



Parliamentary Commissioner for Standards

Annual Report 2008–09

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Foreword

I present this annual report for 2008-09 at a time when the standing and reputation of Members of Parliament is at a very low ebb. The expenses crisis has drawn in many (but certainly not all) Members and has led to widespread public distrust in Members of Parliament as a group, and in our parliamentary institutions as a whole.

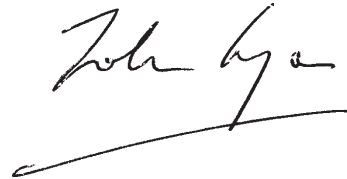
It is impossible to predict at the time of writing what the outcome will be. I hope that out of recent events will come a new and stronger compact between Members of Parliament and those they serve. This needs to be based on a mutual understanding of the work the public want their Members of Parliament to do on their behalf, and the support they need to do it, and an understanding by Members of the implications of the trust people must place in them. Institutions and structures will have their place in sealing that compact. But ultimately it will be for each Member of Parliament to rebuild the trust that has been lost.

In the meantime, this report sets out the work undertaken by my office in 2008-09. Complaints against Members of Parliament attract understandable attention. This year I have completed inquiries into 46 complaints against Members – an average of nearly one a week. I have found that 27 Members breached the rules in 30 of those cases. In 14 complaints, I considered the breach sufficiently serious to report the matter to the Committee on Standards and Privileges. Each of the Memoranda I submitted to the Committee, and the evidence on which I based my conclusions, was published in full with the Committee's report.

Elsewhere, as this report shows, my office has continued to produce the registers of Members' interests, and other registers, throughout the year. We have implemented a new registrable category for those Members who employ a member of their family from parliamentary resources. We continue to give advice about their obligations to register and declare interests to Members who seek our help. We have supported the Committee on Standards and Privileges, and worked closely with the Electoral Commission, on proposals to simplify Members' registration procedures.

I have also advised the Committee on matters affecting the rules of the House, including on Government proposals for the audit and assurance of Members' allowances. But it has subsequently become very clear that these measures would not of themselves be sufficient to meet the widespread public concern that followed the expenses disclosures in May 2009. Urgent and fundamental change is needed. I and my office are ready to assist all those, in the House and outside, who seek to put any new system on a sound and publicly acceptable basis.

I thank the Chairman and Members of the Committee on Standards and Privileges and its successive Clerks for their support in this important work. And I record my grateful thanks to all the staff in my office who have achieved so much this year under increasing – and understandable – pressure. They have together shown expertise and a commitment to the House and to public service which it is right I should acknowledge.

A handwritten signature in black ink, appearing to read 'John Lyon', with a long horizontal flourish underneath.

30 June 2009

John Lyon CB

1 Changes to the Rules of the House

1.1 The standards system at Westminster, like other UK standards systems, has been founded upon the seven principles of public life identified by Lord Nolan. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. These principles together underpin the Code of Conduct which all Members are expected to observe.

1.2 The purpose of the Code of Conduct is to assist Members by providing guidance on the standards of conduct expected in discharging their parliamentary and public duties. It is supported and explained by the Rules of the House which set out in more detail the behaviour expected of Members. During 2008-09 the House implemented two significant changes to the Rules on the registration and declaration of interests, and a series of changes, which continue into 2009-10, on Members' allowances. The House approved a revised version of the Guide to the Rules which, when implemented, would end the requirement for Members to notify certain donations both to the Electoral Commission and to the Register of Members' Interests.¹

1.3 During the year the Committee on Standards and Privileges also published a Report clarifying the relationship between the complaints system and the criminal law.² This is described in more detail at the end of this chapter.

Employment of family members

1.4 The first change to the registration requirements during the year related to the employment of family members. It was prompted by the Committee's Fourth Report of Session 2007-08 following my predecessor's Memorandum on his inquiry into a Member's employment of a relative paid for from the parliamentary allowances.³ On 27 March 2008 the House endorsed the recommendation of the Committee on Standards and Privileges that Members should record in the Register of Members' Interests any employment of family members who are paid from parliamentary allowances. Members were after 1 April 2008 permitted to register such employment, and from 1 August 2008 Members have been required to register the name of the family member, their relationship to themselves and their job title (by reference to the standard job descriptions issued by the Department of Resources).

Registration of donations to party organisations

1.5 The second change to the registration requirements during the year followed the Committee's Tenth Report of Session 2007-08.⁴ It related to donations made to a central party organisation but used by the Party to support the cost of running a Member's Shadow Ministerial office. This change followed my inquiry into a complaint about a

¹ A further revision of the Guide will be needed in the light of the changes agreed on 30 April 2009.

² Committee on Standards and Privileges, Eighth Report of Session 2007-08, HC 523

³ Fourth Report of Session 2007-08, HC 280

⁴ Tenth Report of Session 2007-08, HC 560

Member's registration of donations received in support of his Shadow Ministerial office. The Committee agreed that:

"...all donations which go to the support of a Member in the course of their Parliamentary duties, including their donations as a holder of a Shadow office, should be recorded in the Register of Members' Interests where they are:

- *given direct to that Member; or*
- *given to a third party, in particular a party central office, and the donation or parts of it are assigned to that Member in circumstances where the name of the donor is linked to the donation and the Member knows, or reasonably could be expected to know, the identity of the donor."*

Revision of the Guide to the Rules

1.6 After the House had approved the revised Code of Conduct for Members in July 2005, work had begun on a revision of the more detailed Guide to the Rules, which covers principally registration, declaration and advocacy, with a short section on complaints. This work was interrupted by the passage of the Electoral Administration Act 2006 which made way for the possible end to the requirement for Members to notify certain interests both to the Register of Members' Interests and to the Electoral Commission. The work resumed in 2008-09 and focussed on aligning the Guide to the proposed provisions for ending dual registration, set out in Section 59 of the Electoral Administration Act 2006.

1.7 This Section 59, when implemented, will make dual reporting unnecessary. Before the Secretary of State could bring the Section into effect the Electoral Commission had to be satisfied that it could obtain the information it requires under the Political Parties, Elections and Referendums Act 2000 (PPERA) from the Register of Members' Interests. Work therefore continued on this throughout the year, and in late 2008 the necessary agreement with the Electoral Commission was reached. I await notification of the date when Section 59 will be implemented.

1.8 The consequential changes to the Rules are a reduction of the time-limit for registration after election from three months to one, the requirement for precise information about donors and the value of donations, and the introduction of a new category for the registration of loans and other regulated transactions. Certain foreign visits hitherto exempt under the rules of the House will in future be registrable.

1.9 As part of the revision of the Guide to the Rules, I proposed several changes to the part of the Rules which deals with the consideration of complaints. These included setting out more clearly the exclusions from the Commissioner's remit; the clarification of the processes followed for an inquiry; a clearer description of the rectification procedure (including a reference to its application in respect of the Registers of Members' Secretaries and Research Assistants, All-Party Groups and Journalists); a reminder that the Committee would expect to authorise self referral by Members, or complaints relating to events more than seven years old, only in exceptional circumstances; and the insertion of a new paragraph explaining the procedure in the case of frivolous or vexatious complaints or those where investigation would be disproportionate in view of the seriousness of the allegation.

