings as referred to in my letter enclosed and as highlighted below. The Commissioner's role is now concluded. The Commissioner decided not to engage the procedure of the Investigative Panel. This matter has been referred to the Committee. So it is necessary for the Committee to consider this matter in a fair and impartial way, to ensure that I receive a just and fair outcome. This is in accordance with the statement of Chris Bryant MP to the House of Commons on 12th May 2021, that "the Committee will always consider every single instance that comes before us on an entirely impartial basis, so as to secure justice and fairness for every single Member of this House". That can only be done by considering the evidence.

The evidence I presented is mainly in the form of unchallenged witness evidence, which the Commissioner failed to accept and follow. It is a long-established rule of the common law of England & Wales that where a matter is being determined, then

unchallenged witness evidence must be accepted, otherwise the process is not fair. I am concerned to learn from the Commissioner in her letter dated 16th July, and which I attach, that she does not consider herself bound by this rule of law and suggests that it only applies to adversarial court processes.

This is an example of the kind of difficulty I have encountered throughout the Commissioner's investigation. It cannot be right for the Commissioner to accept that she must comply with principles of fairness and natural justice whilst ignoring unchallenged witness evidence. This common law rule is stated in adversarial court judgments, as that is the forum in which such matters are recorded but it applies to any investigation. For the Commissioner to be arguing she is not bound by the ordinary rules of fairness is disgraceful. It is my view that the Commissioner has advanced this argument because she does not wish to accept the witness evidence which totally undermines the view she had clearly already come to by December 2020.

It is obvious that the Commissioner decided at an early stage that she believed The Guardian's allegations, and this may explain why she did not seek witness evidence. The evidence I subsequently produced has been largely ignored, or wrongly disregarded as irrelevant.

I am also concerned that, despite numerous requests, the Commissioner has flatly refused to hand over any correspondence showing how she acquired, or who made her aware, of the FOI material.

I would be grateful if you could confirm that the Committee will accept the unchallenged witness evidence. If not, then I would like the witnesses to attend and give evidence before the Committee. If neither of these positions is accepted, then I am being denied a fair process. There has definitely been no fair process so far; I wish to ensure that I have a fair hearing and that a just process is followed.

If I am to be denied this fundamental right, then that is a clear breach of Article 6 of the ECHR and demonstrably not a fair process. Given the terrible experience I have had to date, I must ask for clarity on this. To be denied a decision taking into account and following unchallenged witness evidence before the Committee would be unacceptable and I trust this will not happen.
To this end I made the offer to the Commissioner that we refer her Memorandum to a High Court judge to advise whether it complied with natural justice. I did not receive a response.

After 14 months, the Commissioner provided me with a draft memorandum on 1st December 2020. This was before the Commissioner had even spoken to me, having only offered to call me to give me an "overview" of her decision on 23rd November 2020. At that stage, for the first time, I became aware that the Commissioner had not interviewed any witnesses at all, which is shocking. Nevertheless, the Commissioner made adverse findings of fact and since then, despite the evidence presented, she has not changed her views which on any basis were formed before any proper investigation had been undertaken.

As a result of this, I provided the Commissioner with 17 witness statements, 15 within 6 weeks and over Christmas, which answer the allegations. She then asked me to provide contact details for each of these witnesses, so that she could get in touch with them. To my surprise, the Commissioner has not contacted a single witness and yet does not accept the majority of the evidence given. This is not how any fair process is conducted.

Not only has the Commissioner failed to act in accordance with natural justice, but she has also failed to follow basic guidance as to how to conduct an investigation, for example the ACAS principles. I am not in any way suggesting ACAS bind the Commissioner, but rather that it is indicative of an impartial process when the basic rules of fairness in an investigative process, set out by an organisation such as ACAS, are not being followed.

This is not just my view, but that of Michael Carpenter, former Counsel to the Speaker, who is assisting me on a pro bono basis, plus the solicitor and barrister advising me. For this to be the position within Parliament is shocking.
As a consequence of the failure of a fair process there are a substantial number of factual errors and inaccuracies in the Memorandum. Statements are made as facts, which when one knows the detail, are not correct. These inaccuracies litter the report.

Furthermore, I do not believe the Commissioner has applied the Rules correctly in particular with respect to Chapter 3, paragraph 9, in which she has taken a subjective approach. The Commissioner has stated that she has "applied the correct tests from the Rules of Conduct and Guide to the Rules."

I am raising serious issues, regarding the process at the heart of Parliament and by which my rights to sit as a Member of Parliament will be judged. This must be done in a proper and fair manner and that has not happened to date.

In order to ensure that the Committee is seized of the relevant facts, I would ask the following:

I would welcome a preliminary discussion with you regarding this matter.
I wish to give oral evidence to the Committee in person. We are in the 21st month of the investigation. [redacted] It is essential for Parliament's reputation that this matter is dealt with properly. Now that social distancing rules have been relaxed, this must not be held remotely and must take place in a proper meeting of the Committee, which I can attend in person after the recess. In no sense must this be rushed.

I wish to attend with an advisor, as others have done before other Committees. My advisor will be Nigel Pleming QC.

Given that the Commissioner has ignored the unchallenged witness evidence that I have provided, I wish for it to be accepted or the witnesses invited to attend.

I wish to give a few examples as to how this is relevant:

I am accused of undertaking paid advocacy in a meeting which took place with the then Minister for DfID, the Rt Hon Rory Stewart MP. Surprisingly, the Commissioner did not contact Mr Stewart or anyone else present in the meeting, so I did. Mr Stewart confirmed in an email that I did not undertake any paid advocacy. I provided the Commissioner with this email and Mr Stewart's contact details, but she has not contacted him. The Memorandum finds I engaged in paid advocacy and does not accept Mr Stewart's evidence.

Mr Stewart's evidence is unchallenged and just disregarded because it would seem the Commissioner has decided I am guilty and evidence that proves that I am not is therefore ignored.

I would hope you can see that this is not a fair process. In order to fairly determine this matter, the Committee must either accept Mr Stewart's evidence, or hear from him. To follow the Commissioner's Memorandum would be to compound a clear injustice. There has to be a fair investigation.

The Commissioner states she does not need to speak to witnesses because she is dealing with my conduct. I find that an extraordinary comment as my conduct was not in a vacuum; it involved other people who are the witnesses to it. If those individuals confirm that I behaved properly, as they clearly do, it then renders the Commissioner's report incorrect and biased.

