



The Code of Conduct

together with

The Guide to the Rules relating to the conduct of Members

2005



The Code of Conduct

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

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The Guide to the Rules relating to the conduct of Members

*Approved by the House of Commons on
14 May 2002*

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The Code of Conduct for Members of Parliament

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.¹ These principles will be taken into consideration when any complaint is received of breaches of the provisions in other sections of the Code.

¹ 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.²
- 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.³
- 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.⁴

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.
- 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.

² Resolution of 6 November 1995.

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

⁴ 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.

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The Guide to the Rules relating to the conduct of Members

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 24 July 1996 (HC 688 (1995–96)).
2. No written guidance can provide for all circumstances; when in doubt Members should seek the advice of the Parliamentary Commissioner for Standards who, if necessary, will seek adjudication from the Committee on Standards and Privileges.
3. The Guide is divided into four Sections dealing with (1) Registration of Interests (paragraphs 8–54); (2) Declaration of Interests (paragraphs 55–70); (3) Lobbying for Reward or Consideration (paragraphs 71–82) and (4) Procedure for Complaints (paragraphs 83–93).
4. The Code of Conduct provides a framework within which acceptable conduct should be judged. The purpose of the Resolution of 6th November 1995 relating to “Conduct of Members” is to remove a major area of potential conflict of interest by prohibiting lobbying for reward or consideration. This Guide contains guidelines (paragraph 75) to assist Members in applying the rule. A further rule (paragraph 82) deals with the conflict of interest that may arise when a Member holding a relevant financial interest takes part in a delegation involving the source of that interest.
5. Other Resolutions of the House, agreed on 19th July and 6th November 1995, supplement and strengthen the long established rules on disclosure of financial interest. The House has two distinct but related methods for the disclosure of the personal financial interests of its Members: registration of interests in a Register which is open for public inspection; and declaration of interest in the course of debate in the House and in other contexts. The main purpose of the Register is to give public notification on a continuous basis of those pecuniary interests held by Members which might be thought to influence their parliamentary conduct or actions. The main purpose of declaration of interest is to ensure that fellow 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 pecuniary interest which might reasonably be thought to be relevant to those proceedings. The Resolution of 19th July 1995 provides for declaration of interest in respect of all written notices (paragraph 60). The Resolution of 6th November 1995 relating to certain agreements for the provision of services requires the deposit of such agreements with the Commissioner for Standards (paragraphs 49–54).
6. The rules described in this Guide derive their authority from Resolutions of the House, rather than from statute or common law, and are therefore enforceable by the House of Commons.
7. 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 in order to ensure that no conflict arises, or appears to arise, between their private interests and their public duties (“The Ministerial Code”). These requirements are not enforced by the House of Commons and so are beyond the scope of this Guide.

1. Registration of Members' Interests

Rules of the House

"Every Member of the House of Commons shall furnish to a Registrar of Members' 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 22nd May 1974)

"For the purposes of the Resolution of the House of 22nd 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' 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 12th June 1975)

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

Definition of the Register's purpose

9. The main purpose of the Register of Members' Interests is "to provide information of any pecuniary 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."¹ The registration form specifies ten 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.

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

Duties of Members in respect of registration

11. Members of Parliament are required to complete a registration form and submit it to the Commissioner for Standards within three months 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 Members to notify changes in their registrable interests within four weeks of each change occurring.

12. Any Member having a registrable interest which has not at the time been registered, shall not undertake any action, speech or proceeding of the House (save voting) to which

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

the registration would be relevant until notification has been given to the Commissioner for Standards of that interest.

13. 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.

14. A reference in any Category to a spouse includes a Member's partner.

15. Interests the value of which does not exceed 1 per cent of the current parliamentary salary² do not have to be registered. All single benefits of whatever kind which exceed that threshold should be registered in the appropriate Category (unless a higher threshold is specified in the relevant Category). 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, should also be registered. 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 9, even though it does not exceed the 1 per cent threshold, the Member should register it in the appropriate Category or under Category 10 (Miscellaneous).

Publication and public inspection

16. The Register is published soon after the beginning of a new Parliament, under the authority of the Committee on Standards and Privileges, and annually thereafter. Between publications the Register is regularly updated in a loose leaf form and, in that form, is available for public inspection in the Committee Office of the House of Commons. It 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]

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.