1.10 Other changes resulting from the revision of the Guide to the Rules included the renaming of the Register the “Register of Members’ *Financial Interests*”, clarification of the registration requirements in respect of unquoted shares, trusts, collective investment vehicles and pensions and some modernisation of the language used. The Committee also took the opportunity to make clear on the face of the Guide that Members standing for election to non-parliamentary office - for instance to a devolved institution, mayoralty or party office - must register donations in support of their campaigns. There has been some consequent renumbering of categories.

1.11 On 30 April 2009 the Leader of the House proposed, and the House agreed, to amend the requirement to register income from directorships, employment and clients so that the exact amount of any payment would be recorded, together with a description of the work done and the number of hours worked for the payment. Except where legal or established professional privilege applies, Members will also be required to provide the name and address of the source of the payment. There will in future be no *de minimis* provision. This change represents a departure from the previous rules, which did not require the amount of a Member’s earnings to be registered except where he or she was providing “services in the capacity of a Member of Parliament”. In such cases earnings had to be registered in £5000 bands, and an agreement for the provision of services had to be deposited with my office for public inspection and reproduction if required. This requirement is unchanged. The requirement to register hours worked is also new. These amendments will come into force on 1 July 2009.

1.12 The Committee commended to the House the revised Guide to the Rules, incorporating the changes proposed in 2006 and those changes set out in paragraphs 1.4 to 1.11 above. It was laid before the House and approved on 9 February 2009.⁵ The Guide will now be amended to take into account the changes of 30 April 2009. The plan is that the new Guide should come into force when the employment provisions and the ending of dual registration are implemented.

1.13 I expect the new rules to increase the number of Register entries made and the number of requests from Members for advice.

Changes to the allowances system

1.14 Paragraph 14 of the House’s Rules of Conduct provides that:

*“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 such matters...”*⁶

1.15 These rules on Members’ expenses were the subject of much public discussion and concern during the year, and a series of changes were considered by the House. The first change came into force on 1 April 2008, following a recommendation of the Members

⁵ HC Deb, 9 February 2009, Cols 1114-1227

⁶ The Code of Conduct together with the Guide to the Rules relating to the Conduct of Members, 2005, HC 351

Estimate Committee in March 2008 to require receipts for all transactions of £25 or more and to reduce to £50 the amount of petty cash which Members may claim.⁷

1.16 In August 2008 the Leader of the House issued a Command Paper entitled “*Audit and Assurance of MPs’ Allowances*”, which followed decisions of the House on 3 and 16 July 2008 to improve the financial control and audit of Members’ allowances.⁸ I welcome such objectives. But I drew the attention of the Committee on Standards and Privileges to the importance of ensuring that these proposals did not affect the key principles which underly the work of the Commissioner and the independence of his decision making. I took the view that Members ought to retain personal responsibility for their decisions in respect of their use of allowances; the Commissioner ought to retain the authority to form his own view on the interpretation of the rules of the House as applied to any specific complaint; and there ought to be an identified complainant if serious breaches of the rules are to be reported to the Commissioner by the Members Estimate Committee. The Committee published my views in an Appendix to their Report on this matter.⁹ I was pleased to hear the assurances given in the Chamber when these proposals were debated on 22 January 2009.¹⁰

1.17 During the course of 2008-09 I made a number of suggestions to clarify and improve the rules on Members’ allowances.¹¹ The House authorities accepted a number of these recommendations, principally about the Communications Allowance and the use of pre-paid envelopes, and reflected them in the new Green Book on Members’ Allowances which was approved by the House in January 2009 and which came into effect on 1 April 2009. The House also agreed to my recommendation to establish a single point of contact to advise Members about stationery and communications. Following my recommendation to introduce a smaller sharers’ allowance under the Additional Costs Allowance for Members who live together, I was pleased to hear in Mr Speaker’s statement in the House on 20 May 2009 that in future any two Members who are married or living together as partners will no longer be able to claim more than one second home allowance.

1.18 The arrangements for Members’ expenses are undergoing changes at the time of writing this report. Further substantial changes to the arrangements in the Green Book were made in May 2009, and these changes can expect to be developed and perhaps extended as a result of the work of the Committee on Standards in Public Life.

The complaints system and the criminal law

1.19 Except in the context of participation in proceedings in Parliament, Members of Parliament are in no different position from any other person in respect of alleged criminal behaviour. But it is important that there is a shared understanding with the police about the procedures to be followed where a complaint against a Member of Parliament raises the issue of criminal liability. The Committee on Standards and Privileges therefore asked the

⁷ Members Estimate Committee, *Review of Members Allowances, Threshold for Receipts*, 11 March 2008, HC 415

⁸ *Audit and Assurance of MPs’ Allowances*, Cm 7460

⁹ Seventeenth Report of Session 2007-08, *Audit and Assurance of MPs’ Allowances*, HC 1138

¹⁰ HC Deb, 22 January 2009, cols 915 to 970

¹¹ See paragraphs 3.39 and 3.40

Chairman and me, in the light of an inquiry which was reported to the Committee during 2007-08,¹² to meet the Commissioner of Police of the Metropolis to discuss the handling of complaints which might raise matters of criminal liability.

1.20 The meeting took place on 3 April 2008. The statement subsequently agreed between the Chairman, the Parliamentary Commissioner for Standards and the Commissioner of Police was reported in the Committee's Eighth Report of 2007-08.¹³ The statement agreed that when the Metropolitan Police received information which suggested that a Member of Parliament may have committed a criminal offence, the Metropolitan police would decide whether to institute inquiries, on the same basis as they would in any other case without regard to whether the same information had formed any part of a complaint to me. The statement also noted that when inquiring into complaints, I have regard, where appropriate, to the possibility of criminal behaviour and liaise with the police whenever I consider it appropriate to do so, and at the earliest opportunity. If at any point after opening an inquiry the Commissioner considers that there are sufficient grounds to justify reporting the matter to the police for them to consider a criminal inquiry, he would submit a recommendation to that effect to the Committee who would decide whether such a report should be made. In such cases the Committee would normally expect me to suspend my inquiries until the question of possible criminal proceedings had been resolved.

¹² Fourth Report of Session 2007-08, HC 280

¹³ Eighth Report of Session 2007-08, HC 523

2 Looking outward: information and advice

2.1 Every two years the Committee on Standards in Public Life conducts a survey of attitudes towards conduct in public life. The latest survey was conducted in 2008.¹⁴ The results of this survey, conducted before the major disclosures about Members' allowances, show that more people rated standards of conduct overall as 'low' in 2008 than they did in 2006, and more people thought that conduct had deteriorated in recent years. And across the board there was less confidence that the authorities would uphold standards of conduct: in 2008 33% of respondents were confident that public office holders would be punished for doing wrong, compared with 42% in 2004.

2.2 The 2008 survey also suggested that people had more confidence in the honesty of front-line professionals than in national politicians. When asked how much they trusted office holders to tell the truth, 94% said they would trust family doctors "*a lot*" or "*a fair amount*" to tell the truth, while the equivalent figure for government ministers was 44%. The picture is however not straightforward: 45% of respondents would trust MPs in general "*a lot*" or "*a fair amount*" to tell the truth but 62% would trust their local MP to do so.

2.3 This survey sets a useful—and not wholly reassuring—benchmark against which to judge the longer term effect of the expenses crisis and the follow up action to it.