The Commissioner finds that I have not always disclosed my interests as a consultant. I have provided the Commissioner with 10 witness statements which confirm that I always disclosed my interests. This evidence is not accepted, and the Commissioner finds that I failed to disclose my interest, which is a perverse refusal to accept uncontested evidence.

The two issues that The Guardian focused on are my contacts with the FSA relating to the contamination of milk and a ham product. In both cases, these were contaminated with a concealed carcinogenic element. In one, the Commissioner finally accepts this was a serious wrong and so I was entitled to act as I did, in the other the Commissioner does not. These two positions are mutually inconsistent. The Commissioner traduces witness evidence by selectively naming witnesses. For example, Professor Sir Oliver Letwin gave evidence supporting my use of my office for some meetings. As a longstanding Member of Parliament, Senior Government advisor and Cabinet Minister for many years, his evidence has gravitas; so he is not named and referred to only as "a former MP". Professor Christopher Elliott is similarly not named and referred to as "a Professor of Food Safety" when he is, in fact, a world leading authority and led the UK response to the horse meat scandal. These are but two examples.

The only "witness" the Commissioner referred to was no witness at all, the Registrar. In order to create evidence to suit her findings the Commissioner asked the Registrar what advice she would have given if she had been asked. However not only was the Registrar not asked, there was no requirement or request to ask her. This is irrelevant hearsay evidence. The Commissioner doesn't explain that the

Registrar is line managed by the Commissioner. This is the creation of evidence in a most unfair and improper way.

Finally, the Commissioner makes pejorative remarks such as she is surprised that I do not have a written contract, when ACOBA did not ask me to obtain one. I have never had one. My interests have always been correctly registered, and this has never been raised before. This shows a willingness to find fault where there is none.

I appreciate your role in this matter and I do not wish to over burden you with factual information, but I wanted you to receive a flavour of the issues so that you can see there is a need for the Committee to undertake the determination of facts.

I do intend to provide a written statement and also a statement relating to the lack of natural justice. My solicitor has Covid and is not at work, so I would be grateful if you would afford me an extension of time beyond today, as I cannot meet this deadline due to his illness.

I have been waiting some 20 months for this matter to proceed to the Committee so I would ask that I am given until later in August to provide this additional material. The Committee can then convene in September, in person.

In summary, I am driven to believe that the Commissioner determined my guilt long before her inquiry finished, and probably as early as November/December 2020. This was before she spoke to me, and (so it appears) without speaking to any witness, and before considering any of the witness statements I was able to gather and present. This may go some way to explain why the Commissioner disregarded or downplayed that witness evidence or treated it as irrelevant. The Commissioner's inquisitorial process has been extremely unfair, and I continue to challenge her conclusions. I have not acted, and would not act, in breach of the Rules of Conduct, and I now have to look to the Committee to give me a full and fair hearing, and determine the facts on the basis of all the evidence.

I look forward to hearing from you.

Yours sincerely,
The Rt Hon Owen Paterson MP

46. Letter from Mr Paterson's solicitors to the Clerk, 25 August 2021

Dear Dr James

Further to our call on 17 August 2021.

I enclose an outline agenda for consideration by the Committee, setting out a possible timetable for Mr Paterson's evidence, in order that it can be concluded within one session i.e., 2.5-3 hours. I am open to any suggestions as to how we can most efficiently use the time available for the Committee and if a different

timetable is preferred, or I have omitted any issues the Committee would like addressed please advise.

I also confirm my request that the Commissioner is recused from any further engagement with the Committee in relation to this matter and in particular does not attend the Committee meeting on 7 September 2021.

We have explained in some detail that the Commissioner has failed to undertake a proper investigation. These submissions are based in fact:

the Commissioner cannot challenge that witnesses have not been interviewed, or engaged with, by the Commissioner;

that we provided the Commissioner with 17 witness statements and the witnesses contact details at the Commissioners request, but none of them have been contacted to our knowledge;

this witness evidence is unchallenged but has not been accepted and followed as required by natural justice.

We regard these failings as extraordinary in an investigation into disputed issues of fact.

Given the nature of the process within the House of Commons and that it is quasi political, we would ask for transparency, which is one of the Commissioner's touchstones. It would not be transparent for the Commissioner to meet in a closed session with the Committee. This would be akin to prosecuting counsel meeting with the judge pre-trial without the defence being present and that is contrary to natural justice.

So in our submission it is important that the Commissioner now leaves this matter to the Committee and there is no further engagement between the Commissioner and any Committee members.

Further I have requested that I may support Counsel at the hearing as I have a detailed knowledge of the extensive underlying paperwork and this will save time. If counsel can't recall where a particular document is or which witness made a particular comment, I will quickly be able to address that. I will be in a support role to counsel who is advising Mr Paterson and not acting as an advocate. We fully respect these requirements.

Mr Paterson informs me that Parliament does not sit between 24 September and 17 October. I would like to know if the Committee will continue its deliberations during this period or not. Any further evidence will clearly have to be heard after Parliament returns in October.

Outline of issues to be dealt with by Rt Hon Owen Paterson MP and suggested timetable

1. Opening statement – 5 Minutes.

2. Disclosure to the FSA regarding the contamination of milk at the point of sale, with prohibited, carcinogenic, anti-microbial residue (Florfenicol) – 30 minutes.

3. Disclosure to the FSA relating the presence in Denny's Ham of a prohibited, carcinogenic, curing agent (nitrite taken from a vegetable (celery) extract) – 15 minutes.

4. The FSA raising with Mr Paterson and Lynn's Country Foods, the content of the curing agent used by Lynn's in its bacon and sausages (Prosur) – 15 minutes.

5. Discussing with DIFD the better calibration of medical equipment supplied in overseas aid – 20 minutes.

6. The use by the Rt Hon Owen Paterson MP of Parliamentary facilities – 20 minutes.

7. The finding that the Rt Hon Owen Paterson MP did not always declare his interest as required– 20 minutes.

8. Mr Paterson's apology for the fact that on two occasions a temporary secretary incorrectly used headed House of Commons' paper – 5 minutes.

9. The importance of the unchallenged written witness and why it must be followed – 30 minutes.

47. Letter from the Commissioner to the Clerk, 2 September 2021

I have received Mr Paterson's letter to the Committee dated 23 July 2021, his written evidence dated 8 August 2021 and the subsequent correspondence from his solicitor. As he makes a number of serious allegations about my investigation, I will reply to these.