17. 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. Remuneration which in the course of a calendar year does not exceed 1 per cent of the current parliamentary salary may be disregarded. It is necessary to register the name of the company in which the directorship is held and to 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 (see Category 10).

18. 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.

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 pecuniary interest. Membership of Lloyd’s should be registered under this Category.

19. All employment outside the House and any sources of remuneration which do not fall clearly within any other Category should be registered here if the value of the remuneration exceeds 1 per cent of the current parliamentary salary. When registering employment, Members should not simply state the employer company and the nature of its business, but should also indicate the nature of the post which they hold in the company or the services for which the company remunerates them. Members who have paid posts as consultants or advisers should indicate the nature of the consultancy, for example “management consultant”, “legal adviser”, “parliamentary and public affairs consultant”.

20. 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. The date of resignation should be registered in such circumstances. 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.

21. Members who have previously practised a profession may wish to register that profession under this Category 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.

22. Further guidance about media work is given in paragraph 54.

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 which depend essentially upon, or arise out of, the Member's position as a Member of Parliament 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 is provided, either directly or indirectly.

23. The types of services which are intended to be covered here include those connected with any parliamentary proceeding, or other services relating to membership. A Member who has clients in a non-parliamentary professional capacity (for example as a doctor, solicitor or accountant) is not required to register those clients, provided it is clear beyond doubt that the services which are being provided do not arise out of or relate in any manner to membership of the House.

24. Under this Category, if a Member is employed as a parliamentary adviser by a firm which is itself a consultancy and therefore is providing such advice and services to its clients, the Member should disclose those of the consultancy's clients with whom he or she has a personal connection or who benefit from the Member's advice and services. The same requirement applies where a Member, on his or her own account, accepts payment or material benefit for providing such services, but not on such a regular basis as to warrant registration as employment under Category 2. Where a company is named as a client, the nature of the company's business should be indicated.

Category 4

Sponsorships:

(a) Any donation received by a Member's constituency association 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.

25. This Category deals with sponsorship or other forms of support by companies, trade unions, professional bodies, trade associations, other organisations and individuals. Political donations which Members are required to report to the Electoral Commission should be entered under this Category unless —

- a) it would be more appropriate to enter 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.

26. Category 4(a) deals with financial contributions to *constituency associations*. 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, e.g. if it is a contribution to the Member's fighting fund or a donation which has been solicited or encouraged by the

Member. Financial contributions to constituency associations which are not linked to a Member's candidacy or membership of the House do not have to be registered.

27. Category 4(b) covers support from which the Member receives any financial or material benefit in support of his or her 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)).) 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.

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 1 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.

28. 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 1 per cent of a Member's annual parliamentary salary.³

29. The rule means that any gift, or other benefit, which in any way relates to membership of the House and which is given gratis, or at a cost below that generally available to members of the public, should be registered whenever the value of the gift or benefit is greater than the amount specified above. 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 should also be registered.

30. Gifts and other benefits from the same source in the course of a calendar year which *cumulatively* are of a value greater than 1 per cent of the current parliamentary salary should be registered, even if each single gift or benefit is of lesser value.

31. Benefits, such as tickets to sporting or cultural events, received by another person together with or on behalf of a Member should be registered as if they had been received by the Member.

32. Gifts, or other benefits, from another Member of Parliament are registrable in the same way as those from anyone else.

33. There are three important exceptions to this rule:

- a) gifts and benefits known to be available to all Members of Parliament need not be registered;

³ About £590 as at April 2005.

- b) a Member need not register attendance at a conference or a site visit within the United Kingdom where the organiser meets reasonable travel costs and subsistence only; and
- c) hospitality provided by Her Majesty's Government, any of the devolved institutions in Scotland, Wales or Northern Ireland, or non-departmental public bodies, including a Member's local authorities or health authorities, is exempt from registration.

34. 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. 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 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.

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 was not wholly borne by the Member or by United Kingdom public funds.

35. The Member should enter in the Register the date, destination and purpose of the visit and the name of the Government, organisation, company or individual which met the cost. 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.

36. 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 and available to all participants, 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;
- 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 (or the British-Irish Parliamentary Body), the British American Parliamentary Group, the Council of Europe, the Western European Union, the Westminster Foundation for Democracy, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the Armed Forces Parliamentary Scheme, the Police Service Parliamentary Scheme, or the National Council for Voluntary Organisations' MP Secondment Scheme;
- 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;
- vi) Visits as part of an Industry and Parliament Trust fellowship.