Responding to enquiries from the general public

2.4 Against this background, and because of the importance of helping interested members of the public understand the rules which apply to Members and the objectives of the complaints system, my office takes particular care to provide helpful and accurate information to callers and correspondents. During 2008-09 we received 340 letters and emails from members of the public enquiring about the standards system, or asking about potential complaints. Many of the latter had already approached a number of different agencies with their complaint, and came to my office as a last resort. My office responds individually to each approach, explaining as appropriate the role of the Commissioner, and how the complaints system functions. Where appropriate we always try to advise the individual concerned of the person or agency, if such exists, who may be best placed to consider the complaint.

2.5 While, in accordance with procedures agreed by the Committee on Standards and Privileges, my office does not disclose information about current inquiries, in the most serious or complex cases where I submit a Memorandum to the Committee, the Committee publishes my Memorandum—together with the detailed evidence I have received—as an Appendix to its report. That is then made available from the Stationery Office and on the parliamentary webpages.¹⁵ This means that the public is able to read and

¹⁴ Committee on Standards in Public Life, Survey of Public Attitudes 2008

¹⁵ <http://www.parliament.uk/people/standards.cfm>

consider both the Committee's report and my Memorandum, along with the information which was available to me, and to reach their own view on the complaint.

Responding to enquiries from the media

2.6 In addition to enquiries from the public, my office dealt with over 150 media enquiries during the year. In responding to these we follow procedures agreed with the Committee on Standards and Privileges in 2003.¹⁶ We will confirm (if asked) whether a particular complaint has been received, dismissed or suspended, and when I have submitted a Memorandum to the Committee. We are also happy to provide as much information as possible about the process followed in considering complaints generally. But we do not otherwise provide information or comment about current inquiries.

Relations with other standards bodies

2.7 I am pleased to report that during the year we continued to maintain our contacts with the Standards Commissioners for the devolved administrations. We also worked closely with the Electoral Commission, in particular on developing a single registration requirement for Members. One member of staff also took part in a conference on standards in local government.

International work

2.8 In addition to the routine giving of advice, the office has responded to requests from visiting Members and staff of other parliaments and standards authorities for briefings and meetings to exchange views on standards matters. In the course of the year, I or the Registrar met representatives from Uganda, Canada, Jordan, Australia, Mauritius, Pakistan, Uruguay, Indonesia, Romania and Scotland, and addressed three seminars for the Commonwealth Parliamentary Association (CPA) as well as the CPA Conference and a group of Commonwealth judges.

2.9 The Registrar continues to act as a consultant on a project, being led from the Lebanon, to prepare a handbook on parliamentary standards for the use, primarily, of Arab parliaments. My office is also co-operating fully with the efforts of the Westminster Foundation for Democracy to provide better co-ordination between the various agencies involved in parliamentary strengthening. To this end the Registrar will be taking part in the project organised by the Westminster Consortium for parliamentary strengthening in the Yemen.

Advice to Members and others

2.10 In addition to the work described above, my office continues to give advice daily, on request, to Members about the requirements on them to register and declare interests. Requests for such advice from Members always increase in the event of a rule change, and the introduction of the requirement to register the employment of family members was no exception to this. We also give advice on wider issues when Members want to discuss

¹⁶ Procedural Note 5: Policy on the Disclosure of Information about the Handling of Complaints against Members of Parliament, September 2003

matters which could raise questions of probity. Advice is given by telephone, letter, e-mail and face-to-face. Such advice is confidential and only disclosed in the event of its becoming relevant to an inquiry by the Commissioner.

2.11 The Assistant Registrar carries out the advice function in respect of the obligations placed by the House on Members' staff, All-Party Groups and journalists. She contributes to the House's induction sessions which are held every few months for new employees of Members.

3 Complaints

3.1 Under the Standing Orders of the House, the Commissioner has the remit to receive, and if he thinks fit investigate, complaints of breaches of the Code of Conduct for Members of Parliament and the associated Rules, including failure to register or declare interests or benefits as required by the House.

3.2 During the year beginning 1 April 2008, I received and considered 192 formal complaints. I inquired into 54 complaints, including 22 brought forward from the previous year.¹⁷ I completed inquiries into 46 complaints. Of these I upheld 30 in whole or in part. I did not uphold the remaining 16. Eight complaints were carried over for inquiry in 2009–10.

3.3 The paragraphs which follow give more detail about this.

Complaints received and considered in 2008-09

3.4 The 192 formal complaints received and considered were against 126 named Members. Table 1 shows the number of formal complaints received, and those accepted and not accepted for inquiry in each quarter. A further 93 complaints in the form of faxes or emails were also received. Where these faxed or emailed complaints appeared to come within my remit and to be supported by sufficient evidence of a breach, complainants were invited to submit their complaints formally in writing so that I could consider them further.

3.5 All the complaints sent to my office receive careful consideration and an individual response, almost always within five working days.

¹⁷ The figures for complaints received and inquired into in 2008-09 both include one self referral.

Table 1: Complaints considered in 2008-09

	<i>Quarter 1</i>	<i>Quarter 2</i>	<i>Quarter 3</i>	<i>Quarter 4</i>	<i>Total</i>
1. Formal complaints received in 2008-09	55	43	34	60	192
2. Complaints subject of inquiry:					
(a) Complaints under inquiry and brought forward from 2007-08	22				22
(b) New complaints accepted for inquiry	9	7	7	9	32
Total complaints subject of inquiry	31	7	7	9	54
3. Complaints not inquired into:					
(a) because complaint fell outside remit	16	18	18	31	83
(b) because complaint did not concern a breach of the rules	10	5	4	13	32
(c) because insufficient supporting evidence was provided	10	11	5	1	27
(d) because a similar complaint had already been accepted	10	2	0	6	18
Total complaints not inquired into	46	36	27	51	160

Note:

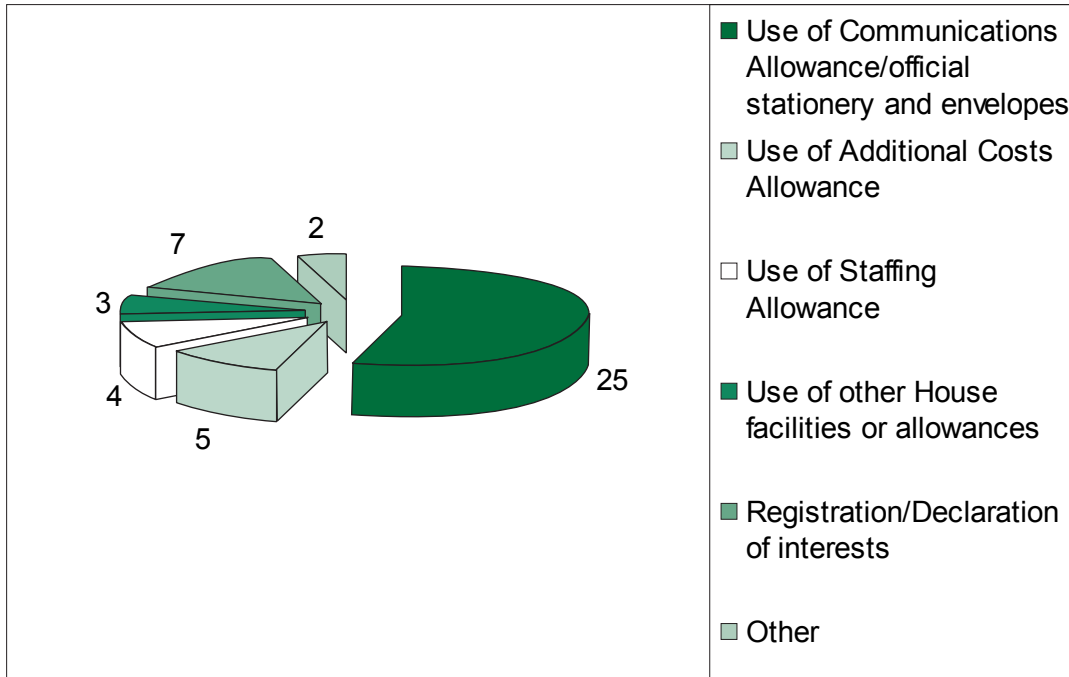
1. If a correspondent names more than one Member in a complaint, each is recorded as a separate complaint. Similar or duplicate complaints from different individuals are also recorded as separate complaints.