Substantial factual dispute which has not been investigated

The crux of the matter is that Mr Paterson does not agree with my interpretation of the facts, nor my decision. Mr Paterson refers to a substantial factual dispute, but in reality the dispute is not factual. The dispute is one of interpretation, namely that I consider Mr Paterson's actions to be in breach of the rules and he does not.

I have made adverse findings of fact without conducting a fair investigation

During the investigation I received emails from Mr Paterson which showed he contacted officials from the Department for International Development (DfID) to arrange a meeting for Randox, for whom he is a paid consultant, to pitch their product. That is paid lobbying. I also had sight of emails from Mr Paterson contacting FSA officials advocating for Randox products; and requesting actions that would benefit Lynn's Country Foods, who also retain him as a paid consultant. That is also paid lobbying. Paid lobbying is against the rules.

I gave Mr Paterson ample opportunity to provide evidence he considered relevant to the allegations under investigation. Mr Paterson has provided a great deal of evidence that I have considered carefully. None of the evidence Mr Paterson has provided has invalidated the original documentary evidence which shows that he lobbied for the companies for whom he was a consultant, failed to declare his interests, and misused House-provided resources, despite his assertions that it does.

Mr Paterson has stated that he was raising a serious wrong, and that therefore he was not engaging in paid lobbying. I have considered this argument carefully and rejected it. Mr Paterson has provided a great deal of witness testimony which states he was raising a serious wrong. This is opinion, not fact. Mr Paterson's own emails from the time do not reflect that he was acting as a whistle-blower providing evidence of a serious wrong, and I am not convinced by his arguments that he was. I have had sight of emails in which Mr Paterson requests actions to be taken to benefit both companies which can hardly be seen as part of an attempt to raise a serious wrong.

Mr Paterson has provided a great deal of evidence to suggest that he was dealing with serious matters and has criticised me for not engaging with this material in the way he would have liked. However, the evidence he has provided does not negate the fact that his own emails show his actions were not those of a whistle-blower. I have therefore not needed to consider the material he has produced regarding the seriousness of these matters. I also note that the majority of the matters Members deal with are serious. By Mr Paterson's interpretation of the rules, the lobbying rules would rarely apply to Members, which cannot be the case.

That I failed to accept and follow unchallenged witness evidence

Mr Paterson has made a great deal of comment on how I have dealt with witness evidence. As I have previously stated, I considered the majority of the evidence provided by Mr Paterson not to be relevant to my inquiry as it did not negate the evidence which showed he had breached the rules. Where I have considered the evidence relevant, I have included it in my memorandum. I have been fastidious in including Mr Paterson's arguments in the memorandum and have engaged with them in detail. I do not consider others' testimony as to whether Mr Paterson has breached the rules to be relevant. This is opinion, not fact.

That I decided at an early stage that I believed the Guardian's allegations

It is correct that I had decided Mr Paterson had breached the rules by the time I sent him my first memorandum. Nothing that Mr Paterson has provided me has given me cause to amend that decision. This is not an indication of bias, only an indication that I do not agree with Mr Paterson.

That I have refused to hand over correspondence showing how I was made aware of the FOI material

I am unsure why Mr Paterson considers this to be relevant. I was not provided with the FOI material it was publicly available on the FSA website, and was referred to in the article published by the Guardian in September 2019.

That I have failed to conduct an impartial investigation in accordance with natural justice

I have dealt with this in my letter to Mr Paterson of 16 July 2021, and my legal advisor conducted a review which can be seen at Appendix 2 of the memorandum. Once again, Mr Paterson's assertions appear to be based on my difference of opinion with him on his adherence to the rules. Mr Paterson has referred to a number of practices, including ACAS Codes of Practice, Article 6 and Browne v Dunn. He has stated that as I informed him of the reasons that these did not apply, I see myself as above a fair process. This is not the case. I have adhered to the process set out in the Commissioner's information note, agreed by the Committee. There are three common law rules that apply to natural justice: adequate notice, fair hearing and no bias. I again re-iterate all three have been applied in this and in all past and current investigations.

Mr Paterson considers the fact that he was not interviewed until after 14 months to be "fundamentally unfair". It is procedurally preferred to have written answers to allow Members to reflect on providing the best evidence. I made it clear at the outset to Mr Paterson that it might not be necessary to interview him, but that if he wished to do so at any time I would be happy to meet with him. Mr Paterson did not request an interview until 4 February 2021 and this was then subsequently arranged.

That the report is factually inaccurate

Mr Paterson considers my report to be "substantially and factually inaccurate". And yet he provides no evidence of factual inaccuracy save for paragraph 141, where Mr Paterson pointed out that I had mistakenly used the word 'Randox' instead of 'Lynn's'. This has been changed. Mr Paterson has referred to "clear and obvious" errors in material I have relied upon, such as the FSA emails. However the only error detailed is the misspelling of Florfenicol. I do not see why this should prevent me from relying on this material.

It is, thus, fair to say the report is substantially and factually accurate.

In summation, Mr Paterson has made a number of very serious accusations about the manner in which I have conducted this investigation. These accusations are supported by his assertions rather than facts, in the same way his statement that he has not

breached the rules is supported by assertions rather than facts. I have given Mr Paterson every opportunity to respond in full to my questions, the allegations and my memorandum; even to the extent that it has severely delayed this investigation. My decision remains that Mr Paterson lobbied for his clients, failed to declare his interests and misused House-provided resources.

Yours sincerely
Kathryn Stone OBE
Parliamentary Commissioner for Standards

48. Letter from the Commissioner to the Clerk, 14 September 2021

Briefing Note for the Committee on Standards following 7 September 2021

I have collated the following information in light of the Committee's questions during the meeting of 7 September 2021.

1. Meetings attended by Randox and / or Lynn's Country Foods on the parliamentary estate[10]

Mr Costa made an important point about consistency of terminology. The information below provided by Mr Paterson reflects that 27 meetings attended by or regarding Randox or Lynn's were held in Mr Paterson's parliamentary office between 24 October 2016 and 12 February 2020.

9.30am, Monday 24 October 2016: Meeting in Mr Paterson's parliamentary office attended by Randox representatives. 3-line whip at 9pm for 10pm.

