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# The Code of Conduct

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*Approved by The House of Commons on  
13 July 2005*

**together with**

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# The Guide to the Rules relating to the conduct of Members

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*Approved by the House of Commons on  
9 February 2009*

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# The Code of Conduct for Members of Parliament

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*Prepared pursuant to the Resolution of the House of 19th July 1995*

## **I. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist Members in the discharge of their obligations to the House, their constituents and the public at large by:
  - a) Providing guidance on the standards of conduct expected of Members in discharging their parliamentary and public duties, and in so doing
  - b) Providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those duties.

## **II. Scope of the Code**

2. The Code applies to Members in all aspects of their public life. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to those which apply to Members falling within the scope of the Ministerial Code.

## **III. Public Duties of Members**

4. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
5. Members have a duty to uphold the law, including the general law against discrimination, and to act on all occasions in accordance with the public trust placed in them.
6. Members have a general duty to act in the interests of the nation as a whole; and a special duty to their constituents.

## **IV. General Principles of Conduct**

7. In carrying out their parliamentary and public duties, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office.<sup>1</sup> These principles will be taken into consideration when any complaint is received of breaches of the provisions in other sections of the Code.

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<sup>1</sup> Cm 2850-I, p 14.

### *“Selflessness*

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### *Integrity*

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### *Accountability*

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### *Openness*

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### *Honesty*

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### *Leadership*

Holders of public office should promote and support these principles by leadership and example.”

## **V. Rules of Conduct**

8. Members are expected in particular to observe the following rules and associated Resolutions of the House.

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

10. No Member shall act as a paid advocate in any proceeding of the House.<sup>2</sup>

11. The acceptance by a Member of a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in connection with the promotion of, or opposition to, any Bill, Motion, or other matter submitted, or intended to be submitted to the House, or to any Committee of the House, is contrary to the law of Parliament.<sup>3</sup>

12. In any activities with, or on behalf of, an organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with Ministers, Members and officials.

13. Members must bear in mind that information which they receive in confidence in the course of their parliamentary duties should be used only in connection with those duties, and that such information must never be used for the purpose of financial gain.

14. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the House on the use of such expenses, allowances, facilities and services.

15. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons, or its Members generally, into disrepute.

## **VI. Registration and Declaration of Interests**

16. Members shall fulfil conscientiously the requirements of the House in respect of the registration of interests in the Register of Members' Interests and shall always draw attention to any relevant interest in any proceeding of the House or its Committees, or in any communications with Ministers, Government Departments or Executive Agencies.<sup>4</sup>

## **VII. Duties in respect of the Parliamentary Commissioner for Standards and the Committee on Standards and Privileges**

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

18. Members shall cooperate, at all stages, with any investigation into their conduct by or under the authority of the House.

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<sup>2</sup> Resolution of 6 November 1995.

<sup>3</sup> Resolutions of 2 May 1695, 22 June 1858, and 15 July 1947 as amended on 6 November 1995 and 14 May 2002.

<sup>4</sup> Resolutions of the House of 22 May 1974, 12 June 1975 as amended on 19 July 1995, 12 June 1975, 17 December 1985, 6 November 1995 as amended on 14 May 2002, and 13 July 1992.

19. No Member shall lobby a member of the Committee on Standards and Privileges in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code.

# The Guide to the Rules relating to the conduct of Members

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# Guide to the Rules relating to the conduct of Members

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## Introduction

1. The purpose of this Guide is to assist Members in discharging the duties placed upon them by the Code of Conduct agreed by the House. It replaces the Guide approved by the House on 14 May 2002 (HC 841 (2001–02)). While previous editions of the Rules derived their authority from Resolutions of the House rather than from statute or common law, the attention of Members is drawn to the fact that in respect of registration categories 4, 5, and 6 there are in addition requirements imposed by the Political Parties, Elections and Referendums Act 2000 (PPERA) as amended by the Electoral Administration Act 2006.

2. In most circumstances, registration on the Register of Members' Financial Interests is sufficient to meet the requirements of PPERA. The Electoral Commission will extract the information to which the law entitles them from the published Register, or, where the publication timescale of the Register does not permit this, by accessing from the office of the Parliamentary Commissioner for Standards the information provided by Members to him. In the latter case publication by the Commission will sometimes predate publication in the Register.

3. Members remain subject to the jurisdiction of the Electoral Commission in respect of the permissibility of donations and loans, and are required to report impermissible or unidentifiable donations offered and loans accepted over £200<sup>1</sup> in value to the Commission. PPERA provides controls for the acceptance and reporting of donations and loans which, if over £200, must be from a permissible source.<sup>2</sup> The information required to be reported is explained in the case of permissible donations and loans under categories 4, 5, 6 and 10 and for impermissible donations is available from the Commission.

4. No written guidance can provide for all circumstances, and the examples included in this Guide should not be regarded as constituting an exhaustive list. The Parliamentary Commissioner for Standards (“the Commissioner”) and the Registrar of Members' Financial Interests (“the Registrar”) are available to give advice.

5. The Guide is divided into four Sections dealing with (1) Registration of Interests (paragraphs 10–71); (2) Declaration of Interests (paragraphs 72–88); (3) Lobbying for Reward or Consideration (paragraphs 89–102) and (4) Procedure for Complaints (paragraphs 103–114).

6. The House has two distinct but overlapping and interdependent mechanisms for the disclosure of the personal financial interests of its Members: registration of interests in a

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<sup>1</sup> If the Political Parties and Elections Bill receives Royal Assent, £200 will become £500.

<sup>2</sup> See Note on permissible donations and loans, page 25

Register which is open for public inspection; and declaration of interest in the course of debate in the House and in other contexts.

7. The main purpose of the Register is to give public notification on a continuous basis of those financial interests held by Members which might be thought to influence their parliamentary conduct or actions.

8. The main purpose of declaration of interest is to ensure that Members of the House and the public are made aware, at the appropriate time when a Member is making a speech in the House or in Committee or participating in any other proceedings of the House, of any past, present or expected future financial interest, direct or indirect, which might reasonably be thought by others to be relevant to those proceedings.

9. Ministers of the Crown who are Members of the House of Commons are subject to the rules of registration and declaration in the same way as all other Members (although Ministerial office is not registrable and the restrictions imposed by the ban on lobbying for reward or consideration do not apply to Ministers when acting in the House as Ministers). In addition, Ministers are subject to further guidelines and requirements laid down by successive Prime Ministers (“The Ministerial Code” ([http://www.cabinetoffice.gov.uk/propriety\\_and\\_ethics/ministers/ministerialcode](http://www.cabinetoffice.gov.uk/propriety_and_ethics/ministers/ministerialcode))). These requirements are not enforced by the House of Commons and so are beyond the scope of this Guide.

## 1. Registration of Members' Financial Interests

### *Rules of the House*

“Every Member of the House of Commons shall furnish to a Registrar of Members' Financial Interests such particulars of his registrable interests as shall be required, and shall notify to the Registrar any alterations which may occur therein, and the Registrar shall cause these particulars to be entered in a Register of Members' Interests which shall be available for inspection by the public.”

*(Resolution of the House of 22 May 1974, amended on 9 February 2009)*

“For the purposes of the Resolution of the House of 22 May 1974 in relation of disclosure of interests in any proceeding of the House or its Committees, any interest declared in a copy of the Register of Members' Financial Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division of the House or in any of its Committees.”

*(Part of the Resolution of the House of 12 June 1975, amended on 9 February 2009)*

10. Under the Resolution agreed by the House on 22 May 1974, and under the Code of Conduct, Members are required to register their financial interests in a Register of Members' Financial Interests. The duty of compiling the Register rests with the Commissioner, whose functions are set out in Standing Order No. 150. The Commissioner is assisted by the Registrar.

### *Definition of the Register's purpose*

11. The main purpose of the Register of Members' Financial Interests is “to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.”<sup>3</sup> The registration form specifies twelve Categories of registrable interests which are described below. Apart from the specific rules, there is a more general obligation upon Members to keep the overall definition of the Register's purpose in mind when registering their interests.

12. The purpose of registration is openness. Registration of an interest does not imply any wrongdoing.

### *Duties of Members in respect of registration*

13. Members of Parliament are required to complete a registration form and submit it to the Commissioner within one month of their election to the House (whether at a general election or a by-election). After the initial publication of the Register (or, in the case of Members returned at by-elections, after their initial registration) it is the responsibility of

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3 Select Committee on Members' Interests, First Report, Session 1991–92, “Registration and Declaration of Financial Interests”, HC 236, paragraph 27.

Members to notify changes in their registrable interests within four weeks of each change occurring.

14. Any Member who has a registrable interest which has not at the time been registered, shall not undertake any action, speech or proceeding of the House (except voting) to which the registration would be relevant until he or she has notified the Commissioner of that interest.

15. Members are responsible for making a full disclosure of their interests, and if they have relevant interests which do not fall clearly into one or other of the specified categories, they are nonetheless expected to register them, normally under Category 11.

16. Financial thresholds below which interests are not registrable apply except in Categories 1, 2 and 3, and the thresholds for the categories vary. All single benefits of whatever kind which exceed the applicable threshold (if any) should be registered in the appropriate Category. Category 4 requires the registration of all benefits received from the same source which amount to more than £1,000 in a calendar year, in increments of more than £200.<sup>4</sup> Categories 5, 6 and 7 require the registration of all benefits, received from the same source in the course of a calendar year, which cumulatively amount to more than 1 per cent of the current parliamentary salary.<sup>5</sup> Category 8 requires the registration of property worth more than 100% of a Member's annual parliamentary salary<sup>6</sup> or rental income worth 10% of that salary.<sup>7</sup> Category 9 requires the registration of shareholdings worth more than 100% of the annual parliamentary salary. Category 10 applies the same threshold as Category 4. In addition, if a Member considers that any benefit he or she has received falls within the definition of the main purpose of the Register set out in paragraph 11, even though it does not exceed the 1 per cent threshold, the Member should register it under Category 11 (Miscellaneous). The threshold for Category 12 is, again 1% of the annual parliamentary salary.