Complaints accepted for inquiry in 2008-09

3.6 There were 54 complaints against 48 Members which were inquired into during the year. These consisted of 32 complaints which I received and accepted for inquiry during 2008-09 and 22 complaints which were brought forward from 2007-08. During the year I concluded my work on 46 complaints against 40 Members, including all those complaints which had been received in 2007-08.

3.7 Chart 1 shows the subject matter of the complaints concluded in 2008-09. 25 (54%) concerned Members' use of the Communications Allowance or of pre-paid envelopes or official stationery; seven (15%) concerned the registration or declaration of interests; five (11%) concerned the use of Additional Costs Allowance; four (9%) concerned the use of the staffing allowance; three (7%) concerned the use of other House facilities or allowances, and two (4%) concerned other matters.

Chart 1: Subject matter of complaints considered and concluded in 2008-09



Complaints concluded in 2008-09

3.8 Table 2 sets out on a quarterly basis the numbers of complaints concluded during the year. I upheld thirty complaints against 27 Members in whole or in part, and did not uphold sixteen complaints. The thirty complaints which I upheld consisted of 14 which I concluded by means of Memoranda to the Committee on Standards and Privileges, and 16 of a less serious nature which I was able to conclude by means of the rectification procedure without the need to report formally to the Committee. At the end of the year 2008-09 eight of the inquiries which I had opened during the year were carried forward.

Table 2: Complaints which were subject of inquiry and resolved in 2008-09

	<i>Quarter 1</i>	<i>Quarter 2</i>	<i>Quarter 3</i>	<i>Quarter 4</i>	<i>Total</i>
1. Complaints upheld:					
(a) by means of Memorandum to Committee on Standards and Privileges	5	0	2	7	14
(b) resolved informally through rectification procedure	2	5	7	2	16
Total complaints upheld	7	5	9	9	30
2. Complaints dismissed:					
(a) without a formal report to the Committee	3	5	1	4	13
(b) subject of Memorandum to Committee on Standards and Privileges	1	0	2	0	3
Total complaints dismissed	4	5	3	4	16
3. Total complaints subject of inquiry and resolved	11	10	12	13	46

Note 1: During the year I submitted to the Committee ten Memoranda about complaints which I upheld. However, an inquiry may relate to more than one complaint. This was the case with two of these Memoranda, each of which dealt with three complaints.

Note 2: In addition, I submitted two Memoranda about complaints which I had dismissed. One of these concerned two Members, and therefore was counted as resolving two complaints.

Note 3: Included in the complaints which were dismissed without a report to the Committee on Standards and Privileges are two which were accepted in 2007-08 but dismissed early in 2008-09: Parliamentary Commissioner for Standards, *Annual Report 2007-08*, 17 July 2008, HC 797.

(i) Complaints upheld and reported to the Committee

3.9 Three of my Memoranda on complaints which I upheld concerned Members' communications. The first related to the content of a Member's Parliamentary Report, which was published in spring 2007, shortly before the Scottish parliamentary elections.¹⁸ I upheld only one element of this complaint, which related to a sentence in an article about Post Office closures, which I concluded crossed the line into an expression of party political activity. The Member had very properly consulted the House authorities about the content of his Report but by an oversight this sentence was not removed as he had intended. Nevertheless, I did not believe that this oversight contaminated the whole publication. The Committee agreed with me, and did not recommend any further action. This conclusion was helpful in establishing the point at which a Member's statements can become an expression of party political activity and the consequences of this.

¹⁸ Eleventh Report of Session 2007-08, HC 646. This Member's Parliamentary Report, which was funded from the Incidental Expenses Provision, predated the introduction of the Communications Allowance.

3.10 My second Memorandum about a Member's communications concerned a survey about the NHS which was funded by the Communications Allowance and which had been publicised in a newsletter funded and circulated by the Member's local party.¹⁹ While I did not uphold the complaint about the content of the survey, I considered that the Member should not have distributed it outside his constituency, nor deployed its findings in his party newsletter. In so doing he had used the product of material paid for from the Communications Allowance for party political or campaigning purposes. The Committee agreed and asked the Member to repay £500.

3.11 My third Memorandum about Members' communications concerned the use of pre-paid envelopes and House stationery, principally for a Member's letters written in common format, following an on-street surgery, to all the residents whom she believed she or her team had spoken to.²⁰ Members may not use pre-paid envelopes to correspond with constituents who have not previously contacted them, or who have contacted them only at the Member's instigation. I considered therefore that the Member should not have used such envelopes for the follow up to her on-street surgery, or for one further letter to a group of constituents. Nor should she have used stationery bearing the portcullis – albeit paid for by herself – to write to Party supporters. I did not however uphold the other elements of the complaint. The Committee agreed with me and deprecated the Member's continued misuse of House stationery after earlier advice from the House authorities. They noted with regret that the Member had continued to dispute parts of my findings and that she had offered no apology. They asked her to repay £500 and to submit an unequivocal written apology. In the light of this inquiry, I made a number of suggestions for clarifying the rules about Members' communications. The Committee commended to the Members Estimate Committee the recommendations which I made following the inquiry described above.²¹

3.12 The following four Memoranda concerned complaints which I upheld about the use of other parliamentary allowances. The first concerned claims made against the Additional Costs Allowance by two Members who are married to each other, and had since 2002 claimed for the rental of a flat which was owned by a trust of which they were trustees and their three children the sole beneficiaries.²² The purpose of the Additional Costs Allowance was to reimburse Members for costs wholly, exclusively and necessarily incurred in staying away from their main home in order to perform their parliamentary duties. Since 2006 the rules had prohibited arrangements which gave rise to a benefit for the Member or any organisation in which the Member, their partner or family member had an interest. I therefore considered that the Members' claims had been contrary to the rules of the House at least since that date, and I upheld the complaint. The Committee agreed with me, and recommended that the Members bring the lease to an end at the earliest reasonable date and by 1 September 2008 at the latest.

3.13 My next Memorandum concerned the use made of the Staffing Allowance for a Member's employment, from 1 July 2001 to 1 October 2004, of his son who was then an

¹⁹ Sixteenth Report of Session 2007-08, HC 1128

²⁰ Eighteenth Report of Session 2007-08, HC 1188

²¹ Nineteenth Report of Session 2007-08, HC 1211

²² Twelfth Report of Session 2007-08, HC 744. This Memorandum reported on an inquiry into three complaints.

undergraduate and subsequently a graduate studying in London.²³ The complainant alleged that the work done by the Member's son did not justify the payments made to him.