3.15pm, Monday 24 October 2016: Meeting in Mr Paterson's parliamentary office attended by Randox representatives. 3-line whip at 9pm for 10pm.

3.30pm and 4pm, Monday 31 October 2016: Pre-meeting attended by Randox representatives held in Mr Paterson's parliamentary office at 3.30pm prior to meeting in Mr Paterson's parliamentary office with the Policing Minister at 4pm regarding blood testing equipment. 3-line whip at 9pm for 10pm.

2pm and 3pm, Tuesday 15 November 2016: Pre-meeting attended by Randox representatives held in Mr Paterson's parliamentary office at 2pm prior to meeting in Mr Paterson's parliamentary office with the FSA at 3pm. 3-line whip from 12.30pm.

4pm, Wednesday 12 January 2017: Pre-meeting attended by Randox representatives in Mr Paterson's parliamentary office before travelling to and meeting with Randox Senior Manager (Mark Campbell) and Minister (Rory Stewart), held at DfID.

9am, Thursday 26 January 2017: Private social visit attended by Randox representatives in Mr Paterson's parliamentary office. 1-line whip.

11am, Tuesday 7 February 2017: Private meeting attended by Randox representatives in Mr Paterson's parliamentary office. 3-line whip from 12.30.

[10] Taken from Mr Paterson's responses WE11, WE11ii and WE13

7pm, Monday 11 September 2017: Meeting attended by Randox in House of Lords by invitation regarding the Life Sciences Reception. 3-line whip at 9pm.

1pm, Wednesday 15 November 2017: Meeting with Lynn's Technical Director (Declan Ferguson) and Chair (Denis Lynn) in Mr Paterson's parliamentary office, later also attended by FSA Chair (Heather Hancock). 3-line whip from 12.30pm.

2pm, Wednesday 15 November 2017: Meeting with FSA representatives in Mr Paterson's parliamentary office, regarding Randox. 3-line whip from 12.30pm.

9am, Wednesday 6 December 2017: Meeting in Mr Paterson's parliamentary office attended by Randox representatives. 3-line whip from 12.30pm.

3.45pm, Monday 15 January 2018: Meeting in Mr Paterson's parliamentary office attended by Prof Elliott; Prosur CEO (Juan De Dios Hernandes); Lynn's Technical Director (Declan Ferguson); Legal Adviser to Lynn's (Mathew Forde); Lynn's Chair (Denis Lynn) and FSA representatives. 3-line whip at 9pm for 10pm.

12pm, Wednesday 23 May 2018: Meeting in Mr Paterson's parliamentary office attended by Randox representatives. 3-line whip from 12.30.

10.30am, Wednesday 20 June 2018: Meeting in Mr Paterson's parliamentary office attended by Randox representatives regarding the Life Sciences Reception. 3-line whip from 12.30 with deferred divisions from 11.30.

9 July 2018: meeting in Mr Paterson's parliamentary office attended by the FSA Chair (Heather Hancock) and Lynn's representatives.

9am, Tuesday 17 July 2018: Meeting in Mr Paterson's parliamentary office attended by Randox representatives; regarding the Life Sciences Reception. 3-line whip from 12.30.

10am, Wednesday 10 October 2018: Meeting in Mr Paterson's parliamentary office attended by Randox representatives, deferred divisions from 11.30.

9am,18 December 2018: Meeting in Mr Paterson's parliamentary office attended by Randox representatives, FSA Chair and representatives.

10 January 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

6 February 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

6 March 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

10 April 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

18 May 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

12 June 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

17 July 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

30 October 2019: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

15 January 2020: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

12 February 2020: Meeting with Lynn's Communications Director (Jago Pearson) in Mr Paterson's parliamentary office.

In his responses to the Commissioner, Mr Paterson stated:

"In summary, I held a number of meetings in my office when or because:
2.1 The matter related to the disclosures to the FSA/DfID and that was in discharge of my Parliamentary duty;
2.2 I had to be on the Parliamentary Estate because of a 3-line whip;
2.3 My constituency is in Shropshire and so not accessible during the Parliamentary week;
2.4 I could not travel to Northern Ireland as I had done in the past because of Parliamentary business;
2.5 In January 2018 I broke my neck in 3 places, I was then severely constrained as to my ability to move. I couldn't fly for 5 or 6 months and so meetings had to be outside Northern Ireland and I wasn't able to move much from the Parliamentary Estate due to the injury."[11]

"You ask a number of questions relating to the 3-line Whips and the relevance of this requires a more detailed explanation than just stating the time.
The period in question was extremely busy. The Brexit referendum took place on 23 June 2016. Theresa May then replaced David Cameron as Prime Minister. The Government had a majority of only 12 and there was much contentious parliamentary business. This led to the General Election in June 2017 and the Conservative Party returned as a minority Government. It was a time of major constitutional debate, with Parliament bitterly divided. The Brexit issue was only resolved within Parliament after the December 2019 General Election.
It was essential during the time in question, for me to be on the parliamentary estate in the discharge of my duties as an MP. Frequently when there was a 3-line Whip, the Government would take the opportunity to make Statements and Opposition MPs to ask Urgent Questions, often at short notice. There were numerous impromptu meetings between MPs to discuss the latest developments and courses of action. This was time-consuming and required my attendance on the parliamentary estate at all time, not just for particular votes.
Meetings with outside parties are usually arranged well in advance and sometimes this can be months in advance. At the time these meetings were being set up it was not known what the parliamentary business would be on the proposed day. The Whip only comes out on Thursdays for the week following. To be safe, it was necessary to arrange meetings at my parliamentary office as it was almost certain that I had to be in and around the parliamentary estate at this time."[12]

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[11] WE11

[12] WE13

In her statement, [Mr Paterson's office manager] stated that:
"Between October 2017 and December 2017... during this period… only four Randox meetings and only one Finnebrogue (Lynn's Country Foods) meeting were held in Mr Paterson's office."[13]

The evidence provided by Mr Paterson partially contradicts this, Mr Paterson details nine meetings held in his office either attended by, or regarding, Randox during this period.

2. Professor Chris Elliott OBE

The Committee has asked I provide the below information regarding Prof. Elliott.

