



Parliamentary Commissioner for Standards

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# Annual Report 2004–05

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## Foreword

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In this, my third report as Commissioner, I set out the highlights of what has been another full year of effort by the Committee on Standards and Privileges, colleagues in my office and me to improve the confidence of both the public and Members of the House in the effectiveness and fairness of the House's arrangements for ensuring high standards of conduct among Members.<sup>1</sup>

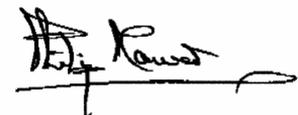
Much of the year has revolved around the review of the Code of Conduct for Members, on which the House is expected to take decisions by the summer of 2005. A good deal of effort has also gone into extensive preparations for briefing and induction of Members and their staff in the new Parliament. In addition there has been the usual ebb and flow of complaints cases, any one of which can be infinitely more demanding and complex than a simple recital of the number of cases handled would suggest, as well as continued effort to offer Members, collectively and individually, sound and helpful advice on standards matters.

Throughout this year, as during those which have gone before, I have sought to adopt an approach which is strategic and proportionate: strategic in the sense that it is proactive and focuses on the key issues; proportionate in that both policy matters and cases are handled in a manner appropriate to the intrinsic weight of the issues at stake. It was therefore encouraging to see Peter Riddell, Chief Political Commentator of the Times, say in a review of the first ten years of existence of the Committee on Standards in Public Life:

*“The revamped system of Commons self-regulation and disclosure is now operating pretty well. . .”*<sup>2</sup>

Any success of this nature there may have been is the result of concerted effort by the Committee on Standards and Privileges, the authorities and senior officers as well as Members of the House. To them and to my immediate colleagues in my office, I express my warm thanks.

I am also conscious that public and Member confidence is hard to win and easy to lose. Keeping it requires sustained effort. I hope this report provides evidence of my firm commitment, and that of my colleagues, to that task.



12 July 2005

Sir Philip Mawer

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<sup>1</sup> For the benefit of those less familiar with these arrangements, I have included at Appendix 1 the Standing Orders of the House relating to the Committee on Standards and Privileges and to the Parliamentary Commissioner for Standards, and at Appendix 2 a short description of the arrangements.

<sup>2</sup> Committee on Standards in Public Life; Annual Report, 2004



# 1 Strengthening the Standards System

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## Review of the Code of Conduct

1.1 The review of the Code has been a major priority during the past year. Following an extensive process of consultation, the Committee on Standards and Privileges was able to submit to the House on 17 March 2005 proposals for a revised Code which will, I believe, give the Code greater prominence and clarity as well as strengthening it along lines previously recommended by the Committee on Standards in Public Life.<sup>1</sup>

1.2 In its Eighth Report published in November 2002, that Committee had recommended that in each Parliament the Parliamentary Commissioner for Standards should initiate a review of the Code of Conduct and Guide to the Rules. This recommendation was accepted by the House in a debate on 26 June 2003.

1.3 The House had agreed substantial changes to the Guide to the Rules on 14 May 2002. In 2004, I proposed initiating a review of the Code in line with the recommendation previously mentioned. The Committee on Standards and Privileges accepted this proposal and in July 2004 I published a consultation paper setting out the key issues for discussion. Copies of the consultation paper were sent under cover of a personal letter to all Members of the House and to 24 organisations and individuals both outside and inside the House known to have a particular interest in these matters. Publication of the consultation paper was also made known through a press release and the text was posted on the parliamentary web-site with a general invitation to the public to comment.

1.4 The 27 responses received did not reveal widespread dissatisfaction with the Code but there were a number of helpful suggestions for change and improvement. In February 2005 I submitted to the Committee on Standards and Privileges proposals for a substantial re-casting and re-presentation of the Code intended to make it more useful to both the public and Members. The main proposed changes in the Code's substance were designed to:

- Widen the statement of its purpose.
- Make clear that it is complementary to the obligations which apply to all Members by virtue of the procedural and other rules of the House and the rulings of the Chair, and to some Members by virtue of the Ministerial Code.
- Add provisions – as recommended by the Committee on Standards in Public Life – emphasising Members' duty to cooperate with an investigation by the Commissioner and to refrain from lobbying members of the Committee on Standards and Privileges about cases.
- Bring complaints about the misuse of facilities provided to Members for parliamentary purposes within the scope of the Code, as misuse of parliamentary allowances already is.