3.14 The inquiry was a difficult one, made so by the time elapsed since the events complained of and by the record keeping practices of both the House authorities, who do not retain staff data longer than three years, and of the Member concerned. After extensive investigation, I concluded that the Member had breached the rules of the House by paying his son in the last 2½ years of his employment at above the level necessary for the type of duties he performed, with the result that this element of his Parliamentary expenditure was not necessarily incurred. But I found insufficient evidence to substantiate the allegations that the son failed to work the 18 hours a week for which he was paid, or the hours for which he received an overtime payment. I therefore did not uphold these parts of the complaint.

3.15 The Committee upheld my findings, noting that following my predecessor's report about overpayments to the same Member's younger son, which had led to the House suspending the Member without pay for ten sitting days and requiring him to repay the House authorities, the Member's political career was over.²⁴ They felt that a further period of suspension would be disproportionate and therefore asked him to write to the Chairman to apologise to the House for his breach of the Rules, and to reimburse the House for the full cost of the latest overpayments, which was £3,758. The Member complied and after an initial statement to the media, which he then withdrew, repeated his apology in the Chamber.²⁵

3.16 The second inquiry into the use of the Staffing Allowance which I reported to the Committee concerned events which took place even longer ago, from 1997 to 1999.²⁶ Following media reports that parliamentary allowances might have been misused to pay for a nanny, the Member herself asked me to inquire into the allegation. Normally, I do not consider cases that go back more than seven years. Neither may I launch an investigation in the absence of a complaint without the express authority of the Committee on Standards and Privileges. I considered that this allegation was sufficiently serious for me to recommend to the Committee that exceptionally I should accept the referral from the Member and waive the seven year rule. I therefore sought, and obtained, the Committee's agreement to this action.

3.17 In both this case and in the one previously described, I employed a high standard of proof, namely that the allegations must be significantly more likely to be true than not to be true. This reflected the seriousness of the complaints and the potential consequences for the Member and their personal integrity. I concluded that the Member had paid from her parliamentary allowances a salary that enabled her part-time administration assistant to work also as her nanny without additional or separate financial reward for the two years of her dual role. My conclusion was that these arrangements had the unintended but, in my view, undoubted effect of misapplying some of the Member's parliamentary allowances for non-parliamentary purposes. The Member accepted my findings, and the Committee

²³ Third Report of Session 2008-09, HC 207

²⁴ Fourth Report of Session 2007-08, HC 280

²⁵ HC Deb, 2 February 2009, Col 664

²⁶ Sixth Report of Session 2008-09, HC 316

asked her to repay the House authorities the sum of £9,600, based on an overpayment of £4,800 in each of the years in question.

3.18 My final Memorandum relating to the allowances concerned an allegation that a Member had sub-let part of a constituency office, contrary to the rules of the House, and had not registered the income from this.²⁷ Since 2004 the Green Book had specifically stated that Members may not sub-let accommodation which they pay for out of the Incidental Expenses Provision. I upheld this part of the complaint. But I found that the arrangement brought no financial benefit to the Member. I did not therefore uphold a further complaint about the alleged failure to register of the income from the sub-let. I accepted that the Member broke this rule inadvertently, and I noted that as soon as the Member learnt that the sub-letting arrangement was not permitted, he terminated the sub-lease and brought his arrangements within the rules. He had also apologised. The Committee recommended no further action.

3.19 In 2008-09 I submitted to the Committee three Memoranda upholding complaints about Members who had failed to register interests within the appropriate time.²⁸ All concerned Members of some seniority, two of whom held, or had held, Ministerial office. The first concerned a complaint that a Member had failed to include in his personal entry in the Register details of donations made to his Party but, in accordance with the wishes of the donor, used by the Party to support the cost of running his Shadow Ministerial office.²⁹ Each of these donations had been reported to the Electoral Commission as donations to the Party in accordance with the requirements of the Political Parties, Elections and Referendums Act 2000, but they had not been recorded in the Register of Members' Interests. Since some, but not all, Shadow Ministers had registered such donations, the inquiry raised the question of whether the donations fell to be so registered.

3.20 I took the view that financial support received by Members to support front-bench duties ought, in principle, to be registrable if it comes from an identifiable donor, whether the donation is for the use of an individual Member by name, or is used by him or her by virtue of the Shadow office they are holding. I concluded that the complaint against this Member should be upheld but that, in all the circumstances, it would not be fair or reasonable to criticise him. The Committee supported my conclusions, noting that a number of Members in Shadow posts would need to amend their Register entries.³⁰

3.21 The two other Memoranda submitted to the Committee each concerned an omission that the Member had corrected. In such circumstances, as explained in paragraph 3.34 below, I would expect to consider use of the rectification procedure set out in subparagraph 3 of Standing Order 150. But I considered that these two cases were each of a seriousness that required a formal Memorandum to the Committee, one because of the failure by the Member to take the various opportunities he had to register, and the other because of the scale of the donations he failed to register.

²⁷ Fifth Report of Session 2008-09, HC 279

²⁸ One of these Memoranda related to three complaints about the same Member.

²⁹ Tenth Report of Session 2007-08, HC 560

³⁰ See also paragraph 1.5 of this Report

3.22 One of these two complaints about registration concerned sponsorship of a dinner to celebrate the 25th anniversary of the Member's election to Parliament.³¹ The Member had not registered the donation of the sponsorship either when it was received in 2004, or when the need to register was drawn to his attention in 2006. He had also failed to notice that the donation did not appear in his Register entry when this was sent to him in early 2007. The Committee considered that this was a clear, albeit inadvertent, breach of the Rules. Since the Member had now apologised and updated the Register, the Committee did not recommend any further action by the House. They did however comment that the Member had clearly been negligent and that the case ought to serve as a reminder to Members to ensure their register entries are kept up to date at all times.

3.23 The third complaint about registration concerned a Member's failure to record in the Register of Members' Interests within the four week time limit all the donations he received in respect of his campaign for election as Deputy Leader of his political party.³² With the agreement of the Chairman of the Committee, I had suspended my inquiry in February 2008 pending the completion of police investigations into the Member's failure to report these donations to the Electoral Commission. I resumed the inquiry in December 2008 when the prosecuting authorities announced there was insufficient evidence to charge the Member with an offence under the Political Parties, Elections and Referendums Act 2000. I reported the outcome of my inquiries to the Committee in January, noting that while the Member had not sought to avoid his own responsibility for failing to report his donations, the oversight was both serious and substantial.

3.24 The Committee supported my decisions to submit Memoranda and my conclusions in these two cases. They recommended that the second Member apologise by means of a personal statement on the floor of the House, which he did.

(ii) Complaints upheld by means of the rectification procedure

3.25 In addition to the cases which I reported formally to the Committee during 2008-09, I was able to conclude my inquiries into 16 complaints by making use of the rectification procedure set out in subparagraph 3 of Standing Order 150. This provides that no report shall be made by the Commissioner:

“(a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner's opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose; and

(b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such

³¹ First Report of Session 2009-10, HC 182

³² Second Report of 2008-09, HC 183. This Memorandum reported on an inquiry into three complaints.

reimbursement within such period of time as the Commissioner considers reasonable.”

3.26 I normally consider whether to institute this procedure in circumstances where the Member accepts that there has been a breach of the rules of the House, where there was no clear evidence that the breach was intentional and it was at the less serious end of the spectrum. I also consider whether the Member has taken appropriate action to rectify the matter, including any financial recompense, and to avoid a recurrence. The Committee expects the Member to tender an apology. In such circumstances, I write to the complainant explaining the actions the Member has taken, and I report the matter to the Committee on Standards and Privileges, at the same time conveying the Member’s apologies.