17. PPERA makes provision as to the permissibility of donations for amounts over £200. By making an entry in the Register the Member confirms that to the best of his or her belief the donation is from a permissible source. The threshold for reporting under PPERA is £1,000, whether as a single donation or as an accumulation of donations of £200 or more from the same source within the same calendar year. When accepting benefits worth more than £200 but below the registration threshold of £1,000, Members should bear in mind the need to ensure they are from permissible donors and keep records as they may be reportable when combined with other donations from the same source in a calendar year. Donations over £200 that are from an unidentifiable or impermissible source should be returned and reported to the Commission within 30 days.<sup>8</sup>

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4 If the Political Parties and Elections Bill receives Royal Assent, £200 will become £500.

5 About £650 at 1 April 2009

6 About £65,000 at 1 April 2009

7 About £6,500 at 1 April 2009

8 If the Political Parties and Elections Bill receives Royal Assent £1,000 will become £1,500 and £200 will become £500.

***Publication and public inspection***

18. The Register is published under the authority of the Committee on Standards and Privileges in printed form soon after the beginning of a new Parliament, and approximately annually thereafter. Between printings the Register is regularly updated electronically. The current version and a number of previous editions are available for public inspection in the Parliamentary Archives. The current Register, with previous editions, is also available on the Internet. At the discretion of the Commissioner copies of individual entries in the Register may be supplied on request.

## The Categories of Registrable Interest

[Note: Each of the boxes in this section contains a description of one of the Categories of interest which the House has agreed should be registered and which appear in the registration form]

### Part 1

#### Category 1

**Directorships:** Remunerated directorships in public and private companies including directorships which are individually unremunerated, but where remuneration is paid through another company in the same group.

19. In this Category, and in others, “remuneration” includes not only salaries and fees, but also the receipt of any taxable expenses, allowances, or benefits, such as the provision of a company car. Members must register the name of the company in which the directorship is held and give a broad indication of the company’s business, where that is not self-evident from its name. In addition to any remunerated directorships, a Member is also required to register any directorships he or she holds which are themselves unremunerated but where the companies in question are associated with, or subsidiaries of, a company in which he or she holds a remunerated directorship. Otherwise, Members are not required to register unremunerated directorships but may do so under Category 11 if they consider the relevant test is met.

20. Companies which have not begun to trade or which have ceased trading need not be registered, either under this Category or under Category 9 (Shareholdings). “Not trading” should, however, be interpreted in a strict sense; if a company is engaged in any transaction additional to those required by law to keep it in being, then a remunerated directorship in that company should be registered. If a Member wishes to register a directorship in a company which is not trading the Member should make the position clear by adding the words “not trading” after the name of the company.

21. A Member who holds a registrable directorship, including a non-executive directorship, and who provides in respect of that directorship services in the capacity of a Member of Parliament, is required to deposit with the Office of the Parliamentary Commissioner for Standards, for public inspection if required, such an agreement for the provision of services as is described in paragraphs 66 to 71 below.

22. Members must register under this category the precise amount of each individual payment made in relation to any directorship, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

23. Members providing services in the capacity of a Member of Parliament should also register their annual remuneration in bands of £5,000 (eg up to £5,000, £5,001–£10,000).

**Category 2**

**Remunerated employment, office, profession, etc:** Employment, office, trade, profession or vocation (apart from membership of the House or ministerial office) which is remunerated or in which the Member has any financial interest. Membership of Lloyd's should be registered under this Category<sup>9</sup>

24. All employment outside the House and any sources of remuneration which do not fall clearly within any other Category should be registered here. Members must register under this category the precise amount of each individual payment made, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

25. As with Category 1, a Member who is regularly providing services in the capacity of a Member of Parliament should obtain, and deposit with the Office of the Parliamentary Commissioner for Standards for public inspection and reproduction if required, an agreement for the provision of services, and should register earnings in bands of £5,000. In the case of media work there is no requirement to obtain an agreement, but the earnings band must be registered. For further guidance on media work see paragraph 71.

26. Members who have previously practised a profession of which they remain a member may wish to register that profession with a bracketed remark such as “[non practising]” after the entry. This is particularly desirable in cases of sleeping partnerships and where it is likely that the Member will resume the profession at a later stage. Such interests should be registered under Category 11 rather than this category.

**Category 3**

**Clients:** In respect of any paid employment registered in Category 1 (Directorships) and Category 2 (Remunerated employment, office, profession, etc.), any provision to clients of services should be registered under this Category. All clients to which personal services are provided should be listed together with the nature of the client's business in each case. Where a Member receives remuneration from a company or partnership engaged in consultancy business which itself has clients, the Member should list any of those clients to whom personal services or advice are provided, either directly or indirectly.

27. If a Member is employed as a parliamentary adviser by a firm which is itself a consultancy, he or she should register under this category any clients of that firm to which he or she has personally provided services. In addition the Member should register any

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<sup>9</sup> Members who have resigned from Lloyd's should continue to register their interest as long as syndicates in which they participated continue to have years of account which are open or in run-off. In such circumstances Members should register the date of resignation. Members of Lloyd's are also required to disclose the categories of insurance business which they are underwriting. Any member of Lloyd's receiving financial assistance (including relief from indebtedness or other loan concessions but excluding any general settlement available to all Lloyd's members) from a company, organisation or person within or outside the United Kingdom should register that interest under Categories 5 or 7, as appropriate.

clients of the consultancy which he or she knows have benefited from such advice. Where a company is named as a client, the nature of the company's business should be indicated. The consultancy itself should be registered under Category 2.

28. Members must register under this category the precise amount of each individual payment made, the nature of the work carried on in return for that payment, the number of hours worked during the period to which that payment relates and (except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality) the name and address of the person, organisation or company making that payment.

#### Category 4

##### Sponsorships:

- (a) Any donation received by a Member's constituency party or association, or relevant grouping of associations which is linked either to candidacy at an election or to membership of the House; and
- (b) any other form of financial or material support as a Member of Parliament, amounting to more than £1,000 from a single source, whether as a single donation or as multiple donations of more than £200 during the course of a calendar year.<sup>10</sup>

29. This category deals with sponsorship or other forms of support by companies, trade unions, professional bodies, trade associations and individuals. Donations to Members relating to their political activities (which under PPERA are to be interpreted widely) are generally registrable under this category unless:

- a) it would be more appropriate to register them under another Category, such as Category 5 (Gifts, benefits and hospitality (UK)) or Category 6 (Overseas visits), or
- b) they are exempt from registration.

30. Category 4(a) deals with financial contributions to constituency parties or associations, or (where the party is organised otherwise than on a constituency basis) the relevant grouping of associations. Such reporting to the Register of Members' Financial Interests is additional to the statutory reporting requirements of local political party accounting units to the Electoral Commission under PPERA. For the purposes of the Register of Members' Financial Interests, support should be regarded as "linked" directly to a Member's candidacy or membership of the House if it is expressly tied to the Member by name, eg if it is a contribution to the Member's fighting fund or a donation which has been invited or encouraged by the Member or candidate. Financial contributions to constituency associations, parties or area associations, etc, which are not linked to a Member's candidacy or membership of the House, that is where the donation would have been forthcoming irrespective of the identity of the candidate or Member, and the candidate or Member

<sup>10</sup> If the Political Parties and Elections Bill receives Royal Assent all references in this category to £1,000 will become £1,500 and to £200 £500.



played no personal part in securing it, do not have to be registered on the Register of Members' Financial Interests.

31. Members who did not sit in the previous parliament should register all donations linked to their candidacy received in the twelve month period before the date on which they submit their returns to the Registrar.<sup>11</sup>

32. It is not possible to give an exhaustive list of what might be considered 'linked' to an individual, and, as always, Members who are in any doubt should consult the Registrar.<sup>12</sup> They are also reminded that the requirement to register covers only donations of which they are aware or might reasonably be expected to be aware. Registration by the Member is additional to any registration required of the local organisation.

33. Category 4(b) covers any other financial or material benefit in support of a Member's role as a Member of Parliament. (Any contribution for the *personal benefit* of a Member should be entered under Category 5 (Gifts, benefits and hospitality (UK)). Such support is registrable whether it is provided directly to the Member or is a donation made to a Member's central party organisation accompanied with a wish that it be allocated to the support of a particular Member or front-bench office. (In such circumstances the party's reporting obligations to the Electoral Commission under PPERA remain). The types of support which should be registered under this Category include: the services of a research assistant or secretary whose salary, in whole or in part, is met by an outside organisation or individual; the provision of free or subsidised accommodation for the Member's use, other than accommodation provided by a local authority to a Member for the sole purpose of holding constituency surgeries or accommodation provided solely by the constituency party; and financial contributions towards such services or accommodation.

34. Members standing for election to non-parliamentary office (for instance election to a devolved institution, elected mayoralty or party office) should register donations received to support such candidacy.

35. Where Members receive sponsorship of registrable value from political clubs or other associations, they should register this fact together with the names of individual donors who have contributed more than £1,000 to the club in a calendar year. Similarly, if a fund-raising event raises more than £1,000, a Member benefiting should register the event and any qualifying donations from individuals or bodies; where the funds raised are available for more than one elected representative (for instance, more than one Member or a Member and a Member of the Scottish Parliament), each recipient Member should register the benefit as if he or she were the sole beneficiary.

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11 This ensures that their entries cover the same period as those of returned Members.

12 Members might, in this context, ask themselves such questions as 'Did I write to or meet the donor asking for a contribution?'. 'Was a letter sent out headed 'Campaign to [Re-] Elect [name]' , 'Was I the guest of honour at a dinner where donations were sought?' and 'Have I a particular relationship to the donor which would not be the case in respect of another candidate?'. If the answer to any of these is 'Yes', then the presumption should be in favour of registration.

36. After determining that the donation is from a permissible source,<sup>13</sup> when making an entry under this Category, Members must provide:

Name of donor

Address of donor (the address of individuals will not be published)

Amount of donation or nature and value if donation in kind

Date of receipt of donation

Date of acceptance of donation

Donor status

Individual

Building society

Friendly society

Limited liability partnership

Registered party (other than own party)

Trade union

Unincorporated association

Company—with registration number

In the case of a donation from a trust

Name and address of person who created the trust

Name (and, if the trust was created after 27 July 1999) address of all others by whom property has been transferred to the trust, including company registration number if applicable

If the trust was created before 27 July 1999, the date the trust was created.

In the case of a bequest

The full name of the person who made the bequest

The address of that person at the time of death, or, if that person was not registered in an electoral register at the time of death, the last address at which that person was registered during the previous five years

#### **Category 5**

**Gifts, benefits and hospitality (UK):** Any gift to the Member or the Member's spouse or partner, or any material benefit, of a value greater than one per cent of the current parliamentary salary from any company, organisation or person within the UK which in any way relates to membership of the House or to a Member's political activity.