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<sup>1</sup> Fourth Report, Session 2004-05 (HC 472)

I also recommended changes intended to achieve a more uniform and proportionate handling of inquiries into evidence of possible misuse. Finally I proposed that Mr Speaker might be given discretion to refer any serious breach of the House's rules falling outside the Code to the Commissioner and the Committee on Standards and Privileges for investigation and adjudication, if he thought this would be in the best interests of the House. The intention would be to enable the procedures and safeguards for Members that are inherent in the complaints investigation process to be used in such circumstances.

1.5 In its Fourth Report of Session 2004-05, the Committee on Standards and Privileges noted that the responses to the consultation paper suggested that the Code continued to achieve the objectives for which it was first created. It advised the House to accept all the changes to the Code I had recommended. In one important respect, the Committee went beyond my own proposals by proposing the addition to the Code of an explicit commitment to equality. Noting that such provisions are commonly included in professional codes of practice, the Committee recommended that there be added to the principle already included in the Code about the public duty of Members to uphold the law, a specific reference to the general law against discrimination.

1.6 The Committee also recommended procedural changes designed to ensure a level playing field in the handling of instances of misuse, whether these emerge through complaints or are uncovered by Departments of the House. If these changes are accepted in principle by the House, the Committee envisages submitting detailed guidelines for its approval before they are implemented.

1.7 Finally the Committee recommended that, if the House was unable to consider its proposals prior to the Dissolution of Parliament, they be considered within three months of the meeting of the new Parliament.

1.8 I am grateful to all those who have contributed to the review of the Code and hope that the House will recognise the proposals now before it to be a useful means of strengthening both Member and public confidence in its standards arrangements.

## Review of training strategy

1.9 In my last annual report, I mentioned (paragraph 1.8) that I had begun a review of the advice and briefing offered to Members on standards matters. This reflected both the wish of the Committee on Standards and Privileges that greater emphasis be put on the prevention of problems and the recommendation of the Committee on Standards in Public Life that:

*“The Parliamentary Commissioner for Standards should periodically review, in conjunction with the House authorities and the Whips, the effectiveness of the provision for training and guidance on standards of conduct.”*

1.10 My predecessor had participated in the induction programme arranged for new Members by the House authorities at the start of the last Parliament. She had also addressed one of the induction meetings arranged for their new Members by one of the main political parties. The Committee on Standards in Public Life commented that, without careful coordination, there was a risk that new Members might be given overlapping or conflicting information. The Committee went on:

*“We recommend that the Commissioner considers in conjunction with the House authorities and the Whips, whether anything more is needed to ensure that comprehensive training and guidance are provided on standards, especially if different aspects of the training are to be provided by different authorities. For example, closer links between the training given by the Fees Office and the Commissioner may be beneficial, given that strict observance of the rules for payments and allowances is a requirement of the Code of Conduct.”<sup>2</sup>*

1.11 After consulting parties in the House and the House authorities, I proposed to the Committee on Standards and Privileges the introduction of a comprehensive briefing strategy which would include:

- a) Induction of new Members after a General Election. Plans have been drawn up for briefing new and returning Members after the 2005 General Election (held just outside the time period covered by this report) which include:
  - Sessions by the Commissioner and Registrar on standards issues at the induction briefings arranged by all three main political parties;
  - Short modules on the House’s standards arrangements within wider induction seminars being arranged by the House authorities;
  - Separate, more detailed briefings on standards related matters, to be undertaken in conjunction with representatives of the House’s Department of Finance and Administration and the Department of the Serjeant at Arms.
- b) Returning Members will be alerted to the detailed standards briefings and reminded of the availability of individual advice on their personal circumstances.
- c) Induction of new Members after a by-election. This includes provision for a personal briefing by the Registrar or me.
- d) Occasional attendance by invitation at back-bench party meetings to talk about standards matters. An example of this involved the Registrar and me attending these meetings some months prior to the 2005 General Election to remind Members of the House’s rules on the registration of political sponsorship and donations.

The Committee endorsed these proposals and they have been put into effect over the last year.

1.12 These briefing arrangements are supplemented both by the general written advice material now issued to all Members and by advice given to individual Members on request.

1.13 Members are responsible for meeting their obligations under the Code and Rules, and nothing should be done which might undermine the personal responsibility falling on each Member. In practice, however, it has to be recognised that busy Members are frequently assisted in these matters by their staff. With this in mind, the Registrar, Assistant Registrar and I piloted in the early part of 2005 a briefing for Members’ staff, both about the obligations falling on them to register their own interests and the obligations in respect of

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<sup>2</sup> Committee on Standards in Public Life, Eighth Report, Cm 5663

standards falling on the Members whom they serve. In the light of a generally positive response from those present at this innovation, this pilot is to be repeated early in the new Parliament.