3.27 During 2008–09 I used the rectification procedure to conclude one complaint concerning a failure to register an interest within due time, and fifteen complaints concerning comparatively minor misuse of the allowances or facilities of the House. Eight concerned the use of Parliamentary stationery, principally pre-paid envelopes; six concerned the use of the Communications Allowance, and the remaining complaint concerned the use by a Member’s employee of a parliamentary e-mail account.

(iii) Complaints dismissed

3.28 In 2008–09 I dismissed a total of sixteen complaints after inquiry. Thirteen of these cases were concluded without a formal Memorandum to the Committee. Eight of these related to the Member’s alleged use of the Communications Allowance or of House stationery, two to the employment of staff, two to articles or letters written by the Member, and one to the registration and declaration of an alleged interest. In each case, after inquiry, the evidence did not substantiate the allegation that the Member in question had breached the rules of the House. In each case I wrote to the Member and the complainant and informed the Committee of the outcome.

3.29 In addition, during the year I prepared Memoranda to the Committee on three complaints which I had dismissed, but where I took the view that the public interest in these cases required me to set out the evidence and my findings in a formal Memorandum which would then be published. The first related to claims for taxis on the authority of an office holder of the House.³³ I concluded that the use of taxis paid for from public funds in support of the normal duties of this office holder was reasonable in all the circumstances. The Committee endorsed both my decision to dismiss this complaint and the grounds on which I did so.

3.30 The second Memorandum related to two complaints about claims made under the Additional Costs Allowance by two Members who are married to each other. The claims were for their second home which they identified as being in London.³⁴ The issue turned on the interpretation of the rules in the Green Book about the identification of a Member’s main home. The Members had identified their constituency residence as their main home.

³³ Ninth Report of Session 2007–08, HC 559

³⁴ Fourteenth Report of Session 2007–08, HC 1044. This Memorandum reports an inquiry into two complaints.

The evidence showed they had in fact spent more nights in their London home. I concluded that the rules allowed for exceptions to the general rule that a Member's main home is where they spend more nights than any other. Taking account of all the circumstances identified in the course of my inquiry, I concluded that the Members' decision to locate their main home in or near their constituencies was reasonable and was fully in accordance with the letter and spirit of the rules of the House.

Other complaints in 2008-09

3.31 It is in the nature of most complaints systems that a large number of the complaints received raise matters which are not proceeded with. That has been the position with complaints sent to the Commissioner since this office was established. This year has been no exception. My role is to inquire into complaints which come within my remit and where the complainant has provided sufficient evidence to justify at least a preliminary inquiry into whether the Member identified by the complainant has broken the Code of Conduct for Members of Parliament and its associated rules.

3.32 Of the complaints I received in 2008-09, 83 fell outside my remit, for example because they were complaints from a Member's constituent about the way the Member had handled their case, or because the complainant took exception to the views or opinions expressed by a Member. Some of these complaints were about the actions of government Ministers. All these matters fell outside my remit.

3.33 It is understandable that many complainants are not familiar with the rules of the House. I therefore receive a significant number of complaints where the Member's action, if substantiated, would not constitute a breach of the rules. There were 32 such complaints last year. A number of these complaints concerned the content of newsletters and other publications. In some cases the content was in fact permissible under the rules on the Communications Allowance, and in others there was no evidence that the communications had been funded from that Allowance.

3.34 Other complainants wrote, or sent media reports, making what amounted to unsubstantiated allegations that a Member had broken the rules of the House. There were 27 such complaints last year. An inquiry by the Commissioner is always a serious matter, and it is intended to be so. It is serious because it puts into question the probity and integrity of the Member. The fact that an inquiry has been launched by the Commissioner is often public knowledge—and if asked my office will always confirm that I have initiated such an inquiry—and, whether or not they are eventually found to be in breach, the Member is inevitably under a cloud until at least my inquiries have been concluded. The House has determined that the Commissioner should embark on inquiries only when he is satisfied that they raise matters which go to the Code of Conduct and the rules of the House and that there is sufficient evidence provided by the complainant to justify such action.

3.35 The rules established for the Commissioner by the House provide that I would not normally regard a complaint founded upon no more than a newspaper story or television report as a substantiated allegation.³⁵ Nevertheless, where a complainant sends a media

³⁵ Select Committee on Members' Interests, First Report of Session 1992-93, HC 383, paragraph 4; and *Guide to the Rules*, paragraph 84

report which provides sufficient evidence to justify my making an inquiry, then I will institute that inquiry. Where sufficient evidence is not provided, then I am not able to institute an investigation. I am however always ready to consider the complaint afresh if substantiated evidence is subsequently produced.

3.36 Finally, there were some 18 complaints about matters I was already inquiring into, and where the new complaint did not add to the evidence I had already received and accepted. I so informed the complainants.

Frivolous or vexatious complaints

3.37 If I receive a complaint which appears to be frivolous or vexatious I will draw this to the attention of the Committee on Standards and Privileges. I am pleased to say that I have not needed to consult the Committee in this way in 2008-09.

Trends in complaints from 2004 to 2009

3.38 Table 3 shows that while in 2008-09 I received fewer formal complaints than I did in 2007-08, there were more than any recent previous year and, if informal (email) complaints are included, the intake reflected a continuing upward trend, more than doubling in the last five years. The use of the rectification procedure has also increased since 2005-06 when Standing Order 150 was amended to enable the Commissioner to make use of it in cases of less serious misuse of the allowances, facilities and services. The balance between complaints which were not inquired into because they were outside the Commissioner's remit and those which were not inquired into for other reasons has changed in the last two years. This may be a reflection of changes in recording practice over that period.

3.39 Minor variations in the numbers of complaints received from one year to the next may not be significant. The statistics for any given year can be inflated by our practice of recording a single letter from a complainant as multiple complaints if it names more than one Member. Thus the unusually high number of complaints accepted and resolved in 2006-07 reflects the 50 complaints relating to dining clubs which were considered during the year.

Table 3: Complaints received, from 2004 to 2009

	2004-05	2005-06	2006-07	2007-08	2008-09
1. All complaints received	137	133	214	248	285
2. Specific complaints against a named Member	118	129	176	226	192
4. Complaints subject of inquiry:					
a) Complaints subject of preliminary inquiry then dismissed	15	15	11	29	13 ³⁶
b) Complaints subject of further investigation	27	8	70	42	33
<i>Total complaints subject of inquiry :</i>	42	23	81	71	46
3. Complaints not inquired into					
a) because complaint fell outside remit	67	105	87	94	83
b) for other reasons	9	1	8	61	77
<i>Total complaints not inquired into</i>	76	106	95	155	160
5. Complaints resolved					
a) by rectification procedure	0	0	10	7	16
b) by means of Memorandum to Committee on Standards and Privileges	21	0	53	15	17 ³⁷
<i>Total complaints resolved</i>	21	0	63	22	46

³⁶ In addition, three complaints were dismissed after a Memorandum to the Committee.

³⁷ The Commissioner submitted a total of twelve reports to the Committee.

4 Registers of interests for Members, Members' Secretaries and Research Assistants, Journalists, and All-Party Groups

Introduction

4.1 The Commissioner's office is responsible for the compilation of the four registers of interests required by the House, namely the Register of Members' Interests, the Register of Interests of Members' Secretaries and Research Assistants (commonly called the Members' Staff Register), the Register of Journalists' Interests and the Register of All-Party Groups.³⁸ The registers provide a publicly available record of the interests which may be thought to influence the actions of a Member in his or her parliamentary capacity, or the actions of other holders of a parliamentary pass, to enable readers to make their own assessment of their significance.