37. The specified financial value above which tangible gifts (such as money, jewellery, glassware etc.), or other benefits (such as hospitality, tickets to sporting and cultural events, relief from indebtedness, loan concessions, provision of services etc.) must be registered is one per cent of a Member's annual parliamentary salary.<sup>14</sup>

13 Sources of donations are controlled under PPERA. Information about permissibility is included in a Note at the end of this section. For further information and advice please contact the Electoral Commission on 020 7271 0616.

14 About £650 as at April 2009.

38. The rule means that Members must register any gift, or other benefit, which in any way relates to membership of the House and which is given free, or at a cost below that generally available to members of the public whenever the value of the gift or benefit is greater than the amount specified above. Members must also register any similar gift or benefit which is received by any company or organisation in which the Member, or the Member and the Member's spouse or partner jointly, have a controlling interest.

39. Members must register gifts and other benefits from the same source in the course of a calendar year which cumulatively are of a value greater than one per cent of the current parliamentary salary, even if each single gift or benefit is of lesser value.

40. Members must register benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of themselves as if they had received them in person.

41. Members must register gifts, or other benefits, from another Member of Parliament in the same way as those from anyone else.

42. Although hospitality from public bodies (Her Majesty's Government, any of the devolved institutions in Scotland, Wales or Northern Ireland or non-departmental bodies including Members' local or health authorities), if valued at over £200,<sup>15</sup> is considered impermissible under PPERA, the Electoral Commission recognises that such hospitality from these sources is in many cases part of Members' duties and therefore forms part of their remuneration and allowances, which do not need to be reported under PPERA. Under the rules of the House they are not registrable, but in any case of doubt the Electoral Commission should be consulted as to permissibility before acceptance.

43. Gifts and material benefits in this Category (and other Categories) are exempt from registration if they do not relate in any way to membership of the House or to a Member's political activity. The extent to which this exemption applies in any particular case is necessarily a matter of judgement. Both the possible motive of the giver and the use to which the gift is put have to be considered: if it is clear on both counts that the gift or benefit is entirely unrelated to membership of the House or to a Member's political activity, or would not reasonably be thought by others to be so related, it need not be registered. If there is any doubt it should be registered.

44. Where a personal benefit to the Member is not specifically received in the capacity of a Member of Parliament but is nonetheless related to his or her political activity, as, for instance, in the case of a fund set up to assist in a legal action arising out of such activity, any individual donations to the fund which are of registrable value should be registered under this category.

45. In respect of benefits under this Category the information required to be provided is as for Category 4.

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<sup>15</sup> If the Political Parties and Elections Bill receives Royal Assent, £200 will become £500.

**Category 6**

**Overseas visits:** With certain specified exceptions, overseas visits made by the Member or the Member's spouse or partner relating to or in any way arising out of membership of the House where the cost of the visit exceeds one per cent of the current parliamentary salary and was not wholly borne by the Member or by United Kingdom public funds.

46. When making an entry under this Category the Member must register:

Name of donor

Address of donor (the address of individuals will not be published)

Amount of donation (if there is no commercial equivalent, and the Member believes the value to have exceeded £1,000,<sup>16</sup> the Member should provide a statement that he or she has been unable to ascertain the value of the donation but believes it to have been more than £1,000)

Destination of visit

Date of visit

Purpose of visit

Where only part of the cost was borne by an outside source (for example the cost of accommodation but not the cost of travel), those details should be stated briefly. When an overseas visit was arranged by a registered All-Party or parliamentary group or by a party backbench group, it is not sufficient to name the group as the sponsor of the visit: the Government, organisation, company or person ultimately meeting the cost should be specified.

47. The following categories of visit, which are mainly paid for from United Kingdom public funds or which involve reciprocity of payment with other Governments or Parliaments, together with any hospitality associated with such a visit, are exempt from registration:

- i) Visits which are paid for by, or which are undertaken on behalf of, Her Majesty's Government or which are made on behalf of an international organisation to which the United Kingdom Government belongs (**Note:** Visits paid for by the British Council are registrable under PPERA, and the previous exemption therefore no longer applies);
- ii) Visits abroad with, or on behalf of, a Select Committee of the House, or undertaken under a Resolution of the House;
- iii) Visits undertaken on behalf of, or under the auspices of, the Commonwealth Parliamentary Association, the Inter-Parliamentary Union, the British American Parliamentary Group, the British-Irish Parliamentary Assembly, the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the NATO Parliamentary Assembly, the OSCE Parliamentary

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<sup>16</sup> If the Political Parties and Elections Bill receives Royal Assent, £1,000 will become £1,500.

Assembly. (**Note:** The Armed Forces Parliamentary Scheme, the Police Service Parliamentary Scheme and the National Council for Voluntary Organisations' MP Secondment Scheme and the Industry and Parliament Trust are no longer exempt from registration);

- iv) Visits arranged and paid for wholly by a Member's own political party;
- v) Visits paid for wholly by an institution of the European Union or by a political group of the European Parliament.

48. Similar categories of visit may be added to this list from time to time by the Committee on Standards and Privileges. Visits which are entirely unconnected with membership of the House, or with a Member's political activities, are exempt from registration.

#### **Category 7**

**Overseas benefits and gifts:** Any gift to the Member or to the Member's spouse or partner, or any material advantage, of a value greater than one per cent of the current parliamentary salary from or on behalf of any company, organisation or person overseas which in any way relates to membership of the House.

49. The financial limits and guidelines which apply to Category 5 also apply here. Members should enter a cross-reference under this Category where an interest already entered in Categories 1, 2 or 3 entails the receipt of payments from abroad. There are legal restrictions on Members' accepting benefits from abroad in connection with their political activities, about which they may wish to take advice from the Electoral Commission.

#### **Category 8**

**Land and property:** Any land or property—

- (a) which has a substantial value (unless used for the personal residential purposes of the Member or the Member's spouse or partner), or
- (b) from which a substantial income is derived.

The nature of the property should be indicated.

50. Property used for the personal residential purposes of the Member or the Member's spouse or partner and dependent children (that is, their main and any other homes) does not need to be registered under Category 8(a). It may need to be registered under Category 8(b), but only if the Member derives an income from it and derives a substantial income from his or her total property portfolio (see paragraph 51). A property, such as a farm, on which the Member has a residence should be registered if it has a substantial value aside from the residential use.

51. "Substantial value" means a value greater than the current parliamentary salary. If a Member's total property portfolio (excluding main and other homes) has a substantial value, it should be registered.

52. “Substantial income” means an income greater than 10 per cent of the current parliamentary salary. If the income from a Member’s total property portfolio (*including* main and any other homes) is substantial, all the properties from which any income is derived should be registered.

53. Entries should be reasonably specific as to the nature of the property and its general location, for example:—

“Woodland in Perthshire”

“Dairy farm in Wiltshire”

“3 residential/commercial rented properties in Manchester”.

**Category 9**

**Shareholdings:** Interests in shareholdings held by the Member, either personally, or with or on behalf of the Member’s spouse or partner or dependent children, in any public or private company or other body which are:

(a) greater than 15 per cent of the issued share capital of the company or body; or

(b) 15 per cent or less of the issued share capital, but greater in value than the current parliamentary salary.

The nature of the company’s business in each case should be registered.

54. When determining whether shareholdings are registrable under the criteria set out above, Members should include not only holdings in which they themselves have a beneficial interest but also those in which the interest is held with, or on behalf of, their spouse or partner or dependent children.

55. For each registrable shareholding, the entry should state the name of the company or body, briefly indicate the nature of its business, and make clear which of the criteria for registration is applicable.

56. The value of a shareholding is determined by the market price of the share on the preceding 5 April; but if the market price cannot be ascertained (eg because the company is unquoted and there is no market in the shares), the Member should decide whether to register it on the basis of its estimated value. Interests in shareholdings include share options.

57. It is sometimes appropriate to register shareholdings falling outside Categories 9a and 9b. In considering whether to do so, Members should have regard to the definition of the main purpose of the Register: “to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament”. If a Member considers that any shareholding which he or she holds falls within this definition, the Member should register the shareholding under Category 11.

58. Holdings in a collective investment vehicle (including unit trusts, investment companies with variable capital (ICVCs) and investment trusts) are not generally registrable. Members are, however, advised to have regard to the general principle of the Register and to consider registration in appropriate cases, such as sector-specific vehicles. Members who are beneficiaries of trusts should treat them in the same way.

59. Pensions are not in themselves registrable, but identifiable holdings in a self-invested personal pension fund, if of registrable value, are registrable either under Category 8 or Category 9 as appropriate.

**Category 10**

**Controlled transactions within the meaning of Schedule 7A PPERA, not otherwise recorded in the Register**

60. Since 2006 loans and credit arrangements—‘regulated transactions’—have been controlled under PPERA and were previously reportable to the Electoral Commission (further detailed guidance on the treatment of loans is available from the Commission). When a Member is offered a loan or credit arrangement over £200 in value relating to political activities they should confirm whether it is from a permissible source (see paragraph 3 and if in any doubt consult the Electoral Commission for further information), before deciding whether to enter into it. If it is over £1,000 in value, a Member has 30 days in which to report this to the Register of Members’ Financial Interests (for permissible loans). Loans over £200 in value that are from an impermissible source must not be entered into.<sup>17</sup>

61. If any part of the value of a loan is used in connection with the Member’s political activities, it is a regulated loan. This includes loans taken out for any other purpose, any part of whose value is used in connection with the Member’s political activities as long as it was the Member’s intention in taking out the loan that it would be used for those activities.

62. Another type of regulated transaction that a Member is required to report to the Registrar of Members’ Financial Interests under PPERA is a ‘connected transaction’. This is defined as the provision of security on behalf of a Member where any part of the money or benefit from the original transaction is used in connection with the Member’s political activities, for example:

- a supporter provides a personal guarantee to a bank to repay the mortgage on a Member’s office if the Member is unable to do so;
- a supporter gives a supplier a charge against their own property if a Member fails to meet their trade credit agreement.

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<sup>17</sup> If the Political Parties and Elections Bill receives Royal Assent, references in this section to £1,000 will become £1,500 and £200 £500.