1.14 In respect of both Members and their staff, the advice and briefing provided should seek to be both effective and proportionate – to the need and to the importance of the issues; in the demands it makes on Members and their staff; and to the resources available in my office and elsewhere in the House. With this in mind we shall review our experience of the induction process at the start of the 2005 Parliament and I will refer to this in my next report. The principal objectives we shall continue to have in mind will be to ensure that Members (and Members' staff) are alert to the expectations of them in relation to standards matters and to possible pitfalls; are pointed towards authoritative sources of advice and help; and are thereby assisted in fostering a culture of compliance with the requirements of the House.

### **Attitudes to Standards in Public Life**

1.15 In September 2004 the Committee on Standards in Public Life published the results of three years research on this subject. The research was the first of its kind, exploring public attitudes, expectations and perceptions of the behaviour of those in public life. It valuably complemented work done by other bodies – such as the Electoral Commission and the Hansard Society – on public perceptions of the body politic. The Committee intends to repeat the research at regular intervals, thereby enabling the development of public attitudes to be tracked. This will prove valuable for all concerned with standards of conduct in public life and I congratulate the Committee on its initiative.

1.16 The survey revealed that the public hold comprehensive and sophisticated, but sometimes apparently contradictory views on standards issues. A number of the findings were encouraging. Few of those surveyed thought that MPs take bribes or base their decisions on self interest. Only 11% rated standards in public life as low or very low. The focus of public concern appears to have shifted from 'sleaze' to 'spin' – which perhaps is some indication that the efforts of successive Committees on Standards and Privileges and Commissioners to bear down on 'sleaze' ('spin' is not within our remit) are having some effect. The survey also confirms the powerful role of the media in influencing public attitudes on these issues – though it found that journalists on tabloid newspapers rank well below MPs in the list of those who the public trust.

1.17 As to levels of trust in politicians, the survey confirmed the finding of other research that members of the public tend to draw a clear distinction between their local MP (whom they may know) and MPs in general. Asked whether they generally trusted their local MP to tell the truth, 47% of those surveyed said yes, 45% said no, a net trust rating of +2%. Asked the same question in relation to MPs in general, the figures were 27% and 67%, a net trust rating of - 40%. I wonder whether part of what is at work here is the general human tendency to stereotype people as a group, while frequently making exceptions of those we know within that group.

1.18 That said, even a net trust rating of +2% (which incidentally was about the same as that reported for television news journalists) is hardly stunning. There is clearly more work to be done if public confidence in MPs is to be improved. Part of the answer, the research

suggests, may lie in informing the public more about what is done to uphold standards. The information given in successive editions of this report may, over time, help here in a modest way. Taken as a whole, however, the findings suggest that a complex of factors is at work in shaping public attitudes and that politicians, the media and those who regulate conduct all have a part to play in building greater confidence between the public and those active in public life. As trust is a quality of a two way relationship, the public also have a responsibility to try to understand the nature of politics and to avoid descending into mere stereotyping and caricature when discussing these vital issues.

### **The Draft Corruption Bill and the handling of complaints involving allegations of criminal conduct**

1.19 I mentioned last year the report of the Joint Committee on the draft Corruption Bill and my intention to agree with the Committee on Standards and Privileges procedures for handling complaints involving allegations of criminal conduct.<sup>3</sup> So far the Government has not introduced the Bill, nor did it indicate its intention to do so in the Queen's Speech at the start of the present Parliament.

1.20 It would be preferable to draw up agreed procedures for handling complaints involving allegations of criminal conduct once the terms of the legislation are known. In the meantime, should the issue arise, I intend to follow the approach sketched out by the Committee and described in paragraph 1.13 of my last report.

### **Members' Allowances**

1.21 On 21 October 2004, the House published information about each Member's spending on parliamentary expenses and allowances. This put material about all Members' expenditure in the public domain for the first time, anticipating by a few months the position under the Freedom of Information Act.

1.22 The publication of the material attracted widespread media attention. Some comment mistakenly added together Members' salary and allowances, treating them both as part of earnings. In fact allowances are not, of course, earnings but are provided to Members to meet expenditure wholly, exclusively and necessarily incurred by them in carrying out their parliamentary duties, including the costs of the staff they employ to that end.

1.23 I welcome publication of this information. Inevitably there is scope for misunderstanding, and the task of explaining the figures can prove irksome for some Members. Nevertheless it is right that the public should know how the substantial sums now involved are being spent. The House should take some credit for this positive development.