Prof. Elliott has described himself as an independent scientific expert. His statement includes the following description:

"My Expertise in Food Safety
1. I am the Professor of Food Safety at Queen's University, the founder of the Institute for Global Food Safety, visiting Professor at the China Agriculture University in Beijing and the Chinese Academy of Sciences. In 2017 I was awarded an OBE for my work on food integrity 2. I led the UK government's independent review of food systems following the 2013 horse meat scandal.
3. I have published more than 450 papers in the field of detection and control of chemical contaminants in agri-food commodities and co-ordinate one of the world's largest research project in this area (EU-China-Safe).
4. Since 1986 I have been engaged in research related to a wide range of toxic chemicals in foods and agricultural commodities.
5. I also co-ordinated a number of multinational research projects which concerned contamination and fraud issues along the animal feed and food supply chains."[14]

Through open-source research I have identified:

Prof. Elliott wrote an obituary of Denis Lynn, saying he knew and worked with him for six years. He advised on the development of Naked Bacon.[15]

Foundation Earth, a non-profit organisation founded by Denis Lynn, has a scientific advisory committee which is chaired by Prof. Elliott. Prof. Elliott wrote an article about the damaging effects of nitrates in which he promotes Naked Bacon and promoted the launch of Naked Bacon on Sky News in December 2017.[16]

Prof. Elliott runs the Global Food Security Institute at Queen's University, Belfast. There is at least one research funded projects between Queen's and Lynn's Country Foods (£81k[17]).

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[13] WE 25xx

[14] WE25vii

[15] The legacy of Denis Lynn - New Food Magazine

[16] About Us - Foundation Earth Environmental Scores (foundation-earth.org) Naked Bacon tasted on Sky News - YouTube

[17] GtR (ukri.org)

Mr Paterson has stated that Prof. Elliott's standing is also based on him leading the investigation of the horsemeat scandal in 2013. Prof. Elliott was appointed to this role by Mr Paterson.[18]

Yours sincerely
Kathryn Stone OBE
Parliamentary Commissioner for Standards

49. Letter from Mr Paterson to the Clerk, 20 September 2021

Dear Dr James

Thank you for forwarding to me a copy of Ms Stone's letter 14 September 2021 on Friday 17 September. I have worked over the weekend to respond.

I hope the following helps the Committee. I would be grateful if you would circulate this letter to the Committee members in advance of the hearing tomorrow.

I have asked and urged the Commissioner to interview witnesses throughout this long process. I provided witness statements and the witness contact details. The failure to raise these or any issues with the witnesses is another example of the lack of due process, which is extremely prejudicial to me.

It is of concern that at this late hour the Commissioner is googling Professor Elliott and as a result providing incomplete information, when he has always been available to the Commissioner and has asked to give evidence. He could and should have been spoken to last week, as then he would have corrected the Commissioner's mistaken view. We all know the internet is not always a reliable source of information and should be checked where possible, particularly in such a serious matter.

Adopting the Commissioner's headings.

1. <u>Meetings with Randox and/or Lynn's Country Foods on the parliamentary estate.</u>

I note at the outset that this part of the letter is a response to a point made by Mr Costa at the meeting with the Commissioner on 7 September 2021. If the point remains of importance perhaps it can be put to me when we meet and I will try and provide a full response. I also note, that even on the list provided by the Commissioner there are 27 meetings over a period of approximately 3 years and 4 months. [My office manager], states in her witness statement (at para 4):

> "In the time available I have sample checked all meetings in Mr Paterson's office at 1 Parliament Street between 1 October 2016 and

[18] Food Supply Networks - Tuesday 4 June 2013 - Hansard - UK Parliament

> 31 December 2017. I consider this a representative period. Between October 2016 and December 2017, Mr Paterson carried out 229 meetings in his office. Mr Paterson carries out many other meetings each year both on and off the Parliamentary estate. **A very small number of Mr Paterson's meetings relate to his paid consultancies with Randox and Finnebrogue being a total of 43 during this period, and of these, only four Randox meetings and only one Finnebrogue meeting were held in Mr Paterson's office**. In total this equates to less than 2.5% of the meetings undertaken in Mr Paterson's office." (my emphasis)

Based on these numbers, there would probably have been around 650 meetings in my office during the period covered by the Commissioner. Whether the number is 43 (or slightly fewer), this is on any sensible view occasional, and I have provided a full and detailed explanation as to why there was a need to have more meetings in my office during this period.

[My office manager] informs me that the meetings with Randox and Lynn's referred to in her statement excluded pre meetings and events which were not meetings. Accordingly the meetings in questions were those:

24/10/16 9.30am	meeting with Randox
24/10/16 3.15pm	meeting with Randox
15/11/2016	meeting with Randox
15/11/17	meeting with FSA & Lynn's[19]
06/12/17	meeting Randox

[My office manager's] statement was provided in January and her contact details were provided to the Commissioner some 6 months ago. The Commissioner had every opportunity to interview [my office manager], or ask her questions, but did not.

I have provided details of all contacts at my office, which extend beyond consultancy meetings – my evidence does not contradict [my office manager's] statement.

A number of the meetings for example those with Jago Pearson were short catch up discussions and could equally have taken place by phone or zoom etc. I don't see any material difference between calling someone from my mobile, or hosting someone by zoom in my office and meeting them in person, when it is a short one to one meeting.

2. <u>Professor Chris Elliott OBE</u>

The Commissioner refers to open-source research regarding Professor Elliott, carried out at the request of the Committee. As a matter of fact Professor Elliott's work on nitrites and contacts with Lynn's was covered in some detail in his evidence. He said, under the heading "Lynn's Country Food":

[19] My diary records a hold at 1pm for Denis Lynn and 2pm with the FSA which almost certainly means he did not attend as it was not confirmed but this was listed for full disclosure.

12. In or about 2015 I was contacted by the owner of Lynn's Country Foods, Denis Lynn. I had a number of conversations with Denis over the years on this topic. He told me that he wanted to find a way to process bacon without nitrite addition. I was extremely sceptical of there being an alternative as bacon has been cured in this way for hundreds of years.

13. In 2016 Denis Lynn came to me with a natural product for curing bacon and meats that did not contain nitrite. This was produced by a Spanish company called Prosur. I investigated this product and advised Denis to have extensive testing undertaken. The data generated showed that it did not contain nitrite or vegetable extract including nitrite and it prevented botulism. It was, in my opinion, a much safer means of preserving meat compared with nitrites. I believed this to be amajor innovative breakthrough in tackling colorectal cancer.