**Category 11**

**Miscellaneous:** Any relevant interest, not falling within one of the above categories, which nevertheless falls within the definition of the main purpose of the Register which is “to provide information of any financial interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her actions, speeches, or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament,” or which the Member considers might be thought by others to influence his or her actions in a similar manner, even though the Member receives no financial benefit.

63. The main purpose of this Category is to enable Members to enter in the Register any interests which they consider to be relevant to the Register’s purpose, but which do not obviously fall within any of the other categories. As the Select Committee on Members’ Interests pointed out in its First Report of Session 1991–92: “it is a cardinal principle that Members are responsible for making a full disclosure of their own interests in the Register; and if they have relevant interests which do not fall clearly into one or other of the specified Categories, they will nonetheless be expected to register them”.<sup>18</sup>

64. The general principle of the Register is that the requirement to register is limited to interests entailing remuneration or other material benefit.<sup>19</sup> Members are not, therefore, required by the rules to register unremunerated directorships (eg directorships of charitable trusts, professional bodies, learned societies or sporting or artistic organisations) and the Category should not be used to itemise these or other unremunerated interests. However, when a Member considers that an unremunerated interest which the Member holds might be thought by others to influence his or her actions in a similar manner to a remunerated interest, such an interest may be registered here. Such interests may include, but are not limited to, shareholdings (as described in paragraph 57 above), unremunerated parliamentary consultancies, or non-practising membership of professions. Interests such as a fund to defray legal expenses relating to activities as a Member or political activities should also be registered here if no benefit has yet been received.

**Part 2****Category 12**

**Family members employed and remunerated through parliamentary allowances.**

65. Members are required to register the name, relationship to them, and job title of any family members (by blood or by marriage or a relationship equivalent to marriage) employed by them and remunerated through parliamentary allowances (for casual employment, this is subject to a threshold of 1% of a Member’s annual parliamentary salary).

<sup>18</sup> *Op.cit.*, paragraph 29.

<sup>19</sup> *Ibid*, paragraph 31.



## Note on permissible donations and loans

After receiving a donation over £200 in value a Member has 30 days to check and confirm it is from a permissible source before either accepting it or returning it. Before entering into a loan a Member must check and confirm the lender is permissible. The Member then has a further 30 days to report permissible donations or loans over £1000 to the Registrar or to report impermissible or unidentifiable donations and loans (over £200) to the Commission. Members must check the permissibility of a lender before entering into a loan, credit facility or guarantee arrangement for political activities.<sup>20</sup>

Under Chapter 2 of Part IV of PPERA a permissible source is:

- an individual registered in a UK electoral register (including bequests)
- a UK-registered company which is incorporated within the European Union (EU) and carries on business in the UK
- a GB-registered political party
- a UK-registered trade union
- a UK-registered building society
- a UK-registered limited liability partnership that carries on business in the UK
- a UK-registered friendly society
- a UK-based unincorporated association that carries on business or other activities in the UK

Funding for overseas visits can come from any source as long as the amount given does not exceed the cost of the trip.

## Agreements for the provision of services

“Any Member proposing to enter into an agreement which involves the provision of services in his capacity as a Member of Parliament shall conclude such an agreement only if it conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £5,000, £5,001–£10,000, and thereafter in bands of £5,000, shall be deposited with the Parliamentary Commissioner for Standards at the same time as it is registered in the Register of Members’ Financial Interests and made available for inspection and reproduction by the public.

Any Member who has an existing agreement involving the provision of services in his capacity as a Member of Parliament which conforms to the Resolution of the House of 6th November 1995 relating to Conduct of Members, but which is not in written form, shall take steps to put the agreement in written form; and no later than 31st March 1996 a full copy of any such agreement including the fees or benefits payable in bands of: up to £5,000, £5,001–£10,000, and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members’ Financial Interests and made available for inspection and reproduction by the public.

Provided that the requirement to deposit a copy of an agreement with the Commissioner shall not apply—

- (a) if the fees or benefits payable do not exceed one per cent of the current parliamentary salary; nor
- (b) in the case of media work (but in that case the Member shall deposit a statement of the fees or benefits payable in the bands specified above).”

*(Part of a Resolution of the House of 6 November 1995, amended on 14 May 2002 and on 9 February 2009)*

20 If the Political Parties and Elections Bill receives Royal Assent £1,500 and £500 will replace £1,000 and £200 respectively.

66. Under a Resolution of the House of 6 November 1995 the House agreed that Members should deposit certain agreements for the provision of services with the Parliamentary Commissioner for Standards.

Members should:

- ensure that the agreement does not breach the ban on lobbying for reward or consideration (see paragraphs 89–101 below);
- put any such agreement in written form;
- deposit a full copy of the agreement with the Commissioner. The agreement should indicate the nature of the services to be provided and specify the fees or benefits the Member is to receive in bands of (1) up to £5,000; (2) £5,001 to £10,000 (and thereafter in bands of £5,000);
- make the appropriate entry in the Register; and
- declare the interest when it is appropriate to do so (see paragraphs 72–88).

Deposited agreements may be inspected in the Parliamentary Archives.

67. ‘Services in the capacity of a Member of Parliament’ is usually taken to mean advice on any parliamentary matter or services connected with any parliamentary proceeding or otherwise related to the House. Essentially, when Members are considering whether an agreement is necessary they should ask themselves ‘Would I be doing this job in this way if I were not a Member of Parliament’, and seek an agreement if the answer is ‘No’.

68. The Select Committee on Standards in Public Life<sup>21</sup> gave the following guidance in respect of the application of the rule:

“The present rule is that all remunerated outside employment must be included in the Register, irrespective of whether it has any bearing on a Member’s actions in Parliament. We have no doubt that this discipline should continue to be observed.

If our recommendation that paid advocacy<sup>22</sup> in Parliament should be prohibited altogether is adopted by the House, it is essential that no future agreements should require Members to take part in activities which can be described as advocacy.

The new requirement for employment agreements<sup>23</sup> to be put in writing will apply principally to any arrangement whereby a Member may offer advice about parliamentary matters. We think it right, however, that it should also include frequent, as opposed to merely occasional, commitments outside Parliament which arise directly from membership of the House. For example, a regular, paid

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21 Select Committee on Standards in Public Life, Second Report, Session 1994–95, HC 816, paragraphs 39–42.

22 Referred to in the Guide as “lobbying for reward or consideration”.

23 Referred to in the Guide as “agreements for the provision of services”.

newspaper column or television programme would have to be the subject of a written agreement, but ad hoc current affairs or news interviews or intermittent panel appearances would not.<sup>24</sup>

It may not always be immediately obvious whether a particular employment agreement arises directly from, or relates directly to, membership of the House. At one end of the spectrum are those Members whose outside employment pre-dates their original election, whilst at the other extreme are those who have taken up paid adviserships since entering the House. In between there will be many cases which are difficult to classify. Some Members, for example, may provide advice on Parliamentary matters incidentally as part of a much wider employment agreement covering matters wholly unrelated to the House. In these circumstances, it would be for an individual Member to decide how far it would be proper to isolate the Parliamentary services within a separate, depositable agreement; in reaching that decision he may wish to consult the Commissioner.”

69. On the basis of this guidance the Committee on Standards and Privileges has agreed that disclosing the remuneration for parliamentary services separately from remuneration for other services would be justified only in exceptional circumstances; eg where the parliamentary services are separately identifiable and form only a small proportion of the services as a whole. In any such case the entry in the Register should make it clear that the remuneration is for parliamentary services as part of a wider agreement.

70. The scope of the Resolutions is not limited to employment registered under Category 2 (Remunerated employment, office, profession, etc) but includes other forms of employment, such as directorships (including non-executive directorships), when these involve the provision of services by the Member in his or her capacity as a Member of Parliament.

71. The following special provisions apply to media work (journalism, broadcasting, speaking engagements, media appearances, training, &c):

- a) The deposit of an agreement for the provision of services is not required.
- b) Unless the work is wholly unrelated to parliamentary affairs, such as a sports column in a newspaper, Members who register any form of media work under Category 2 (Remunerated employment, office, profession, etc.) should declare the remuneration, or value of the reward, they receive for each commitment, or group of commitments for the same organisation or audience in the same calendar year, in bands of (1) up to £5,000; (2) £5,001–£10,000 (and thereafter in bands of £5,000).

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<sup>24</sup> But see also paragraph 71 below.

## 2. Declaration of Members' Interests

### *Rules of the House*

“In any debate or proceeding of the House or its Committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.”

*(Resolution of the House of 22 May 1974)*

“For the purposes of the Resolution of the House of 22 May 1974 in relation to disclosure of interests in any proceeding of the House or its Committees,

- (i) Any interest declared in a copy of the Register of Members' Financial Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division of the House or in any of its Committees.
- (ii) The term 'proceeding' shall be deemed not to include the asking of a supplementary question.”

*(Resolution of the House of 12 June 1975, amended on 19 July 1995 and on 9 February 2009)*

“This House takes note of the First Report from the Select Committee on Members' Interests, Session 1990–91 (House of Commons Paper No. 108), relating to the interests of Chairmen and members of Select Committees, and approves the recommendations of the Committee relating to declaration of interest in Select Committees (paragraphs 8 to 16), withdrawal from Committee proceedings (paragraph 24) and procedures prior to the election of a Chairman (paragraph 25).”

*(Resolution of the House of 13 July 1992: Members' Interests (Interests of Chairmen and members of Select Committees))*

72. In 1974 the House replaced a long standing convention with a rule that any relevant financial interest or benefit of whatever nature, whether direct or indirect, should be declared in debate, or other proceeding. The same rule places a duty on Members to disclose to Ministers, or servants of the Crown, all relevant interests. The term 'servants of the Crown' should be interpreted as applying to the staff of executive agencies as well as to all staff employed in government departments.