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<sup>3</sup> HC 705, Session 2002-03

## 2 Emphasising Prevention

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2.1 It has been a consistent theme of earlier annual reports that the Committee on Standards and Privileges and I wish to put more emphasis on prevention and education, trying to prevent problems from arising in the first place rather than, through the complaints system, picking up the pieces afterwards. The more comprehensive and structured approach to briefing Members and their staff described in paragraphs 1.9 – 1.14 of this report is a reflection of that, and one of the ways in which I am seeking to achieve this objective.

### Advising Members in General

2.2 Another way in which I have sought to achieve this has been through the preparation – with the help of the Registrar of Members’ Interests – of a series of occasional notes, distributed to all Members, containing advice on key topics. These notes, the texts of which are agreed with the Committee on Standards and Privileges, do not extend the scope of the Code of Conduct or the Guide to the Rules but aim to supplement the advice in the Guide with practical advice and tips on the topic in question.

2.3 Some of these notes have emerged from the experience of the Committee in dealing with individual cases or have been a response to an immediate concern. In other cases, I have tried to look ahead to spot potential issues before they cropped up.

2.4 An example of the latter occurred during the year covered by this report. Aware of the forthcoming general election, the Committee approved a note advising Members on their obligations under category 4 of the Guide to the Rules in respect of the registration of political donations or sponsorship. This is potentially a particularly difficult area of the Rules, partly because not all donations are registrable and partly because there are overlapping statutory obligations to report donations to the Electoral Commission.<sup>1</sup>

2.5 Having shared a draft of the note with the Committee on Standards and Privileges, the Registrar and I were invited to present the key points at backbench meetings of two of the main political parties. I was able to take account of the comments received when finalising the note for approval by the Committee before circulating it to all Members.

2.6 A second note produced during the year summarised the obligation on Members to *declare* their interests – for example in debate, meetings or Committee – obligations which in some respects go wider than their obligations to *register* interests. Proper declaration of relevant interests is important at any time, but particularly during the early months of a new Parliament whilst a new Register of Members’ Interests is in preparation. The Committee on Standards and Privileges approved a note on this subject prior to the dissolution of Parliament in April, so that it was ready for distribution to all Members at the start of the new Parliament.

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<sup>1</sup> Broadly, donations which are registrable in the Register of Members’ Interests are those which are linked to an individual Member. Donations made to a constituency party organisation are not registrable unless they are linked either to a Member’s candidacy at an election or to his or her membership of the House.

2.7 Distribution of material of this sort is not always seen by some Members as an unalloyed blessing. I recognise that Members are deluged with information from all sides. Yet another note of advice from the Commissioner can seem like the imposition of more bureaucratic red-tape on people doing a job which is difficult enough already. It is therefore necessary to be selective in this respect. That said I hope that the gradual building up of this body of written advice – which all Members can keep and access in the folder of standards material they have each received from me – will be helpful to them as a source of authoritative, practical reference material giving guidance on key standards issues, and as a means of ensuring a consistent approach to the interpretation of these matters.

### **Advising Individual Members**

2.8 General guidance is helpful but the individual circumstances of Members vary enormously. Much of the day-to-day work of the Registrar and of myself consists of advising Members on how to meet their obligations under the Code and Rules in the context of their own particular circumstances. The Registrar and the Executive Assistant in my office are in the frontline in giving advice to Members, consulting me on any particularly difficult or complex cases. I am grateful for the skill and sensitivity with which they handle this not always straightforward task.

2.9 Over the years both of them have built up a good deal of expertise, which it is important to capture. With this in mind, the Registrar has started to build up a log of precedent cases, as a continuing source of information and another means of ensuring consistency of approach. This should prove of value not only in the immediate future but also in the longer term.

### **Renewing the Register of Members' Interests**

2.10 On 28 January 2005 my office produced the annual printed edition of the Register, which attracted the usual amount of media attention to the more unusual or noteworthy entries. In addition the Register is updated every six to eight weeks, and the latest updated edition is posted on the House of Commons web-site and is thus available for public scrutiny through the world-wide web.

2.11 The last updated edition of the Register for the Parliament of 2001-2005 was published on 11 April 2005, the day on which that Parliament was dissolved. As I write this report, work is proceeding on compiling the first Register of the new Parliament, which is no mean task. Members have three months from the start of the Parliament to submit their forms stating their interests, that is, in this instance, until 16 August 2005. I therefore expect the new Register to be published some time after the House returns in the autumn.