14. In 2017, I became aware through Denis Lynn that Kerry Foods were marketing Denny's Ham as a naturally cured product i.e., without nitrite. Kerry's produced a video which included young children eating their ham, with a plate of chemicals on one side plate and then celery as 'the natural agent' on the other plate, with a statement that Denny's Ham was chemical free and safe. I did not believe this to be the case. It was cured with nitrite obtained from celery and in my opinion this practice breached EU law. It was no different than if it was cured with chemicals and the ad was very misleading. In 35 years working in food safety and research this is the worst video I have ever seen for the promotion of food. I was appalled. Kerry Foods were promoting the use of a dangerous additive to children yet declaring it to be safe and natural.

15. Kerry Foods is the world's largest producer of processed meats and so it is extremely serious that such a large, sophisticated company with huge sales is producing a product which it is targeting at families and young children claiming it is safe when it contains nitrite which there is substantial evidence to show is carcinogenic. Not to reveal this and seek to have the product removed would be a most serious harm.

16. I wrote to the FSA and expressed my deep concerns about this practice (letter attached).

Professor Elliott's witness statement was provided to the Commissioner in January and his contact details have been with the Commissioner for 6 months. He has not been contacted.

Whilst Professor Elliott's work was in relation to researching Lynn's new curing agent, Prosur, he did not work for Lynn's. The Commissioner has not explored this with Professor Elliott who wishes to address the Committee if his evidence is not to be accepted, or his independence and expertise questioned. He is entirely independent of Lynn's. **He was not paid or retained by Lynn's as it was important that as a leading expert on food safety he remained wholly independent**.

By remaining independent Professor Elliott was able to critique the Prosur product. It may not have been the success it turned out to be and then Professor Elliott would have stated this to be the case.

Professor Elliott took an informed view on food safety and reached the independent conclusion that Lynn's naked bacon was cured using an innovative new technology that did use nitrite and so would avoid the link with colorectal cancer.

The statement in the Commissioner's letter 14 September that Professor Elliott worked with Denis Lynn and on the development of Naked Bacon is not correct. Professor Elliott's work was entirely independent of Lynn's as he was interested in knowing if the curing agent Prosur used by Lynn's was genuinely innovative, as it transpired.

This lack of due process can be seen to be prejudicial to me. The Commissioner by virtue of a lack of investigation has not reported the facts. The consequence of this is that the facts are not before the Committee. This in a nutshell is the problem. I have tried to rectify this since December 2020 when I first became aware of the lack of a proper investigation to establish the facts.

As a matter of record and as referred to in Professor Elliott's evidence, he led the UK response on horse meat. This is because he is, and was then, the leading UK authority on food safety. He was appointed after an exhaustive process within Defra as he was the leading independent expert on food safety.

If the Committee thinks there may be a link between myself and Professor Elliott beyond this matter then it important to state there is none. On the key political issue of the last decade, Brexit, Professor Elliott supported Remain. He is not politically associated with me. He would like to address the Committee if his evidence is not accepted.

The Commissioner, following her open-source research, makes repeated reference to Naked Bacon. This is the product referred to in Professor Elliott's statement – the "natural product for curing bacon", which he "believed this to be a major innovative breakthrough in tackling colorectal cancer". It is this product that the FSA focussed their attention on – at the meeting where "Mr Paterson and myself wanted to address the sale of a carcinogenic product, that contained a banned additive and produced a genuine risk for consumers" (statement, paragraph 19). This was my entire focus and motivation.

However Lynn's natural bacon product was challenged by the FSA– I did not raise this point at all. I was present to deal with the carcinogenic prohibited curing agent in Kerry Foods product.

If there was any benefit to Lynn's, which I dispute, it was entirely incidental.

<u>Generally</u>

May I please know what else was discussed on 7 September and which led to this letter? This is an issue of open justice.

It is disturbing that after nearly 2 years the investigation has not been completed. These issues and others we will discuss in the Committee session should have been addressed

in the investigation and with the witnesses I provided, if my evidence was not to be accepted.

Kind regards

Rt Hon Owen Paterson MP

50. Letter from Mr Paterson to the Chair of the Committee, 30 September 2021

Dear Chris,

Further to my appearance before the Committee on Standards, two matters arose in my evidence that I am able to clarify:

1. Meetings in my office;

2. Emails from Colin Clifford at the FSA.

1. Meetings on the Parliamentary Estate

The Commissioner finds that I had 27 meetings with Randox and Lynn's in my office in a three and a half year period (October 2016 to February 2020). This is incorrect.

I had 4 meetings in my office in this period not 27. By way of an explanation, the original request from the Commissioner was to provide a list of meetings on the Parliamentary estate, not my office. [My office manager] undertook a search of my Google diary and noted 27 occasions when Randox or Lynn's were mentioned in my diary and listed these, which I passed on.

My diary is a rough forward planning tool. It is not an entirely accurate source of past events. For example, last minute changes are not recorded, meetings entered into my diary may not take place for a variety of reasons and entries are made, such as a pre-meeting, which may not be a meeting at all. In addition, this search picked up some social events.

I thought the number of my meetings evidenced by [my office manager] in her witness statement fell within the Commissioner's view of "occasional". Given the focus on this issue, I have had the emails around meetings reviewed. I have set out "the meetings" with my comments in the attached schedule.

The result of this work is that I can now state that some of the "meetings" didn't take place as in my diary, either at all, or not in my office.

Further, time I used to prepare for a meeting, or meet and greet others who were attending, was booked as a pre-meeting. This could be to meet someone to walk to

the meeting. This is not a meeting, albeit the Commissioner, without speaking to [my office manager], has included these as separate meetings as they are called "pre-meetings". I am not critical of that assumption but it is incorrect.

I have met the FSA, discussed Life Sciences and had coffees as opposed to consultancy meetings. The whistleblowing meetings must be a legitimate use of my office.

The actual meetings were a very limited use of my office. No costs were incurred.

All MPs I have discussed the use of offices with, agree that my use is within the rules; this is a very common practice. Indeed, it is said that if the rule is as the Commissioner interprets it, then many MPs couldn't function.

The Commissioner's view is that no meetings should take place except in rare and exceptional circumstances, but that is emphatically not the current rule or practice, as confirmed by witness evidence from senior MPs and a Government Minister. There is no rule that prevents meetings, phone or video calls. My meetings have been occasional and there has been no expenditure of public funds incurred.