### *Past and potential interests*

73. The rule relating to declaration of interest is broader in scope than the rules relating to the registration of interests in three important respects. As well as current interests, Members are required to declare both relevant past interests and relevant interests which they may be expecting to have. In practice only interests held in the recent past, i.e. those current within the previous twelve months, need normally be considered for declaration. Expected future interests, on the other hand, may be more significant. Where, for example, a Member is debating legislation or making representations to a Minister on a matter from which he has a reasonable expectation of personal financial advantage, candour is essential. In deciding when a possible future benefit is sufficiently tangible to necessitate declaration, the key word in the rule which the Member must bear in mind is “expecting”. Where a Member's plans or degree of involvement in a project have passed beyond vague hopes and

aspirations and reached the stage where there is a reasonable expectation that a financial benefit will accrue, then a declaration explaining the situation should be made. Members are also required to declare relevant indirect interests, for instance those of a spouse or partner, and also non-registrable interests of a financial nature where these are affected by the proceedings in question (as, for instance the possession of a second home when the council tax treatment of these is under discussion). Members may also think it appropriate to declare non-financial interests of the kinds itemised in paragraph 64 where these are relevant to proceedings.

### **Relevance**

74. It is the responsibility of the Member, having regard to the rules of the House, to judge whether a financial interest is sufficiently relevant to a particular debate, proceeding, meeting or other activity to require a declaration. The basic test of relevance should be the same for declaration as it is for registration of an interest; namely, that a financial interest should be declared if it might reasonably be thought by others to influence the speech, representation or communication in question. A declaration should be brief but should make specific reference to the nature of the Member's interest.

75. Members are, however, not required to declare interests common to all Members and solely arising from that specific capacity. For example, in a debate on employment law, Members are not required to declare any interest as employers of staff in relation to those employed wholly in connection with their parliamentary duties.

76. The House has endorsed the following advice on the occasions when such a declaration of interest should be made: "no difficulty should arise in any proceeding of the House or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the House, include debates in Standing Committees, the presentation of a Public Petition, and meetings of Select Committees at which evidence is heard. On all such occasions the Member will declare his interest at the beginning of his remarks ... it will be a matter of judgement, if his interest is already recorded in the Register, whether he simply draws attention to this or makes a rather fuller disclosure".<sup>25</sup> Any declaration "should be sufficiently informative to enable a listener to understand the nature of the Member's financial interest ...",<sup>26</sup> and Members are advised to be specific if there is any doubt as to which interest is involved.

77. In a debate in the House the Member should declare an interest briefly, usually at the beginning of his or her speech. If the House is dealing with the Committee or Consideration stages of a Bill it will normally be sufficient for the Member to declare a relevant interest when speaking for the first time. In Public Bill Committees, Members should declare relevant interests at the first meeting of the Committee or on the first occasion on which they address the Committee. It will not be necessary for a declaration to be repeated at subsequent meetings except when the Member speaks on an Amendment to

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25 Select Committee on Members' Interests (Declaration), First Report, Session 1974–75, HC 102, paragraph 43; approved by the House, 12th June 1975.

26 Select Committee on Members' Interests, First Report, Session 1991–92, *op.cit.*, paragraph 80.

which the interest is particularly relevant. When giving notice of an Amendment or a Motion (including a Motion for leave to introduce a “Ten Minute Rule” Bill), giving notice of the presentation of a Bill or adding a name to an amendment or motion, Members should declare any relevant interest in the appropriate manner (see paragraphs 78–81 below).

### ***Declaration of interest in respect of written notices***

78. Under the Resolution of 19 July 1995, Members are required to declare relevant interests on the Order Paper (or Notice Paper) when tabling any written notice initiating a parliamentary proceeding, ie:

- a) Questions (for oral or written answer, including Urgent Questions);
- b) Early Day Motions, Amendments to them, or any names added in support of such Motions or Amendments;
- c) a notice of a Motion for leave to introduce a “Ten Minute Rule” Bill;
- d) a notice for the presentation of a Bill (including a “Ballot” Bill or supporting the presentation of a Bill);
- e) any other Motions, Amendments, or added names in support of them;

Amendments to Bills (whether to be considered in the House or in a Committee) and any names added in support of them.

79. Whenever such an interest is declared, the symbol “[R]” is printed after the Member’s name on the Notice Paper or Order Paper. The Office accepting the written notice (including any written notice of a Member adding his or her name to a Motion or an Amendment) assumes that no interest is declarable unless the notice clearly indicates a declaration: this should be done by inserting “[R]” after the Member’s name on the Motion or Amendment, as the case may be, or filling in the appropriate box which appears on the form for parliamentary Questions.

80. “Relevant interests” which should be declared include any interest which the Member is required to register in the Register of Members’ Financial Interests, or which the Member should declare in debate. It will therefore usually be the case that the interest to which the Member is drawing the attention of the House will already be entered in the Register. Provided it is readily apparent which of the Member’s registered interests are applicable, the Member need take no further action. If this is not the case, or if the interest is a new interest which is not yet available for inspection in the Register or is declarable but not registrable, then the Member when giving notice should attach to that notice a brief written description of the interest which is being declared. This will then be available for inspection by Members in the Office where the notice was given, viz.: the Table Office, the Public Bill Office, or the Private Bill Office. In the case of Urgent Questions which are allowed, a Member with a relevant interest should declare that interest when the Question is formally asked in the House.

81. All Members need to exercise particular care when invited to add their names to any EDMs or other Motions or Amendments or to support Bills and to ensure that they have considered whether they have a relevant declarable interest. Given the informal way in which support for Motions, Amendments and Bills is often sought, the need for declaration may not be foremost in Members' minds, but great care needs to be exercised by Members in these circumstances.

### ***Declaration of interest in applications for adjournment or emergency debates***

82. Requests for emergency debates under Standing Order No. 24 and applications for daily adjournment debates and adjournment debates in Westminster Hall are made to the Speaker. Such applications should be accompanied by a declaration of any relevant interest. When a Member is notified that he or she has been successful in obtaining an adjournment debate it is the Member's responsibility to notify the Table Office and to ensure that an indication of the relevant interest appears at the earliest opportunity on the Notice Paper or Order Paper. The procedure will be similar to that for written notices described in paragraph 78. If the Speaker allows a Member to present an application to the House for an emergency debate under Standing Order No. 24 a Member with a relevant interest should begin his or her remarks to the House with a declaration of that interest.

### ***Declaration of interest in select committees***

83. Members of Select Committees on any matter or Bill are bound by the Resolution of the House of 13 July 1992 which approved certain paragraphs of a Report by the Select Committee on Members' Interests relating to the financial interests of Chairmen and members of Select Committees.<sup>27</sup> The main provisions are:

- before the Committee proceeds to the election of a Chairman all Members nominated to serve upon a Select Committee are required to send to the Clerk of the Committee details of any financial interests for circulation to the Committee under the authority of the senior Member before its first meeting. The procedure is not necessary in the case of Select Committees of a wholly procedural nature. [Paragraph 25]
- “when a member of a Committee, particularly the Chairman, has a financial interest which is directly affected by a particular inquiry or when he or she considers that a personal interest may reflect upon the work of the Committee or its subsequent Report, the Member should stand aside from the Committee proceedings relating to it.” [Paragraph 24]
- “before proceeding to business after the election of the Chairman, the Chairman of the Committee should invite all members of the Committee to declare any interests they may have which relate to the terms of reference of that Committee, or which are

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<sup>27</sup> Select Committee on Members' Interests, First Report, Session 1990–91, HC 108. The paragraphs which the House specifically approved were: 8–16, 24 and 25. The references in square brackets relate to the paragraphs in that Report.



likely to be relevant to a substantial part of the work which the Committee may be expected to undertake”. [Paragraph 13]

- “A Member should make a declaration of interest at an early stage in any inquiry to which that interest particularly relates. If the interest is especially relevant to one witness or group of witnesses appearing before the Committee, the interest should be declared again at the appropriate session of evidence”. [Paragraph 13]
- A Member is required to “declare an interest when asking any questions which relate directly, or which might reasonably be thought by others to relate directly, to the financial interest he or she holds ... Such a declaration must be made irrespective of any declaration having been made at an earlier meeting of the Committee”. One such declaration is sufficient for any questions asked of the same witnesses during one evidence Session. [Paragraph 13]
- “Although the main purpose of declaration of interest is to inform colleagues, it is right that witnesses and the public, if the Committee is meeting in public, should also be informed. When a Committee meets in public, declaration of interest should be in public Session. When a Committee meets in private and regularly takes oral evidence, declaration should be made when witnesses are present.” [Paragraph 13]
- “In making any declaration a Member should clearly identify the nature of the financial interest. The form in which a declaration of interest is made, and its extent, must be primarily for the individual Member.” A casual reference is not sufficient. “A Member should make a declaration in clear terms and should ensure that such a declaration is entered in the Minutes of Proceedings of the Committee.” [Paragraph 14]
- It is “perfectly acceptable for a Member, when declaring an interest which is registered in the Register of Members’ Interests ... to refer to his or her entry in the Register”. [Paragraph 16] (But see also the more extensive guidance in paragraph 76 above.)
- “we stress the importance of declaration when relevant and of declaring a financial interest at the moment when it is most appropriate to do so. We do not wish to create a situation where the proceedings of Committees are frequently interrupted by declarations of tangential relevance to what is being considered ... the interests that a Member is required to register may not be at all relevant to his or her work on the Select Committee and consequently may never need to be declared during its proceedings.” [Paragraph 16]

84. Where the subject matter of an inquiry of a Select Committee is of direct concern to an outside body in which a Member has a financial interest, the Member must consider whether on grounds of conflict of interest it is proper to take part in the inquiry. The Member must also consider whether the relationship of his or her interest to the subject of the inquiry is so close that it is not possible to participate effectively in the inquiry without crossing the borderline into advocacy.



### ***Rule on declaration of interests relating to Private Bills***

85. Under Standing Order 120 relating to Private Business a Member nominated by the Committee of Selection to serve on a Committee on a Private Bill is required to sign a declaration “that my constituents have no local interest, and I have no personal interest, in the said Bill”. To be disqualified the Member’s interest must be a direct interest where there is a potential benefit or disadvantage to the Member arising from the matter in issue; or the constituency interest must be a local interest affecting the constituency as a whole or a significant number of constituents. Where a Member is in doubt, the Clerk of Bills should be consulted.