4.2 All four registers are published electronically on the parliamentary website. The Members' Register is also published annually in hard copy, every entry appearing in at least one printed edition to ensure the availability of a complete historical record of every Member's entries. Print-outs of the current edition of each register are available for public inspection, by appointment, and arrangements can be made to see such earlier editions of the Register of Members' Interests as do not appear on the parliamentary webpages.

Register of Members' Interests

4.3 The main purpose of the Register of Members' Interests, as amended on 27 March 2008, is described as being

*“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, and such other information as the House may from time to time require.”*³⁹

4.4 The Rules which accompany the Code of Conduct for Members of Parliament lay down the categories of interest which are to be declared. These are essentially for administrative convenience. On 27 March 2008, at the same time as expanding the definition of the Register, the House also agreed to extend the Register by the addition of a Part 2, comprising a new category providing information about the employment of a Members' family.⁴⁰ This new category was added in April 2008, and Members were required to register such information from 1 August 2008. The changes of 9 February 2009

³⁸ Further details about the three last-named Registers are available in Appendix 3.

³⁹ HC Deb 27 March 2008, col 382-394

⁴⁰ See paragraph 1.4 of this Report.

require the addition of a further category to cover controlled transactions within the meaning of Schedule 7 of Political Parties, Elections and Referendums Act 2000 (PPERA).

Complaints relating to the Register of Members' Interests

4.5 In Section Three of this Annual Report I have described my inquiries into complaints that four Members had failed to register interests at the appropriate time, as required by paragraph 16 of the Code of Conduct.⁴¹ Three of these inquiries were the subject of Memoranda to the Committee on Standards and Privileges.

Register of Interests of Members' Secretaries and Research Assistants

4.6 Those holding a parliamentary pass as a Member's secretary or research assistant are listed in this Register. They are required to register any other occupation from which they receive income exceeding half of one per cent of a Member's salary from the same source in the course of a calendar year, if that occupation is in any way advantaged by the privileged access to Parliament afforded by their pass. They also have to register any tangible gift (e.g. glassware) and any other benefit (eg hospitality, services or facilities provided) which they receive, if the value of the gift or benefit exceeds that sum and the gift or benefit relates in any way to their work in Parliament.

4.7 The number of registered staff in 2009 was 1661, compared with 1668 in 2008. The number of staff with registered interests was 395 in 2009 compared with 373 in 2008. Turnover amongst registered staff is high in any given year.

Register of Journalists

4.8 Those holding a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broadcasting are required to record in this Register any occupation or employment from which they receive income exceeding one per cent of a Member's salary from the same source in the course of a calendar year, if that occupation or employment is in any way advantaged by the privileged access to Parliament afforded by their pass.

4.9 The number of registered journalists was 377 in 2009 as opposed to 390 in 2008. The number of journalists with registered interests was 65 in 2009 compared with 67 in 2008. Annual turnover among journalists is low.

Register of All-Party Groups

4.10 The membership of All-Party Groups consists mainly of backbench Members of the House of Commons and Members of the House of Lords but may also include Ministers and non-parliamentarians. There are two types of group: subject groups (relating to a particular topic, e.g. forestry) and country groups (relating to a particular country or region).

4.11 Inclusion on the Register of All-Party Groups is compulsory for any group which includes Members of the House of Commons from more than one Party, if it has at least

⁴¹ See paragraphs 3.19-24 and 3.27

one officer who is from the Commons. Such groups are required to register the group's title and the names of its officers. Financial or material benefits received by the group as a whole must also be registered, where the group receives during a calendar year one or more benefits from the same source whose total value is £1000 or more. Lastly, the group must register the name and paid employment or occupation outside Parliament of any staff servicing the group who hold a parliamentary pass, if that occupation or employment is advantaged by the passholder's privileged access to Parliament.

4.12 The number of registered groups in 2009 was 556 (the highest number ever recorded), compared with the 525 registered in 2008. In 2009 there were 140 country groups and 416 subject groups; in 2008 the figures were 132 for country groups and 393 for subject groups. The number of groups with registered financial or material benefits in 2009 was 310 (309 in 2008).

Complaints relating to Registers of Members' Secretaries and Research Assistants, Journalists and All-Party Groups

4.13 During the period covered by this report I received:

- three complaints about three different all-party groups. These concerned access to a group's meeting, a group's remit, and access to its full membership lists, and the views expressed in a group's newsletter. All fell outside the Commissioner's remit for investigation;
- one complaint about a Member's staff. The complaint alleged that the person concerned had failed to register the fact that she was a councillor. I did not uphold this complaint as the staff member had in fact registered this. The omission from the Register was instead due to an oversight on the part of my office, for which I apologised.

5 Resourcing the work

5.1 The table below shows the cost of running this office in 2008-09 compared to previous years.

Table 4: Costs of running the Commissioner's office

	2004-05 £	2005-06 £	2006-07 £	2007-08 £	2008-09 £
Staffing etc	298,869	308,121	379,609	419,816	494,005
Other running costs	3,964	8,713	6,939	5,881	5,850
Total	302,833	316,834	386,548	425,697	499,855

5.2 The increase in staffing costs this year was due mainly to the employment from March 2008 of two new members of staff (supplemented by occasional agency secretaries to cover particularly busy periods), and to a lesser extent to pay progression. One of the two posts was secretarial, the other was a newly created post of a Complaints Officer, who helps with the investigation and processing of complaints and also deals with general correspondence and press enquiries. The Committee on Standards in Public Life had noted in their Eighth Report a staff inspection recommendation for an investigative support officer.⁴² Having reviewed the nature and volume of work in my office, I decided to accept this recommendation and was pleased to have the support of the Committee on Standards and Privileges and the House authorities in doing so.

5.3 There was a reduction in costs relating to conference attendance and travel and subsistence but an increase in routine printing costs. The result was a slight overall drop in our total expenditure on other running costs.

⁴² *Standards of Conduct in the House of Commons*, Eighth Report of Committee on Standards in Public Life, November 2002, Cm 5663

6 Conclusion and forward look

6.1 This office can expect a period of considerable activity and change across all its functions in the coming year. The volume of complaints and of associated correspondence and phone calls is understandably increasing as a result of the disclosures about Members' expenses. I know I will have the support of the House in ensuring that the office is adequately resourced to deal with such an increased volume of work.

6.2 The new, independent parliamentary standards authority proposed by the Government will if agreed change the regulation of standards in Westminster. Such changes will have a wide-ranging effect on the way the work of this office is managed. It is too early to say exactly what those effects might be or when the changes might take place. But we will be ready to engage with all parties to help to ensure that the wishes of the House can be implemented effectively and well.

6.3 In the shorter term, we will be assisting Members in implementing the decision agreed by the House that Members should register full details of any directorship or other employment which they engage in and any services they provide. And we will be assisting Members on the implementation of the statutory provisions to end dual registration, as described in Chapter One of this Report.

6.4 I am also submitting written evidence to the Committee on Standards in Public Life in respect of its review of Members' expenses.

6.5 Overall I hope 2009–10 will see the start of the work needed to restore public confidence and trust in the institution of Parliament and all its Members. There is much to do as Parliament begins the vital and necessary work to turn things around.