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 the cost of which does not exceed 1 per cent of the current parliamentary salary, are also exempt from registration.

Category 7

Overseas benefits and gifts: Any gift to the Member or the Member's spouse or partner, or any material advantage, of a value greater than 1 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.

37. 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.

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.

38. Property used for the personal residential purposes of the Member or the Member's spouse or partner (that is, homes and second 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 total property portfolio (see paragraph 40). 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.

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

40. "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* homes and second homes) is substantial, all the properties from which any income is derived should be registered.

41. 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 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.

42. When determining whether or not 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. Members should also include identifiable holdings of overseas trusts of which they are actual or potential beneficiaries.

43. 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.

44. The value of a shareholding is determined by the market price of the share on the preceding 5th April; but if the market price cannot be ascertained (e.g. because the company is unquoted and there is no market in the shares), the nominal value of the shareholding should be taken instead. Interests in shareholdings include share options.

45. In considering whether to register any shareholdings falling outside (a) and (b) Members should have regard to the definition of the main purpose of the Register: “to provide information of any pecuniary 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 either in this Category or under Category 10.

Category 10

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 pecuniary 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.

46. 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".⁴

47. Members should register under this category potential or actual interests in overseas trusts, except where these have been registered under Category 9.

48. The general principle of the Register is that the requirement to register is limited to interests entailing remuneration or other material benefit.⁵ Members are not, therefore, required by the rules to register unremunerated directorships (e.g. 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.

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' 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' 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 1 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 6th November 1995, amended on 14th May 2002)

49. Under a Resolution of the House of 6th November 1995 the House agreed that Members should deposit certain agreements for the provision of services with the

4 *Op.cit.*, paragraph 29.

5 *Ibid*, paragraph 31.

Parliamentary Commissioner for Standards. The two Resolutions set out above have continuing effect. Any Member who has an existing agreement or proposes to enter into an agreement which involves the provision of services in his or her capacity as a Member of Parliament should:

- ensure that the agreement does not breach the ban on lobbying for reward or consideration (see paragraphs 71–82 below);
- put any such agreement in written form;
- deposit a full copy of the agreement with the Parliamentary Commissioner for Standards. 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 of Members’ Interests; and
- declare the interest when it is appropriate to do so (see paragraphs 55–70).

Deposited agreements may be inspected in the Committee Office of the House of Commons.

50. If the fees or benefits the Member is to receive do not exceed 1 per cent of the current parliamentary salary, the Member is not required to deposit a copy of an agreement with the Commissioner. Nor is the Member required to specify the fees or benefits, or to register the interest.

51. The Select Committee on Standards in Public Life⁶ 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 advocacy⁷ 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 agreements⁸ 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 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.⁹

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

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

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

9 But see also paragraph 54 below.

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.”

52. 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; e.g. 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.

53. 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.

54. The following 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) Instead 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).
- c) But such declarations are not required —
 - i) for media work which is wholly unrelated to parliamentary affairs, such as a sports column in a newspaper, or
 - ii) in any case where in the course of a calendar year total remuneration received from an employer or client, or through an agency, does not exceed 1 per cent of the current parliamentary salary.

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 22nd May 1974)

"For the purposes of the Resolution of the House of 22nd 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' 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 12th June 1975, amended on 19th July 1995)

"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 13th July 1992: Members' Interests (Interests of Chairmen and members of Select Committees))

55. In 1974 the House replaced a long standing convention with a rule that any relevant pecuniary 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

56. The rule relating to declaration of interest is broader in scope than the rules relating to the registration of interests in two 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 contained in the current printed edition of the Register, 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.

Relevance

57. It is the responsibility of the Member, having regard to the rules of the House, to judge whether a pecuniary 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 pecuniary 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.

58. 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”.¹⁰ Any declaration “should be sufficiently informative to enable a listener to understand the nature of the Member's pecuniary interest ...”.¹¹

59. 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 Standing Committee 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 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 60–63 below).