## 3 Investigating Complaints

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3.1 As the preceding sections of this report have shown, investigating complaints is not the sole, nor even the primary function of my office. Nevertheless it is the aspect of the work which catches most public attention, and clearly it is of major importance that both the public and Members can be assured that the process of consideration of complaints is rigorous, fair and impartial.

3.2 Complaints may be received from both MPs and members of the public. Whoever they come from, they are subjected to the same initial tests:

- Are they submitted by letter and signed? (Anyone e-mailing a complaint is asked to send in a signed copy.)
- Do they indicate at least a prima facie breach of the Code of Conduct or related Rules of the House?
- Are they supported by sufficient evidence to warrant at least a preliminary enquiry?

3.3 The table below shows a reduction during 2004–05 in the overall total of letters of complaint received by my office from 152 to 137 but a rise (from 96 to 118) in the number of specific complaints against a named Member. The fluctuations illustrate how the figures in any one year can be influenced by specific factors. In 2003–04, the Iraq War and two well-publicised complaints against two prominent Members generated a number of general letters of complaint from the public. In 2004–05 the number of general complaints fell but the number of specific complaints against a named Member rose, particularly in the last two quarters of the year. Three factors seem to have been behind this:

- A case involving one Member of the House, in respect of which I received 14 separate letters of complaint.
- The approach of the General Election, which was inevitably associated with an intensification of political debate. One reflection of this appears to have been the receipt of a number of complaints about Members' use of post-paid envelopes and House stationery to circulate material to constituents (see below).
- The publication of information about individual Members' spending from their allowances.

This last development led to a number of letters calling for me to investigate the expenditure by the named Members. However, these were unsupported by any evidence which indicated wrongdoing, the mere size of the expenditure involved not in itself being a sufficient indication that something was amiss.

3.4 As will be apparent, some complaints received by my office are cast in very general terms (for example, a complaint about anti-social behaviour and the alleged failure of Members to help tackle it). Other complaints do name a specific Member but concern types of complaint outside my remit. These include complaints about:

- A Member's handling of a constituency case.
- Policy matters.
- A Member's views or opinions.
- A Member's actions in their capacity as a Government Minister. (Complaints of this sort fall to be considered under the Code of Conduct for Ministers (the Ministerial Code), and are a matter for the Prime Minister.)
- The funding of political parties.

As the table below indicates, a significant proportion of the complaints I receive each year are either general in character or, although they name a specific Member, fall outside my remit. Of the latter, most usually concern complaints about a Member's handling of a constituency case.

3.5 The table shows that during the past year, all but 9 of the 76 cases with which I declined to proceed fell outside my remit. Most of those 9 cases failed to progress because they were unsupported by sufficient evidence to justify the making of even preliminary inquiries.

3.6 The table also shows a rise from 6 to 15 in the number of complaints I dismissed following preliminary inquiry. 5 of these cases involved complaints about the content of newsletters sent by Members to constituents but my inquiries disclosed that the newsletters in question had been funded privately rather than from the Members' parliamentary allowances. In each of the 15 cases – some of which involved very extensive inquiries over several weeks or even months – the evidence available at the end of my inquiries did not indicate that a breach of the Code had occurred. In such cases, I offer the complainant a clear explanation of my decision and make clear that if fresh evidence of a breach of the House's rules is forthcoming, the case may be reopened.

3.7 As will be seen from the table, the total of 21 complaints which were the subject of reports to the Committee concerned just three Members. 14 complaints focussed on one Member, 6 on another and one on a third. 6 complaints (all received in the last quarter of the year) were still under investigation at the end of the year, together with 2 others held over from the previous year pending the resolution of associated legal proceedings.<sup>1</sup>

3.8 In paragraph 3.3 I mentioned the complaints I had received in the run-up to the General Election (of which there were 16 in the last two quarters) about the use by certain Members of post-paid envelopes and House stationery. Typically these focussed on a Member's use of these facilities to send circular letters to their constituents. Such use is not sanctioned by the rules, approved by Mr Speaker on the recommendation of the Administration Committee, which govern these matters. These ban the use of these facilities for, among other things, circulars or supporting the return of any person to public office.

3.9 These rules are administered on Mr Speaker's behalf by the Serjeant at Arms, who also investigates complaints that they have been breached. I therefore forwarded all such

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<sup>1</sup> These two complaints were the subject of the Committee's Sixth Report of Session 2004-05 (HC509)

complaints received by my office to the Serjeant for consideration. They form part of the figures in line 3(a) of the table below.