### ***Other occasions when declaration of interest should be considered***

86. The requirement to declare a relevant interest **at the appropriate time** covers almost every aspect of a Member’s parliamentary duties extending to correspondence and meetings with Ministers and public officials. Frankness with colleagues is also important. In 1975 the House agreed to the report of the Select Committee on Members’ Interests (Declaration) which contained these words: “it should be a matter of honour that a financial interest is declared not only, as at present, in debate in the House and its Committees but also whenever a Member is attempting to influence his fellow Members, whether in unofficial committees and gatherings or at any kind of sponsored occasion, with or without entertainment, or simply in correspondence or conversation. Above all it should be disclosed when a Member is dealing with Ministers of the Crown and civil servants, and this obligation becomes of paramount importance when a foreign government is involved either directly or indirectly”.<sup>28</sup>

87. In its application of the 1974 Resolution the House has always recognised that there are certain proceedings where declaration of interest is impracticable; e.g. during oral Questions or when asking a question in response to ministerial statement on a matter of public policy or supplementary to an Urgent Question. (The Member asking the Question should, however, declare an interest; see paragraphs 78 to 81.) However, Members are advised to declare any relevant interest when such a declaration does not unduly impede the business of the House, for example in relation to a request for a debate made in response to a Business Question or statement.

### ***Divisions***

88. For the purpose of taking part in any division in the House or in Committee, it is sufficient for the relevant interest to be disclosed in the Register of Members’ Financial Interests. A Member should seek to ensure prior to a vote taking place that any relevant interest is registered, or, where it is not, should register the interest immediately after the vote.

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28 Select Committee on Members’ Interests (Declaration), First Report, Session 1974–75, HC 102, paragraph 40 (quoting the Report of the Select Committee on Members’ Interests (Declaration), Session 1969–70, HC 57).

### 3. Lobbying for Reward or Consideration

#### *The 1947, 1995, and 2002 Resolutions*

89. On 6 November 1995<sup>29</sup> the House agreed to the following Resolution relating to lobbying for reward or consideration:

“It is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member’s complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of a Member being to his constituents and to the country as a whole, rather than to any particular section thereof: and that in particular no Members of the House shall, in consideration of any remuneration, fee, payment, or reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received is receiving or expects to receive—

(i) Advocate or initiate any cause or matter on behalf of any outside body or individual, or

(ii) urge any other Member of either House of Parliament, including Ministers, to do so,

by means of any speech, Question, Motion, introduction of a Bill or Amendment to a Motion or a Bill or any approach, whether oral or in writing, to Ministers or servants of the Crown.”

*(Resolution of the House of 15 July 1947, amended on 6 November 1995 and on 14 May 2002)*

90. This Resolution prohibits paid advocacy. It is wholly incompatible with the rule that any Member should take payment for speaking in the House. Nor may a Member, for payment, vote, ask a Parliamentary Question, table a Motion, introduce a Bill or table or move an Amendment to a Motion or Bill or urge colleagues or Ministers to do so.<sup>30</sup>

91. The Resolution does not prevent a Member from holding a remunerated 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. Nor does it prevent a Member from being sponsored by a trade union or any other organisation, or holding any other registrable interest, or from receiving hospitality in the course of his or her parliamentary duties whether in the United Kingdom or abroad.<sup>31</sup> However, if a financial interest is required to be registered in the Register of Members’ Financial Interests, or declared in debate, it falls within the scope of the ban on lobbying for reward or consideration.

92. The Resolution in its current form extends and reinforces an earlier Resolution of the House in 1947 that a Member may not enter into any contractual arrangement which fetters the Member’s complete independence in Parliament by any undertaking to press some particular point of view on behalf of an outside interest.<sup>32</sup> Nor, by virtue of the same

29 The Resolution was subsequently amended on 14th May 2002.

30 The principal Resolutions of the House relating to lobbying are set out in the Appendix.

31 Such interests must, of course, be registered or declared when appropriate (see Sections 1 and 2 above).

32 Committee of Privileges, Report, Session 1946–47, HC 118, paragraphs 11 to 15.

Resolution, may an outside body (or person) use any contractual arrangement with a Member of Parliament as an instrument by which it controls, or seeks to control, his or her conduct in Parliament, or to punish that Member for any parliamentary action.<sup>33</sup>

93. The rule regarding lobbying for reward or consideration applies equally in the case of benefits received by family members by blood or by marriage or a relationship equivalent to marriage.<sup>34</sup>

94. In addition to the requirements of the ban on lobbying for reward or consideration, Members should also bear in mind the long established convention that interests which are wholly personal and particular to the Member, and which may arise from a profession or occupation outside the House, ought not to be pursued by the Member in proceedings in Parliament.

### ***Guidelines on the application of the ban on lobbying for reward or consideration***

95. The Resolution was modified in 2002 to reflect recommendations made by the Committee on Standards in Public Life in 2000 in the light of evidence it had received that the arrangements put in place in 1995, particularly those relating to initiation of proceedings, were operating unduly harshly and were unnecessarily inhibiting the ability of Members to become well informed and to use their expertise and experience effectively. The aim of the recommended changes, while retaining the ban on ‘paid advocacy’ and on seeking to confer benefits exclusively on a particular individual or body, was a relaxation of the restrictions on initiation to enable a Member with a personal interest to initiate proceedings on the same basis as that on which they were already allowed to participate.<sup>35</sup>

96. The Committee on Standards and Privileges has provided the following Guidelines to assist Members in applying the rule:

1. ***Parliamentary proceedings:*** When a Member is taking part in any parliamentary proceeding or making any approach to a Minister or servant of the Crown, advocacy is prohibited which seeks to confer benefit exclusively upon a body (or individual) outside Parliament, from which the Member has received, is receiving, or expects to receive a financial benefit, or upon any registrable client of such a body (or individual). Otherwise a Member may speak freely on matters which relate to the affairs and interests of a body (or individual) from which he or she receives a financial benefit, provided the benefit is properly registered and declared.
2. ***Constituency interests:*** Irrespective of any relevant interest which the Member is required to register or declare, he or she may pursue any constituency interest in any proceeding of the House or any approach to a Minister or servant of the Crown, except that:

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33 Committee of Privileges, Second Report, Session 1974–75, HC 634, paragraph 3.

34 Resolution of the House of 15th July 1947, amended on 6th November 1995 and on 14th May 2002.

35 Sixth Report of the Committee on Standards in Public Life, Cm. 4557–I, paragraph 3.96.

- where the Member has a financial relationship with a company in the Member’s constituency the guidelines above relating to parliamentary proceedings shall apply;
- where the Member is an adviser to a trade association, or to a professional (or other representative) body, the Member should avoid using a constituency interest as the means by which to raise any matter which the Member would otherwise be unable to pursue.<sup>36</sup>

97. The Committee on Standards and Privileges has made it clear that it would regard it as a very serious breach of the rules if a Member failed to register or declare an interest which was relevant to a proceeding he or she had initiated. Similar considerations would apply in the case of approaches to Ministers and others.<sup>37</sup>

98. “Initiating a parliamentary proceeding” includes:

- *presenting a Bill;*
- *presenting a Petition;*
- *tabling and asking a Parliamentary Question;*
- *asking a supplementary question to one’s own Question;*
- *initiating, or seeking to initiate an adjournment (or other) debate;*
- *tabling or moving any Motion (e.g. an “Early Day Motion” a Motion for leave to introduce a Bill under the “Ten Minute Rule” or a Motion “blocking” a Private Bill;*
- *tabling or moving an Amendment to a Bill;*
- *proposing a draft Report, or moving an Amendment to a draft Report, in a Select Committee;*
- *giving any written notice, or adding a name to such notice, or making an application for and introducing a daily adjournment debate, or an emergency debate.*

### **Parameters to the operation of the ban on lobbying for reward or consideration**

99. The Committee on Standards and Privileges has also agreed to the following parameters to the operation of the rule:—

- 1) *Registrable interests:* The ban on lobbying for reward or consideration is to apply with equal effect to any registrable or declarable financial benefit irrespective of the source of that benefit (ie no distinction is drawn between financial benefits received from a

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36 The above Guidelines supersede the Guidelines in force until 14 May 2002 which reflected the distinction drawn by the Select Committee on Standards in Public Life between the initiation of, and participation in, parliamentary proceedings.

37 Fourth Report, Session 2001–02, Restrictions on the Initiation of Parliamentary Proceedings: A Consultation Paper, HC 478, paragraph 15.

company, a representative organisation, a charity, a foreign government or any other source). Similarly, no distinction should be drawn in the application of the advocacy rule to different categories of registrable or declarable benefit<sup>38</sup> (except for the provision below relating to ballot bills, to overseas visits, and to membership of other elected bodies). Non-financial interests registered by Members do not fall within the scope of the Resolution agreed by the House on 6th November 1995 and the rule does not apply to them.

- 2) *Past, present, and future benefits*: Unlike the Register, which lists current benefits, or benefits received in the immediate past, the Resolution on lobbying of 6 November 1995 also refers, as does the rule on declaration, to past and expected future benefits and to indirect benefits. It is difficult to contemplate circumstances where any benefit received some time in the past, particularly an interest which has not been current in the past twelve months could be sufficiently relevant to be taken into account under the rule (see (4) below). Expected future interests, on the other hand, may be more significant. For example, Members expecting to derive direct financial benefit from particular legislation should, as well as declaring the interest in debate as appropriate, not seek to move Amendments to advance the expected future interest. The same consideration applies to other proceedings.
- 3) *Continuing benefits*: Continuing benefits, ie directorships, other employment, and sponsorship, can be divested to release a Member with immediate effect from the restrictions imposed by the rule, providing that the benefit is disposed of and there is no expectation of renewal.
- 4) *“One-off” benefits*: The rule applies to “one-off” registrable benefits, both visits and gifts, from the day upon which the interest was acquired until one year after it is registered.
- 5) *Family benefits*: The rule includes relevant payments to a Member’s family, but any payment to a member of the family of any Member which arises out of the family member’s own occupation is not regarded as a benefit for the purposes of the Resolution,<sup>39</sup> although it may be declarable.
- 6) *Ballot Bills*: Private Members successful in the Ballot for Bills are not prevented from introducing and proceeding with a Bill by reason of the fact that they receive free or subsidised assistance from an organisation connected with the purposes of the Bill provided the Member had no pre-existing financial relationship with the organisation which is registered, or is required to be registered.
- 7) *Overseas Visits*: Although, except as set out in paragraph 47, overseas visits must be registered and declared, such visits shall not be taken into account when applying the rule.
- 8) *Membership of other elected bodies*: Membership of the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, the European

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38 Select Committee on Standards in Public Life, Second Report, Session 1994–95, HC 816, paragraphs 33 and 34.

39 *Ibid*, paragraph 37.

Parliament and local authorities in the United Kingdom shall not be taken into account when applying the rule.