Declaration of interest in respect of written notices

60. On 19th July 1995 the House agreed, with effect from the beginning of Session 1995–96, to extend the rules relating to declaration of interest by abolishing the exemption granted to the giving of written notices in the Resolution of 22nd May 1974. Declaration of relevant interest is required on the Order Paper (or Notice Paper) when tabling any written notice, i.e.:

- a) Questions (for oral or written answer, including Private Notice Questions);
- b) Early Day Motions, Amendments to them, or any names added in support of such Motions or Amendments;

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

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

- 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);
- e) any other Motions, Amendments, or added names in support of them;
- f) Amendments to Bills (whether to be considered in the House or in a Committee) and any names added in support of them.

61. 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.

62. “Relevant interests” which should be declared include any interest which the Member is required to register in the Register of Members’ 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, 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 Private Notice Questions which are allowed, a Member with a relevant interest should declare that interest when the Question is formally asked in the House.

63. All Members need to exercise particular care when invited to add their names to any EDMs or other Motions or Amendments and to ensure that they have considered whether they have a relevant declarable interest. Given the informal way in which support for Motions and Amendments 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

64. 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 60. 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

65. Members of Select Committees on any matter or Bill are bound by the Resolution of the House of 13th 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.¹² 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 pecuniary 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 pecuniary 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 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 pecuniary 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 pecuniary 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

¹² 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.

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]
- “we stress the importance of declaration when relevant and of declaring a pecuniary 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]

66. 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 pecuniary 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

67. 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

68. 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 pecuniary 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”.¹³

69. 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 a Private Notice Question. (The Member asking the Question should, however, declare an interest; see paragraphs 60–62.) 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

70. 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’ 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.

¹³ 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 and 1995 Resolutions

71. On 6th November 1995¹⁴ 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 15th July 1947, amended on 6th November 1995 and on 14th May 2002)

72. 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.¹⁵

73. 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.¹⁶

74. The Resolution 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.¹⁷ Nor, by virtue of the same 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.¹⁸

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

15 The principal Resolutions of the House relating to lobbying are set out in the Appendix, at pages 39–40.

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

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

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

75. 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

76. If a financial interest is required to be registered in the Register of Members' Interests, or declared in debate, it falls within the scope of the ban on lobbying for reward or consideration. 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 pecuniary 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 pecuniary 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:
 - 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.¹⁹

77. The current Guidelines give effect to a recommendation from the Committee on Standards in Public Life in the following terms:

“In recommending in the First Report a ban on agreements between MPs and multi-client consultancies, we were concerned to avoid a situation in which MPs could be presented as participating in ‘a hiring fair’. We retain that concern. On the other hand, we are anxious that the rules should not unnecessarily inhibit the ability of MPs to become well informed and to use their expertise and experience effectively.

19 The above Guidelines supersede the Guidelines in force until 14th 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.

Bearing in mind the evidence that we have heard about the present guidelines on ‘initiation’ and the ban on paid advocacy, we believe that they are operating unnecessarily harshly and that they should be amended. We recommend that the ban on paid advocacy should remain in place, but that the restriction on initiation should be removed and the guidelines relating to participation extended to include both participation and initiation. The effect of this would be that an MP who had a personal interest would be permitted to initiate proceedings in the same way that he or she is able to participate in proceedings under the current guidelines, but that MP (a) would not be able to engage in ‘paid advocacy’ or seek to confer benefits exclusively on a particular individual or body and (b) would be required to register and declare the benefit in accordance with the guidelines. We recommend a further safeguard (c) that, reinforcing present practice regarding the declaration of interests when tabling a written notice, in addition to registration and oral declaration, the MP would also be required to identify his or her interest on the Order Paper (or Notice Paper) by way of an agreed symbol.”²⁰

78. 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 had initiated.²¹

[Note: “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 Minutes 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.*

A similar consideration applies in the case of approaches to Ministers or civil servants.]

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

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

20 Sixth Report of the Committee on Standards in Public Life, *Reinforcing Standards*, Cm. 4557–I, January 2000, paragraph 3.96.

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

- 1) *Registrable interests*: The ban on lobbying for reward or consideration is to apply with equal effect to any registrable or declarable pecuniary benefit irrespective of the source of that benefit (i.e. no distinction is drawn between financial benefits received from a 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 benefit²² (except for the provision below relating to ballot bills, to overseas visits, and to membership of other elected bodies). Non-pecuniary 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 6th November 1995 also refers, as does the rule on declaration, to past and expected future benefits. It is difficult to contemplate circumstances where any benefit received some time in the past, particularly an interest which is not in the current printed Register, 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, i.e. 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.²³
- 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 35, overseas visits must be registered and declared, such visits shall not be taken into account when applying the rule.