3.10 In its report to the House on the review of the Code of Conduct, the Committee on Standards and Privileges recommended that alleged misuse of the services and facilities of the House should be brought within the Code and a single uniform regime adopted which would cover both the alleged abuse of financial allowances and of facilities and allowances in kind.<sup>2</sup> The adoption by the House of this recommendation would, I believe, simplify the handling of these matters for both Members and the public.

## Investigating complaints

### Complaints in 2004-05

	Apr-June 2004	July-Sept 2004	Oct-Dec 2004	Jan-Mar 2005	Totals: April 04- March 05	Totals: April 03 - March 04
1. All Matters of Complaint received	14	18	48	57	137	152
2. Specific complaints against a named Member	9	17	45	47	118	96
3. Not proceeded with: reason	(a) 7	(a) 12	(a) 22	(a) 26	67	76
(a) outside remit;						
(b) other	(b) 1	(b) 2	(b) 6	(b) 0	9	6
4. Complaints proceeded with	1	4	17	20	42	14
5. Complaints subject of preliminary inquiry then dismissed	1	2	3	9	15	6
6. Complaints subject of further investigation	0	2	14	11	27	7
7. Complaints dealt with by rectification procedure	0	0	0	0	0	1
8. Complaints subject of a report to Committee on Standards and Privileges	0	2	14 <sup>1</sup>	5 <sup>2</sup>	21 <sup>3</sup>	6

<sup>1</sup> All 14 of these were about the same Member

<sup>2</sup> All 5 of these were about the same Member, who was also the subject of one of the complaints in the second quarter.

<sup>3</sup> 6 complaints, all received during the last quarter of the year, were still the subject of inquiries at the end of the year, along with 2 carried over from the preceding year which were the subject of an interim report.

3.11 Readers may also find it helpful to see the number of Members involved in relation to the number of complaints considered at each key stage of the process. (As this material has not previously been presented in this way, comparative figures for 2003-04 are regrettably not available.)

### Members the subject of complaints in 2004-05

	April – June 2004	July – Sept 2004	Oct – Dec 2005	Jan – March 2005	Total April 04 – March 05
1. No. of Members the subject of a specific complaint	9	16	29	39	93
2. No. of Members involved in complaints proceeded with	1	4	4	14	23
3. No. of Members involved in complaints the subject of further investigation	0	2	1	6	8 <sup>1</sup>
4. No. of Members the subject of a report to the Committee on Standards and Privileges	0	2	1	1	3 <sup>1</sup>

<sup>1</sup> One of the Members who was the subject of a complaint in the second quarter was also the subject of complaints in the fourth quarter.

### Reports to the Committee in 2004-05

3.12 I made 4 reports to the Committee on Standards and Privileges during 2004-05, which between them covered a total of 21 complaints. 2 complaints (both relating to Mr George Galloway, now the Member for Bethnal Green and Bow) which remained under investigation at the end of the year, were also the subject of a further interim report which was published by the Committee on 6 April 2005.<sup>3</sup>

3.13 Each of these reports has been published and I do not therefore need to repeat the substance of them here. Certain general points arose, however, which it may be helpful to mention.

3.14 The first report concerned a newsletter issued by a Member to his constituents and brought into focus the guidance issued by the House's Department of Finance and Administration relating to such publications.<sup>4</sup>As a result of the case, the Committee on

<sup>3</sup> Sixth Report of Session 2004-05, HC 509

<sup>4</sup> First Report of Session 2004-05, HC 71

Standards and Privileges suggested that the guidance should be revised to make clearer what is and is not allowable.<sup>5</sup> I understand that the Department has such a revision of the guidance in hand and that it intends formally to consult the Committee and me about it later this year.

3.15 The third and fourth reports principally involved allegations that the Member concerned had abused his privileged access to the facilities of the House by using it to further a private commercial interest.<sup>6</sup> In the light of my investigation, the Committee on Standards and Privileges found that the Member's conduct had fallen well below the standards the House expects, and risked damaging its reputation. In a further report the Committee responded to criticisms by the Member of its earlier report and considered the result of inquiries I had made into five further complaints against the Member, which primarily related to his use of House stationery and post paid envelopes, and of other resources provided by the House, for party, rather than parliamentary purposes.<sup>7</sup> The Committee agreed with my finding that the Member had breached the Code of Conduct in this respect and recommended that he apologise to the House by way of a personal statement. This the Member subsequently did.