- 9) *Ministers*: The restrictions imposed by the rule do not apply to Ministers when acting in the House as Ministers.

**100. The financial interests of Members are extremely varied, as the Register demonstrates. Each Member will need to apply the rule and the Guidelines to his or her particular circumstances. When in doubt, Members will be able to seek the advice of the Registrar, the Commissioner, or the Committee on Standards and Privileges.** However, some illustrative examples of the application of the Guidelines may be of value:—

a) A Member who is director of a company may not seek particular preference for that company (eg tax relief, subsidies, restriction of competition) in any proceeding of the House or any approach to Ministers or officials.

b) In the case of trade associations, staff associations, professional bodies, charities (or any similar representative organisation):

ii) Membership alone of any representative organisation does not entail any restrictions under the rule.

iii) A Member who is, for example, a remunerated adviser:

— may not advocate measures for the exclusive benefit of that organisation; nor speak or act in support of a campaign exclusively for the benefit of the representative organisation or its membership (eg a campaign for special tax relief, or for enhanced pay and numbers);

— may speak or act in support of a campaign which is of particular interest to the representative organisation (eg in the case of an animal welfare organisation, a campaign to prohibit the importation of animal fur, or prohibit blood sports; in the case of a charity for cancer research, a campaign for the prohibition of smoking).

c) When a Member has a problem involving a company within his or her constituency the Member may take any parliamentary action to resolve that problem, even though he or she may hold a remunerated position with a body representing the relevant sector of the industry regionally or nationally, or with another company outside the constituency in the same industrial sector. Similarly a Member who has a remunerated position with a representative association is not restricted in any way in taking up the case of a constituent who is a member of that association, or is employed by a member of that association. The only circumstances when the Member's actions are restricted are when the Member has a registrable interest with the company concerned, in which case the guidelines provide that the Member forfeits the special position he or she has as a constituency Member.

d) Members are reminded that when accepting foreign visits they should be mindful of the reputation of the House. However, the knowledge obtained by Members on such visits can often be of value to the House as a whole. While it is desirable that Members should be able to use that knowledge in debate in the House there is a point at which promoting the interests, of eg a foreign Government from which hospitality has been



received, crosses the line between informed comment and lobbying. Members may not, for example, advocate in debate increased United Kingdom financial assistance to a Government from which they have recently received hospitality. Nor may a Member advocate any other measure for the exclusive benefit of the host Government. Subject to this constraint Members could, having declared their interest, raise matters relating to their experiences in the country either in a speech or by initiating any other proceeding. Similarly they could raise matters relating to the problems of the country generally, or make use of any local insight they have obtained into regional problems (eg the situation in the Middle East or in South East Asia, economic or social problems or an external threat) or information they have obtained on local developments or initiatives.

e) A Member whose visit was funded by a non-governmental organisation (NGO) or other agency would not be inhibited in speaking about its work or the problems it was dealing with. Only a matter which was for the exclusive benefit of the NGO or agency, eg a request for a grant-in-aid to the particular organisation, could not be pursued. Accommodation provided solely for the purpose of holding constituency surgeries is exempt from registration and therefore from the application of the rule.

### **Responsibility of the Member**

101. In common with the rules of the House relating to registration and declaration of interest the main responsibility for observation of the ban on lobbying for reward or consideration lies with the individual Member. The Select Committee on Standards in Public Life stated in its Second Report that “it is important to make clear that it will not be the function of the Chair to enforce the ban ... during speeches, either by interrupting a Member thought to be contravening it, or by declining to call him. Complaints will be a matter for the Commissioner to investigate in the first instance”.<sup>40</sup> The Speaker has declined to receive points of order relating to registration or lobbying.<sup>41</sup>

### **Delegations**

“... a Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest.”

*(Part of a Resolution of the House of 6 November 1995)*

102. A further Resolution agreed by the House on 6 November 1995 restricts the extent to which any Member with a paid interest may participate in, or accompany, a delegation to Ministers or public officials relating to that interest. A Member should not initiate, or participate in, or attend any such delegation where the problem to be addressed affects only the body with which the Member has a relevant interest, except when that problem relates primarily to a constituency matter.

<sup>40</sup> Select Committee on Standards in Public Life, Second Report, Session 1994–95, HC 816, paragraph 26.

<sup>41</sup> Eg HC Deb, vol 276, col 605 and vol 277, cols 767–68.

## 4. Procedure for Complaints

103. The Parliamentary Commissioner for Standards will consider complaints whether from Members or from members of the public, alleging that a Member has breached the Code of Conduct and associated rules. All such complaints should be signed and give a postal address. Further guidance on the complaints procedure is available in procedural notes approved by the Committee on Standards and Privileges and issued by the Commissioner. These are also available on the parliamentary website.

104. Both the Commissioner and the Committee on Standards and Privileges will be guided by the view of the former Select Committee on Members' Interests that "it is not sufficient to make an unsubstantiated allegation and expect the Committee on Standards and Privileges to assemble supporting evidence" and "that it would not normally regard a complaint founded on no more than a newspaper story or television report as a substantiated allegation".<sup>42</sup> The Committee on Standards and Privileges has made it clear that it would expect the Commissioner to consult it before accepting for investigation a complaint against a former Member or one which goes back more than seven years, or where the Member has asked the Commissioner to investigate an allegation against him or her but is not the subject of a specific complaint. The Committee on Standards and Privileges would expect to authorise such an inquiry only in exceptional circumstances.

105. A number of areas are outside the Commissioner's remit. As a result, he is unable to consider complaints about policy matters or a Member's views or opinions, a Member's handling of or decision about an individual case (whether or not the individual is a constituent of the Member), the funding of political parties, alleged breaches of the separate Code governing the conduct of government ministers in their capacity as Ministers (the 'Ministerial Code'), or about what Members do in their purely private and personal lives. The Commissioner will not entertain anonymous complaints. Conduct in the Chamber is a matter for the Speaker. If the allegation is of criminal misconduct which may more appropriately be investigated by another agency, the Commissioner will advise the complainant to approach that agency.

106. It is a basic courtesy that a Member making a complaint to the Commissioner should at the same time send a copy of the letter of complaint to the Member concerned.

107. Communications between a member of the public and the Commissioner are not covered by Parliamentary privilege (and may not be privileged at law) unless and until the Commissioner decides the case has some substance to merit further inquiry. If he decides to the contrary, he may at his discretion reject the complaint without further reference to the Committee. The receipt of a complaint by the Commissioner does not imply that there has been a breach of the rules of the House.

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42 Select Committee on Members' Interests, First Report, Session 1992–93, HC 383, paragraph 4. The Commissioner will not entertain anonymous complaints.



108. If the Commissioner is satisfied that sufficient evidence has been tendered in support of the complaint to justify his taking the matter further, he will ask the Member to respond to the complaint. If he decides, having received the Member's response and on the basis of any further enquiries he may decide are necessary, that the complaint of a breach of the rules of the House has not been substantiated, he will dismiss the complaint and report that conclusion briefly to the Committee on Standards and Privileges. If after enquiry he finds that there has been a breach of the rules of the House or that the complaint raises issues of wider importance, he will normally report the facts and his conclusions to the Committee. Under Standing Order No. 150, however, he may decide that the matter can be resolved through the rectification procedure. If so, he will determine the complaint on that basis and report the fact briefly to the Committee. In the case of non-registration, rectification requires a belated entry in the current Register, with an appropriate explanatory note; in the case of non-declaration, it requires an apology to the House by means of a point of order. In cases involving parliamentary facilities or allowances the rectification procedure normally requires the Member to make appropriate repayment. Complaints of non-registration by Members' staff, All-Party Groups and journalists may be treated in a similar way to complaints of non-registration by Members.

109. The Committee on Standards and Privileges will consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches of the Code of Conduct or Guide to which the House has agreed and which have been drawn to the Committee's attention by the Commissioner.

110. It is a requirement of the Code of Conduct that Members cooperate at all stages with any inquiry by the Committee on Standards and Privileges or the Commissioner into their conduct. It is also a requirement that Members do not lobby members of the Committee on Standards and Privileges or the Commissioner in a manner calculated to influence their consideration of complaints.

111. The Committee has power under its Standing Order to send for persons, papers and records; to order the attendance of any Member before it; and to require that specific documents in the possession of a Member relating to its inquiries or to the inquiries of the Commissioner be laid before it.

112. While it is the practice of the Committee to deliberate in private, the Committee determines for itself whether sessions at which evidence is to be taken shall be held publicly or in private, and is empowered to refuse leave for the broadcasting of any public sessions.

113. On specific complaints for which the Commissioner has concluded that there has been a breach of the rules, and the Committee agrees in whole or in part, the Committee may make recommendations to the House on whether further action is required. It may also report to the House on other complaints if it thinks fit.

114. If the Commissioner concludes that a complaint is frivolous or vexatious, or that an inquiry would be disproportionate given the nature and seriousness of the allegation made, he may decide not to inquire into it. In such cases he would report the circumstances briefly to the Committee.

## Appendix to The Guide to the Rules: Resolutions of the House relating to the Conduct of Members

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### Registration and Declaration of Members' Financial Interests

#### ***Resolutions of 22nd May 1974: Members' Financial Interests (Declaration), amended on 9th February 2009***

“In any debate or proceeding of the House or its Committees or transactions or communications which a Member may have with other Members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.”

“Every Member of the House of Commons shall furnish to a Registrar of Members' Financial Interests such particulars of his registrable interests as shall be required, and shall notify to the Registrar any alterations which may occur therein, and the Registrar shall cause these particulars to be entered in a Register of Members' Financial Interests which shall be available for inspection by the public.”

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#### ***Resolution of 12th June 1975, amended on 19th July 1995 and 9th February 2009: Members' Financial Interests (Declaration)***

“For the purposes of the Resolution of the House of 22 May 1974 in relation to disclosure of interests in any proceeding of the House or its Committees,

- (i) any interest disclosed in a copy of the Register of Members' Financial Interests shall be regarded as sufficient disclosure for the purpose of taking part in any division in the House or in any of its Committees.
- (ii) the term ‘proceeding’ shall be deemed not to include the asking of a supplementary question.”