Appendix 1: Standing Orders Nos 149 & 150, as amended by the House on 13 July 2005

149.—(1) There shall be a select committee, called the Committee on Standards and Privileges—

(a) to consider specific matters relating to privileges referred to it by the House;

(b) to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; and to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; and

(c) to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in any code of conduct to which the House has agreed and which have been drawn to the committee's attention by the Commissioner; and to recommend any modifications to such code of conduct as may from time to time appear to be necessary.

(2) The committee shall consist of ten Members, of whom five shall be a quorum.

(3) Unless the House otherwise orders, each Member nominated to the committee shall continue to be a member of it for the remainder of the Parliament.

(4) The committee shall have power to appoint subcommittees consisting of no more than seven Members, of whom three shall be a quorum, and to refer to such subcommittees any of the matters referred to the committee.

(5) The committee and any subcommittee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time, to appoint legal advisers, and to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference.

(6) The committee shall have power to order the attendance of any Member before the committee or any subcommittee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a subcommittee or of the Commissioner, be laid before the committee or any subcommittee.

(7) The committee, or any subcommittee, shall have power to refer to unreported evidence of former Committees of Privileges or of former Select Committees on Members' Interests and to any documents circulated to any such committee.

(8) The committee shall have power to refuse to allow proceedings to which the public are admitted to be broadcast.

(9) Mr Attorney General, the Advocate General and Mr Solicitor General, being Members of the House, may attend the committee or any subcommittee, may take part in deliberations, may receive committee or subcommittee papers and may give such other assistance to the committee or subcommittee as may be appropriate, but shall not vote or make any motion or move any amendment or be counted in the quorum.

150.—(1) There shall be an Officer of this House, called the Parliamentary Commissioner for Standards, who shall be appointed by the House.

(2) The principal duties of the Commissioner shall be—

(a) to maintain the Register of Members' Interests and any other registers of interest established by the House, and to make such arrangements for the compilation, maintenance and accessibility of those registers as are approved by the Committee on Standards and Privileges or an appropriate subcommittee thereof;

(b) to provide advice confidentially to Members and other persons or bodies subject to registration on matters relating to the registration of individual interests;

(c) to advise the Committee on Standards and Privileges, its subcommittees and individual Members on the interpretation of any code of conduct to which the House has agreed and on questions of propriety;

(d) to monitor the operation of such code and registers, and to make recommendations thereon to the Committee on Standards and Privileges or an appropriate subcommittee thereof; and

(e) to receive and, if he thinks fit, investigate specific complaints from Members and from members of the public in respect of—

(i) the registration or declaration of interests, or

(ii) other aspects of the propriety of a Member's conduct,

and to report to the Committee on Standards and Privileges or to an appropriate subcommittee thereof unless the provisions of paragraph (3) apply.

(3) No report shall be made by the Commissioner:

(a) in any case where the Member concerned has agreed that he has failed to register or declare an interest, if it is the Commissioner's opinion that the interest involved is minor, or the failure was inadvertent, and the Member concerned has taken such action by way of rectification as the Commissioner may have required within any procedure approved by the Committee for this purpose; and

(b) in any case involving parliamentary allowances, or the use of facilities or services, if the Commissioner has with the agreement of the Member concerned referred the matter to the relevant Officer of the House for the purpose of securing appropriate financial reimbursement, and the Member has made such reimbursement within such period of time as the Commissioner considers reasonable.

(4) The Commissioner may at any time in the course of investigating a complaint, and if so requested by the Committee on Standards and Privileges shall, appoint an Investigatory Panel to assist him in establishing the facts relevant to the investigation.

(5) An Investigatory Panel shall—

(a) consist of the Commissioner, who shall be Chairman of the Panel, and two assessors, one of whom shall be a legally qualified person appointed by the Commissioner and the other shall be a Member, who shall not be a member of the Committee on Standards and Privileges, appointed by the Speaker; and

(b) meet in private.

(6) The Commissioner—

(a) shall determine the procedures of the Panel, subject to the provisions of this Order; and

(b) may appoint counsel for the purpose of assisting the Panel.

(7) Any report that the Commissioner may have made to the Committee on Standards and Privileges in relation to the complaint before the appointment of the Panel shall be made available to the Panel by the Committee.

(8) Any Member who is the subject of the complaint under investigation shall, if he so requests, be heard by the Panel; may call witnesses; and may examine other witnesses.

(9) When the Panel has completed its proceedings—

(a) the Commissioner shall report as in paragraph (2)(e);

(b) the legal assessor shall report to the Committee on Standards and Privileges his opinion as to the extent to which its proceedings have been consistent with the principles of natural justice; and

(c) the Member assessor may report to the Committee on Standards and Privileges his opinion as to the extent to which its proceedings have had regard to the customs and practice of the House and its Members.

(10) The Commissioner shall report each year to the House on the exercise by him of his functions.

(11) The Commissioner may be dismissed only following a resolution of the House, moved for by a Member of the House of Commons Commission, after the Committee on Standards and Privileges has reported to the House that it is satisfied that the Commissioner is unfit to hold his office or unable to carry out his functions; and any such report shall include a statement of the Committee's reasons for its conclusion.

Appendix 2: Background to the Arrangements for Regulating Standards of Conduct in the House of Commons

1. Like many other aspects of the United Kingdom political system, the arrangements for regulating standards in the House of Commons have developed over time and often in response to particular events. As long ago as 1695, the House of Commons passed a resolution declaring bribery of Members a high crime and misdemeanour. For centuries thereafter, misconduct by Members was handled ad hoc and often informally as it arose (which was relatively rarely). In 1858, the House passed a Resolution prohibiting advocacy for fee or reward and in 1947 a further resolution banning Members from entering contracts or agreements which restrict their freedom to act and speak, or require them to act as a representative of outside bodies.
2. A resolution of 1974 confirmed a long-standing convention that relevant pecuniary (i.e. financial) interests should be declared in the House and its Committees, and in communications with Ministers and officials. The first Register of Members' Interests was created in 1975 (following the Poulson case). Rules about registering or declaring interests developed gradually thereafter and were first codified and substantially revised in 1992.
3. The key features of the present arrangements came into being in 1995 following recommendations by the Committee on Standards in Public Life (at the time chaired by Lord Nolan) and the Select Committee of the House on Standards in Public Life. These recommendations were for:
 - a new Code of Conduct for MPs;
 - an improved Register of Members' Interests;
 - an independent Parliamentary Commissioner for Standards;
 - a strengthened Committee on Standards and Privileges.

The first Commissioner (Sir Gordon Downey) was appointed in 1995 and a Code of Conduct for Members was approved by the House and published the following year.

Principles

4. The nature of the arrangements reflects a concern to ensure effective machinery for upholding high standards of conduct, containing a strong independent element, whilst preserving Parliament's control over its own affairs. For centuries, Parliament fought to establish its right to control its own affairs, free from interference by either the Monarch or the courts. This freedom was confirmed by Article 9 of the Bill of Rights of 1689 which provided:

“That the Freedom of Speech and Debates or Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament.”

5. The House's right to discipline its own Members is a central element in this. As the Committee on Standards in Public Life observed in 1995 when recommending the present arrangements:

“The House collectively has a responsibility to safeguard the public interest against the possible misjudgements of individual Members, and it has the ability to do so. It also needs to reassert forcefully to the public that Members of Parliament, collectively and individually, have a sense of both the responsibilities and the dignity of the role with which they are entrusted. We believe that the House can do this itself, and that the package which we set out below will help to do so. It is a powerful and