### **Use of the Rectification Procedure**

3.16 None of the cases considered during the year were resolved by use of the rectification procedure, which allows me, by agreement with the Member concerned, to dispose of minor cases of inadvertent breach of the Rules on registration or declaration of interests through a corrected entry in the Register or, in the case of non-declaration, an apology to the House.<sup>8</sup>

### **Frivolous and Vexatious Complaints**

3.17 Nor did I have occasion to refer any complaints to the Committee on Standards and Privileges on the grounds that they were either frivolous or vexatious.<sup>9</sup> In one case, however, I drew the attention of those who had made or instigated the making of several allegations against a Member – which upon examination proved groundless – to the existence of this procedure.

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<sup>5</sup> Ibid, paragraph 8

<sup>6</sup> Third Report of Session 2004-05, HC 233

<sup>7</sup> Fifth Report of Session 2004-05, HC 473

<sup>8</sup> For a full description of the procedure see Appendix 1 of my Annual Report for 2002-03

<sup>9</sup> For a description of the procedure for handling such complaints, see appendix 2 of my Annual Report for 2003-04

## 4 Other Registers

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### Brief History of the Registers

4.1 Ten years after the introduction of the Register of Members' Interests in 1974, the Select Committee on Members' Interests (a predecessor of the Committee on Standards and Privileges) conducted an inquiry into concerns about parliamentary lobbying and recommended that:

*“When they are approached, Members of the House must be able readily to identify the source and true nature of the approach. Equally the full purposes of those with access to Parliament should be known. We are convinced that greater openness would now be beneficial in certain areas.”<sup>1</sup>*

4.2 To meet those concerns the Committee concluded that registers should be set up for Members' staff, journalists and all-party groups. The Committee's recommendations were subsequently agreed by the House on 17 December 1985 and the first registers were published in 1986. The form and substance of each register are detailed in the sections below.

### Members' Staff Register

4.3 Those holding a parliamentary pass as a Member's secretary or research assistant are required to register any other occupation or employment 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 or employment is in any way advantaged by the privileged access to Parliament afforded by their pass.<sup>2</sup> They also have to register any tangible gift (e.g. glassware) and any other benefit (e.g. hospitality, service or facilities provided) which they receive, if the value of the gift or benefit exceeds that sum and relates in any way to their work in Parliament.

4.4 The number of staff on the register fell slightly, from 1576 on 31 March 2004 to 1536 on 31 March 2005. The number of these registering an interest also fell, from 388 to 375.

### Journalists' Register

4.5 Those holding a pass as a lobby journalist accredited to the Parliamentary Press Gallery or for parliamentary broadcasting are required to 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.<sup>3</sup>

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1 Select Committee on Members' Interests, First Report, Session 1984–85, HC 261

2 Over £290 during the period of this report

3 Over £575 during the period of this report

4.6 Turnover on the register is low. Of the 397 journalists on the register as at 31 March 2005, 70 had registered interests. This compares with 408 and 62 respectively at 31 March 2004.

### All-Party Groups' Register

4.7 The membership of all-party groups consists mainly of backbench Members of the House of Commons and 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).

4.8 Inclusion on the Register of All-Party Groups is compulsory for any group which includes Members of the Commons from more than one party and has at least one officer who is from the Commons. Such groups are required to register the group's title and the names of its officers. Financial and 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 whose total value is £500 or more from the same source.<sup>4</sup> 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.

4.9 Groups that qualify for inclusion on the Register of All-Party Groups may also apply for inclusion on the Approved List. Both are compiled by my office. By being on the Approved List, a group qualifies for certain entitlements, largely to do with use of the House's facilities. Additional rules apply to groups on the List. For example, they must hold annual elections for their officers and must also register the names of a minimum of ten Members from the Government party and ten from the Opposition parties. All but 6 groups are on both the Register and the Approved List.

4.10 The number of registered groups as at 31 March 2005 showed a significant increase over that in 2004, being 433 as against 401. Of these 122 (113) were country groups and 321 (288) were subject groups. The number registering the receipt of financial or material benefits increased from 209 to 269.

### Recent changes to the rules on All Party Groups

4.11 In preparation for the required re-registration of all-party groups following a general election, my office reviewed the forms and guidance it issues to groups and submitted its findings and recommendations to the Administration Committee and the Committee on Standards and Privileges.

4.12 As a result, the Committee on Standards and Privileges decided that with effect from the start of the present Parliament, the financial threshold for the registration of benefits received by groups should be raised from £500 to £1000 and that any subsequent donations received from the same source in the course of a calendar year need only be registered when their aggregate value since the last such registration exceeded £500.

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<sup>4</sup> The sum was raised to £1,000 with effect from the start of the new Parliament (see paragraph 4.12)

4.13 The Administration Committee decided that a group's registered contact person should henceforth be one of its officers (and therefore an MP or Peer), since it is they who are ultimately responsible for the group and its conduct of its activities.