It is to be noted that the rules permit me to book a room for a meeting where tea and coffee is served, without declaring an interest. That should be no different to using my room. It would be odd that I could book a room for such meetings, but not use my own office.

Having I hope established that I have not breached the rules on milk, ham or calibration it is important that I establish the facts around meetings.

2. Colin Clifford

At the conclusion of last week's hearing Professor Maguire referred to Colin Clifford as being the author of some FSA emails. I did not recall Mr Clifford's name.

Throughout this investigation I received an enormous number of redacted emails from the Commissioner. The sender and recipients' names being removed. On checking my files, I note that I did become aware of Mr Clifford's name but only very late in the day.

In January 2021 the Commissioner provided me with redacted Annexes C and D to the FSA FOI. I then carried out my own search of the FSA FOIs and uncovered the email relating to "clearing the market" which fell within Annex A. This is I believe the email to which Professor Maguire referred. This email had not been disclosed by the Commissioner.

Devonshires asked the Commissioner's Assistant, [name redacted] for an explanation and were told this email was not relevant and that is why it was not disclosed. So it is not part of the case I am to answer.

It is important to note that documents were being selectively disclosed to me. I did not receive the entire file as I was told would be the case.

The Commissioner provided further documents from the FSA with her letter dated 30 March 2021. The "clearing the market" email was still not disclosed.

I responded to the Commissioner on 9 April 2021 and referring to the emails generally and in particular the email referring to "selling the product", stating, "Colin Clifford's email to which you refer was an internal FSA email that doesn't reflect the witness evidence with which you have been provided by a number of witnesses (Professor Christopher Elliott, Declan Ferguson, Jago Pearson and Mathew Forde). Each of these statements has been made under a statement of truth so I am not quite sure why you are putting to me three lines from an email which was never sent to me at the time when you have a substantial volume of witness evidence that explains in detail what happened."

In giving evidence I forgot that Mr Clifford's name had been discovered by those assisting me and put to the Commissioner as above.

In answer to Professor Maguire's question as to why Mr Clifford would say what he did in his emails, I cannot answer for Mr Clifford and the investigation should have addressed this issue.

I hope that the above information is helpful for the Committee and I look forward to hearing further from you soon.

Yours ever,

The Rt Hon Owen Paterson MP

Schedule to Owen Paterson's letter dated 30 September 2021

1. *9.30am, Monday 24th October 2016: Meeting in Mr Paterson's Parliamentary office attended by Randox representatives. 3-line whip at 9pm-10pm.*

This meeting took place with representatives from Randox in my office. This meeting is included as one of the five meetings [my office manager] identified in her statement.

2. *3.15pm, Monday 24th October 2016: Meeting in Mr Paterson's Parliamentary office attended by Randox representatives. 3-line whip at 9pm-10pm.*

There is no email thread for this meeting. This is the same day as above. This meeting is included as one of the five meetings [my office manager] identified in her statement. It is impossible to say now who attended.

3. *3.30pm and 4pm, Monday 31st October 2016: Pre-meeting attended by Randox representatives held in Mr Paterson's Parliamentary office at 3.30pm prior to meeting in Mr Paterson's parliamentary office with the Police Minister at 4pm regarding blood testing equipment. 3-line whip at 9pm for 10pm.*

This is an example of where the diary has proven not to be accurate.

This meeting was not in my office. It took place in Brandon Lewis's Parliamentary office. There is no record I have of anyone from Randox who attended the meeting.

If I met anyone from Randox then they came to my office so we could walk to the meeting. There was no meeting in my office.

4. *2pm and 3pm, Tuesday 15th November 2016: Pre-meeting attended by Randox representatives held in Mr Paterson's parliamentary office at 2pm prior to meeting in Mr Paterson's Parliamentary office with the FSA at 3pm. 3-line whip from 12.30pm.*

The 'pre-meet' was for Randox to prepare their presentation.

The meeting with the FSA was to discuss antibiotic levels in milk and the Commissioner accepts this was a whisltleblowing meeting and so a proper use of my office.

5. *4pm, Wednesday 12th January 2017: Pre-meeting attended by Randox representatives in Mr Paterson's Parliamentary office before travelling to and meeting with Randox Senior Manager (Mark Campbell) and Minister (Rory Stewart), held at DfID.*

The email thread confirms that the meeting with the Minister, Rory Stewart, was at 4.45pm at DfID.

Mark Campbell met me at 1 Parliament Street at 4pm or thereabouts, so we could walk to DfID together and could get through security in time as it can take 20 minutes.

The 'pre-meet' was just a diary entry to ensure that I was available to walk over with Mr Campbell and arrive on time

There was no meeting in my office.

6. *9am, Thursday 26th January 2017: Private social visit attended by Randox representatives in Mr Paterson's Parliamentary office. 1-line whip.*

This was a short social coffee with Mr Campbell and not a business meeting. The email thread confirms Mr Campbell was over in London and said he would call in to say hello before his meetings began, as he had an early flight that morning which left him some time. This was the day the EU (Notification of Withdrawal) Bill was presented to the House and I was in the chamber from 9.30am. I was unable to leave the estate as confirmed by Rebecca Harris's witness statement.

7. *11am, Tuesday 7th February 2017: Private meeting attended by Randox representatives in Mr Paterson's Parliamentary office. 3-line whip from 12.30pm.*

This is mistakenly entered in my diary as a meeting with Randox. It was a meeting regarding the Grand National and no representatives attended from Randox.

8. *7pm, Monday 11th September 2017: Meeting attended by Randox in House of Lords by invitation regarding the Life Sciences Reception. 3-line whip at 9pm.*

This was a dinner hosted by Viscount Ridley and included Lord Patel and not a meeting. On the day and at short notice I had to vote on the EU (Withdrawal) Bill and attend the chamber. So Viscount Ridley met the guests at the Peers' Entrance and I met them in the Peers' Dining Room later. This is another example of when the diary does not record last minute changes.

There was no meeting in my office or elsewhere.

9. *1pm, Wednesday 15th November 2017: Meeting with Lynn's Technical Director (Declan Ferguson) and Chair (Denis Lynn) in Mr Paterson's Parliamentary office, later also attended by FSA Chair (Heather Hancock). 3-line whip from 12.30pm.*

In the diary I have 'HOLD' for Denis Lynn at 1pm and FSA meeting at 2pm. As it still shows as a "hold" it implies to me that this was not confirmed with Mr Lynn as then I would remove hold.