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#### ***Resolution of 12 June 1975: Members' Financial Interests (Declaration), amended on 9 February 2009***

“Pursuant to the Resolutions of the House of 22 May 1974, this House agrees with the recommendations made in the Report of the Select Committee on Members' Interests (Declaration) relative to the arrangements for the registration of Members' Interests, and with the recommendations contained in paragraphs 43 and 47 of that Report in relation to the declaring of such interests; and that a Register of such interests be established as soon as possible in accordance with the proposals made in that Report.”

Paragraph 43 of the First Report from the Select Committee on Members' Interests (Declaration) (Session 1974–75) HC 102, reads:—

“No difficulty should arise in any proceeding of the House or its Committees in which the Member has an opportunity to speak. Such proceedings, in addition to debates in the House, includes debates in Standing Committees, the presentation of a Public Petition, and meetings of Select Committees at which evidence is heard. On all such occasions the Member will declare his interest at the beginning of his remarks in exactly the same way as he has hitherto done by convention. It will be a matter for his judgement, if his interest is already recorded in the Register, whether he simply draws attention to this or makes a rather fuller disclosure.”

Paragraph 47 of the same Report provides that declarations of interest made in Select Committees shall be recorded in their Minutes of Proceedings.

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### ***Resolution of 17 December 1985: Register of Members' Financial Interests, amended on 9 February 2009***

“This House ... emphasises that it is the personal responsibility of each Member to have regard to his public position and the good name of Parliament in any work he undertakes or any interests he acquires; confirms that the scope of the requirement to register remunerated trades, professions or vocations includes any remunerated activity in the fields of public relations and political and parliamentary advice and consultancy; in particular ... in regard to the registration and declaring of clients that the services which require such registration and, where appropriate, declaration, include, as well as any action connected with any proceedings in the House or its Committees, the sponsoring of functions in the Palace, making representations to Ministers, Civil Servants and other Members, accompanying delegations to Ministers and the like ...”

[Note: This Resolution should be read in conjunction with the Resolutions of 6 November 1995 on lobbying (Conduct of Members) and delegations (Standards in Public Life).]

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### ***Resolution of 6 November 1995, amended on 14 May 2002 and 9 February 2009: Agreements for the Provision of Services***

“(1) With effect from Wednesday 15 November 1995, any Member proposing to enter into an agreement which involves the provision of services in his capacity as a Member of Parliament shall conclude such an agreement only if it conforms to the Resolution of the House of 6 November 1995 relating to Conduct of Members; and a full copy of any such agreement including the fees or benefits payable in bands of: up to £5,000, £5,001–£10,000, and thereafter in bands of £5,000, shall be deposited with the Parliamentary Commissioner for Standards at the same time as it is registered in the Register of Members' Financial Interests and made available for inspection and reproduction by the public;

(2) any Member who has an existing agreement involving the provision of services in his capacity as a Member of Parliament which conforms to the Resolution of the House of 6 November 1995 relating to Conduct of Members, but which is not in written form, shall take steps to put the agreement in written form; and no later than 31 March 1996 a full

copy of any such agreement including the fees or benefits payable in bands of: up to £5,000, £5,001–£10,000, and thereafter in bands of £5,000 shall be deposited with the Parliamentary Commissioner for Standards and registered in the Register of Members' Financial Interests and made available for inspection and reproduction by the public; ...

Provided that the requirement to deposit a copy of an agreement with the Commissioner shall not apply—

- (a) if the fees or benefits payable do not exceed one per cent of the current parliamentary salary; nor
- (b) in the case of media work (but in that case the Member shall deposit a statement of the fees or benefits payable in the bands specified above)."

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### ***Resolution of 13 July 1992: Members' Interests (Interests of Chairmen and members of Select Committees)***

"This House takes note of the First Report from the Select Committee on Members' Interests, Session 1990–91 (House of Commons Paper No. 108), relating to the interests of Chairmen and members of Select Committees, and approves the recommendations of the Committee relating to declaration of interest in Select Committees (paragraphs 8 to 16), withdrawal from Committee proceedings (paragraph 24) and procedures prior to the election of a Chairman (paragraph 25)."

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### ***Resolution of 30 April 2009: Registration of Members' Financial Interests***

"That, for the purpose of complying with the Resolution of the House of 22 May 1974 relating to Registration of Members' Financial Interests, in respect of interests falling within Category 1 (Directorships), Category 2 (Remunerated employment, office, profession, etc) or Category 3 (Clients), hon Members shall furnish the Registrar with the following particulars—

- (a) the precise amount of each individual payment made in relation to any interest,
  - (b) the nature of the work carried out in return for that payment,
  - (c) the number of hours worked during the period to which the payment relates, and (d) except where disclosure of the information would be contrary to any legal or established professional duty of privacy or confidentiality, the name and address of the person, organisation or company making the payment;
- (2) That such interests shall be registered whether or not their value in any given year exceeds one per cent. of the current Parliamentary salary;
- (3) That the provisions of this Resolution shall apply whether or not the interest in question depends essentially upon, or arises out of, the hon. Member's position as a Member of Parliament; and
- (4) That the provisions of this Resolution shall come into effect on 1 July 2009."

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## Lobbying for Reward or Consideration

### *Resolution of 2 May 1695: Against offering Bribes to Members*

“The Offer of any Money, or other Advantage, to any Member of Parliament, for the promoting of any Matter whatsoever, depending, or to be transacted, in Parliament, is a high Crime and Misdemeanour, and tends to the Subversion of the Constitution.”

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### *Resolution of 22 June 1858: Rewards to Members*

“It is contrary to the usage and derogatory to the dignity of this House, that any of its Members should bring forward, promote or advocate, in this House, any proceeding or measure in which he may have acted or been concerned for or in consideration of any pecuniary fee or reward.”

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### *Resolution of 15 July 1947, amended on 6 November 1995 and 14 May 2002: Conduct of Members*

“It is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member’s complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of a Member being to his constituents and to the country as a whole, rather than to any particular section thereof and that in particular no Member of the House shall, in consideration of any remuneration, fee, payment, reward or benefit in kind, direct or indirect, which the Member or any member of his or her family has received, is receiving, or expects to receive—

- (i) advocate or initiate any cause or matter on behalf of any outside body or individual, or
- (ii) urge any other Member of either House of Parliament, including Ministers, to do so,

by means of any speech, Question, Motion, introduction of a Bill or amendment to a Motion or Bill, or any approach, whether oral or in writing, to Ministers or servants of the Crown.”

\*

### ***Resolution of 6 November 1995: Standards in Public Life***

“This House agrees with the recommendations in the Second Report from the Select Committee on Standards in Public Life (House of Commons Paper No. 816) relating to the cessation of paid advocacy (paragraph 54);<sup>43</sup> and further that a Member with a paid interest should not initiate or participate in, including attendance, a delegation where the problem affects only the body from which he has a paid interest.”

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## **Conduct**

### ***Resolution of 19 July 1995: Code of Conduct***

“This House endorses the principle of a Code of Conduct, and instructs the appropriate Select Committee to prepare such a draft Code for approval as soon as possible, taking into account the suggestions of the Nolan Committee and any relevant overseas analogues; and whilst restating its commitment to the objectives of the Resolution of the House of 15 July 1947 relating to privileges, accepts the need to review its wording in the context of the work to be undertaken on the draft Code.”

\*

### ***Resolution of 24 July 1996: Code of Conduct***

“This House approves the Third Report from the Committee on Standards and Privileges, House of Commons Paper No. 604, and in particular—

- (a) approves the Code of Conduct prepared pursuant to the Resolution of the House of 19 July 1995,
- (b) approves the Guide to the Rules relating to the Conduct of Members, the modifications to the rules of the House contained therein, and the guidelines to the application of the Resolution of the House of 6 November 1995, (Conduct of Members) contained in paragraph 58<sup>44</sup> of the Guide, and
- (c) authorises the Committee on Standards and Privileges to make such minor amendments to the Guide to the Rules as appear to it to be justified by experience or necessarily reflect decisions of the House; and to report such amended versions of the Guide to the House.”

\*

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43 “Activity constituting paid advocacy would be outside our proposed rules and should therefore cease from the start of the new Parliamentary session (1995–96).”

44 The amended guidelines are set out in paragraph 76 of this Guide.

***Resolution of 14 May 2002, amended on 9 February 2009: Code of Conduct***

“(1) This House approves the Ninth Report from the Committee on Standards and Privileges (House of Commons Paper No. 763), A new Code of Conduct and Guide to the Rules;

...

(4) the Code of Conduct and the Guide to the Rules relating to the Conduct of Members (House of Commons Paper No. 688 (1995–96)) shall be amended as proposed in Annex 2 to the Report; and

(5) the registration forms submitted for the next published Register of Members’ Financial Interests shall comply with the new rules on the registration of Members’ interests; and any requirement under the new rules to register an interest which is not registrable now shall come into force on the publication of the next Register.”

\*

***Resolution of 13 July 2005: Standards and Privileges***

“That this House takes note of the Fourth Report of the Committee on Standards and Privileges, Session 2004–05 (House of Commons Paper No. 472), and approves the revised Code of Conduct set out in the Annex to the Report.”

\*

***Resolution of 27 March 2008, amended on 9 February 2009: Standards and Privileges***

“That this House approves the Seventh Report of the Committee on Standards and Privileges (House of Commons Paper No. 436) on Employment of family members through the Staffing Allowance; and endorses the changes proposed by the Committee in the purpose and form of the Register of Members’ Financial Interests.”

\*

***Resolution of 9 February 2009: Guide to the Rules Relating to the Conduct of Members***

(1) That, subject to paragraphs (2) and (3) below, this House approves the Fourth Report of the Committee on Standards and Privileges (House of Commons Paper No. 208) and the revised Guide to the Rules Relating to the Conduct of Members annexed thereunto;

...

(3) That the threshold for registering interests under category 4 (Sponsorships) shall be the statutory threshold for the time being applying to the reporting of donations by hon. Members to the Electoral Commission;

(4) That the revised Guide shall take effect on such date as section 59 of the Electoral Administration Act 2006 shall come into force;



(5) That the Register of Members' Interests shall be renamed the Register of Members' Financial Interests and the Registrar of Members' Interests shall be known as the Registrar of Members' Financial Interests;

(6) Accordingly, in each place where they occur in any Standing Order, Order or Resolution of the House:

(a) for "Register of Members' Interests" there shall be substituted "Register of Members' Financial Interests"; and

(b) for "Registrar of Members' Interests" there shall be substituted "Registrar of Members' Financial Interests".

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