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

23 *Ibid*, paragraph 37.

- 8) *Membership of other elected bodies*: Membership of the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly, the European 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.

80. 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 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 (e.g. 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):
- i) Membership alone of any representative organisation does not entail any restrictions under the rule.
 - ii) 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 (e.g. 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 (e.g. 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 when 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 e.g. 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 the 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 (e.g. 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, e.g. a request for a grant-in-aid to the particular organisation, could not be pursued.
- f) Under the rule, a Member who is receiving free office accommodation provided by a local authority should not advocate measures for the exclusive benefit of the local authority itself (as distinct from the interests of those whom the local authority represents). In practice, since Members also have a paramount duty to represent their constituents there will be few occasions when the application of the rule will place a limit on a Member's parliamentary actions. In any event, 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

81. 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”.²⁴ The Speaker has declined to receive points of order relating to registration or lobbying.²⁵

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 6th November 1995)

²⁴ Select Committee on Standards in Public Life, Second Report, Session 1994–95, HC 816, paragraph 26.

²⁵ E.g. HC Deb, vol 276, col 605 and vol 277, cols 767–68.

82. A further Resolution agreed by the House on 6th 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.

4. Procedure for Complaints

83. Complaints, whether from Members or from members of the public, alleging that the conduct of a Member is incompatible with the Code of Conduct or with this Guide, should be addressed in writing to the Parliamentary Commissioner for Standards.

84. 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 to assemble the supporting evidence", and that it "would not normally regard a complaint founded upon no more than a newspaper story or television report as a substantiated allegation".²⁶ The Commissioner will not entertain anonymous complaints.

85. 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.

86. 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 is not to be interpreted as an indication that a *prima facie* case has been established.

87. 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 and will then conduct a preliminary investigation. If he decides, after some inquiry, that there is no *prima facie* case, he will report that conclusion briefly to the Committee on Standards and Privileges. If he finds that there is a *prima facie* case or that the complaint raises issues of wider importance, he will normally report the facts and his conclusions to the Committee.

88. In the case of admitted failures to register or declare interests where the interest involved is minor or the failure to register or declare was inadvertent, the Commissioner has discretion to allow the Member to rectify the matter. 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. Any rectification is reported briefly to the Committee.

89. 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.

90. 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.

²⁶ Select Committee on Members' Interests, First Report, Session 1992–93, HC 383, paragraph 4.

91. 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.
92. On specific complaints for which the Commissioner has decided there is a *prima facie* case, the Committee will 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.
93. The Committee has said that where it feels that a complaint from a Member was frivolous or had been made only for partisan reasons, it would expect to state that in any report it made about the complaint.

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

Registration and Declaration of Members' Interests

Resolutions of 22nd May 1974: Members' Interests (Declaration)

“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' 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 12th June 1975, amended on 19th July 1995: Members' Interests Declaration)

“For the purposes of the Resolution of the House of 22nd 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' 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.”

*

Resolution of 12th June 1975: Members' Interests (Declaration)

“Pursuant to the Resolutions of the House of 22nd 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.

*

Resolution of 17th December 1985: Register of Members' Interests

“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 6th November 1995 on lobbying (Conduct of Members) and delegations (Standards in Public Life).]

*

Resolution of 6th November 1995, amended on 14th May 2002: Agreements for the Provision of Services

“(1) With effect from Wednesday 15th 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 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' 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 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' 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 1 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)."

*

Resolution of 13th 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)."

Lobbying for Reward or Consideration

Resolution of 2nd 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."

*

Resolution of 22nd 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."

*

Resolution of 15th July 1947, amended on 6th November 1995 and 14th 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 6th 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);¹ 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.”

Conduct

Resolution of 19th 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 15th 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 24th 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—

¹ “Activity constituting paid advocacy would be outside our proposed rules and should therefore cease from the start of the new Parliamentary session (1995–96).”

- (a) approves the Code of Conduct prepared pursuant to the Resolution of the House of 19th 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 6th November 1995, (Conduct of Members) contained in paragraph 58² 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.”

*

Resolution of 14th May 2002: 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’ 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 13th 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.”

² The amended guidelines are set out in paragraph 76 of this Guide.

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