I do not believe Mr Lynn attended this meeting.

The meeting with the FSA related to the serious wrong that harm using a banned carcinogenic curing agent would cause as per the evidence provided. This falls within the exemption in the same way that milk does. Any meeting with Lynn's related solely to providing evidence to the FSA on this issue.

10. 2pm, Wednesday 15th November 2017: Meeting with FSA representatives in Mr Paterson's Parliamentary office, regarding Randox. 3-line whip from 12.30pm.

This meeting is the same as above. This was not with Randox, it was a meeting with the FSA re Lynn's and is duplicated in error in the list provided.

11. 9am, Wednesday 6th December 2017: Meeting in Mr Paterson's Parliamentary office attended by Randox representatives. 3-line whip from 12.30pm.

This was a half hour meeting in my office with Henri Bernard from Randox and this was to discuss milk testing in France. This meeting is one of the five meetings identified in [my office manager's] statement.

12. 3.45pm, Monday 15th January 2018: Meeting in Mr Paterson's Parliamentary office attended by Prof. Elliott; Prosur CEO (Juan De Dios Hernandes); Lynn's Technical Director (Declan Ferguson); Legal Adviser to Lynn's (Matthew Forde); Lynn's Chair (Denis Lynn) and FSA representatives. 3-line whip at 9pm for 10pm.

The email thread confirms this meeting was at 5.45pm (this was listed as 15.45 and should have been 5.45pm). Michael Wright, Mark Willis and Laura Eden from FSA attended. We do not have a list of who else attended.

13. 12pm, Wednesday 23rd May 2018: Meeting in Mr Paterson's Parliamentary office attended by Randox representatives. 3-line whip from 12.3pm

This was a meeting with Sir John Bell who arrived at 12pm regarding on the Life Sciences reception which was hosted by Sir John on 18th October 2018. Randox representatives attended to meet Sir John Bell. There have been three Life Sciences receptions: 26th February 2018, 18th October 2018 and 29th April 2019. Randox sponsored and attended these events. These are accepted not to be meetings.

I was not yet fully back to work after breaking by neck on 27th January 2018 and was not very mobile.

14. 10.30am, Wednesday 20th June 2018: Meeting in Mr Paterson's Parliamentary office attended by Randox representatives regarding the Life Sciences reception: 3-line whip from 12.30pm with deferred divisions from 11.30am.

Again this was a meeting to discuss the Life Sciences reception on 18th October 2018.

15. 9th July 2018: meeting in Mr Paterson's Parliamentary office attended by the FSA Chair (Heather Hancock) and Lynn's representatives.

This meeting was at 6pm and with Heather Hancock only. There were no representatives from Lynn's at the meeting.

16. 9am, Tuesday 17th July 2018: Meeting in Mr Paterson's Parliamentary office attended by Randox representatives; regarding the Life Sciences reception. 3-line whip from 12.30pm.

This was to be a breakfast meeting at 8am with Randox but the email thread shows Randox could not make it. The meeting was with David Prior to discuss the Life Sciences Reception and no one from Randox attended. This is another example when the diary has not been updated with last minute changes.

17. 10am, Wednesday 10th October 2018: meeting in Mr Paterson's Parliamentary office attended by Randox representatives, deferred divisions from 11.30am.

This meeting was with Randox.

9am, 18th December 2018: meeting in Mr Paterson's Parliamentary office attended by Randox representatives, FSA Chair and representatives.

This meeting was with Heather Hancock only and no one attended from Randox.

19-28 Meetings with Lynn's Communications Director (Jago Pearson).

10th January 2019

6th February 2019

10th April 2019

18th May 2019

12th June 2019

17th July 2019

30th October 2019

15th January 2020

12th February 2020

Each month Jago Pearson would drop in for a coffee and a catch up as he was in the area. These were not formal meetings with any agenda. They were short, say 30 minutes and we discussed what Lynn's were doing, what was happening in

Westminster and life in general. This was a social catch up not a consultancy or business meeting.

51. Email from the Commissioner to the Clerk, 4 October 2021

Thank you for your email.

Meetings

Mr Paterson provided us with a list of meetings held on the parliamentary estate, and stated they were held at 1 Parliament Street unless stated otherwise (WE11ii). Mr Paterson stated in his evidence to the Commissioner, *"In summary, I held a number of meetings in my office when or because:*

2.1 The matter related to the disclosures to the FSA/DfID and that was in discharge of my Parliamentary duty;

2.2 I had to be on the Parliamentary Estate because of a 3-line whip;

2.3 My constituency is in Shropshire and so not accessible during the Parliamentary week;

2.4 I could not travel to Northern Ireland as I had done in the past because of Parliamentary business;

2.5 In January 2018 I broke my neck in 3 places, I was then severely constrained as to my ability to move. I couldn't fly for 5 or 6 months and so meetings had to be outside Northern Ireland and I wasn't able to move much from the Parliamentary Estate due to the injury." (WE11)

It appears that Mr Paterson is now stating this is inaccurate. He refers to [his office manager's] evidence, but this only details the number of meetings during a specific period between October 2016 and December 2017 (WE25xx). If the information he provided is wrong, I would have expected Mr Paterson to clearly state how many meetings related to his outside interests he held on the parliamentary estate, and how many in his office.

Colin Clifford

I note that Mr Paterson has accepted that he was aware the email had been sent by Colin Clifford, but had forgotten when asked at the Committee meeting.

Regarding selective disclosure, I'm not quite clear on what Mr Paterson is alleging, or what point he is trying to make. All documents referred to in the memorandum have been disclosed in the written evidence bundle, and we gave Mr Paterson the full unredacted material from the FSA. Mr Paterson refers to Annex A, but actually

the email he refers to is FOI material provided by the FSA directly to the Commissioner (WE 39ii). This material was provided to Mr Paterson in its full unredacted form alongside the memorandum. Annex A simply repeats the FOI request, which is why Devonshire's were told it was not relevant. Mr Paterson refers to the email not being included in the Commissioner's letter of 30 March. The material from the FSA was provided on 23 April (as referred to in the written evidence pack).

I hope this is helpful and as always , please do come back if you need further information.

Best wishes

Kathryn

Kathryn Stone OBE

Parliamentary Commissioner for Standards