4.14 The Administration Committee also considered concerns about the increasing number of groups but concluded that restricting the number would unjustifiably limit the extent to which Members could engage with outside interest groups.

4.15 Overall the effect of these modest changes should be, by updating the threshold for registration, to ease some of the burden of regulation whilst ensuring that effective accountability arrangements continue in place.

### Overlap between the registers

4.16 Overlap between the various Registers kept by my office is an increasingly common occurrence. Subject to the different financial thresholds that apply to each of the registers, examples arise when:

- a) Hospitality (eg relating to overseas visits) is received by an all-party group. This should be registered on both the Groups' and Members' register (and may also need to be registered with the Electoral Commission, depending on its value to each individual Member).
- b) An external organisation or individual subsidises a staff member's salary. This should be registered on both the Staff and Members' register, and if the staff member acts as part of the staff to an all-party group, on the Groups' register as well.

4.17 It is important that Members keep in mind the potential need to make entries in more than one of the Registers arising from the same circumstances.

### Access to the registers

4.18 The three registers are not published in hard copy form. A paper copy of each is held at the House of Commons where anyone may inspect it by arrangement.<sup>5</sup> All three registers are currently being re-compiled for the new Parliament. An updated edition of each register is usually issued every few weeks when the House is sitting.

### Complaints

4.19 In the past year I received no formal complaints in connection with these registers.

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<sup>5</sup> Requests to consult the registers should be made to the main Committee Office at the Commons by calling 020 7219 4300

## 5 Looking Outwards

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### Openness and Accountability

5.1 The research on attitudes to conduct in public life published by the Committee on Standards in Public Life, to which I have earlier referred, identified the importance the public places on accountability and openness. So telling the truth, owning up when making mistakes and explaining reasons for actions and decisions were all regarded as extremely or very important for both elected and appointed officials.

5.2 In my first annual report (covering 2002-03), I explained the approach I had agreed with the Committee on Standards and Privileges to releasing information about the work of the Commissioner. This is based on making widely available as much information as I can about the way in which the system for regulating standards in the House of Commons works, whilst preserving confidentiality during the investigation and consideration of individual cases.

5.3 I am grateful that the media – which make many inquiries of my office – seem to understand this approach.

5.4 As well as releasing general information through the media, I also make it available through this annual report and via a section of the House of Commons web-site dedicated to standards matters. The result is that there is more information about how the House's standards arrangements work in the public domain than ever before.

5.5 Regarding individual complaints cases, the Committee on Standards and Privileges aims to publish in its reports a full explanation of its reasons for taking the view it does of each case. Such a full explanation is helpful in guiding both the House and the public as to the thinking behind its decisions.

### Public talks and briefings

5.6 In addition to publishing information, the Chairman and the Clerk of the Committee on Standards and Privileges, the Registrar of Members' Interests and I regularly participate in giving public talks and lectures on how the House handles standards of conduct issues. In addition, each year we brief many visiting groups of parliamentarians and others on the history and development of our standards arrangements. In the past year alone we have briefed groups from Albania, Bosnia, Bulgaria, Canada, China, El Salvador, Nigeria, Paraguay and Ukraine.

5.7 Occasionally invitations are extended to be part of a UK team visiting another country with a view to assisting it to improve standards of conduct in its public life. In February 2005, for example, I was privileged to be part of a team with Peter Preston, former editor of the Guardian, and Brian Woods-Scawen of the Committee on Standards in Public Life which visited Tirana, Albania, at the invitation of the British Ambassador and under the auspices of the British Association for Central and Eastern Europe (BACEE). The Registrar will shortly visit Bucharest along with French, German and other EU colleagues in connection with a project under the PHARE programme.

5.8 Such occasions illustrate the widespread interest among those overseas who are concerned with standards matters in how the UK Parliament tackles these issues and sustains what are generally regarded on any international comparison as high standards. They also provide a valuable opportunity for the Registrar and me to be challenged and tested about what we are doing and why, and to benefit from the growing body of overseas experience.

### **Working with others**

5.9 I also maintain regular contact with colleagues in the UK who are also working on standards matters. These include the Committee on Standards in Public Life, other regulatory agencies – such as the Electoral Commission or the Standards Board for England – and opposite numbers in the House of Lords and the devolved Parliaments throughout the British Isles. With them I am able to discuss how best to tackle shared or similar problems, and to reduce any areas of overlap or duplication. The Registrar and I recently discussed with the Electoral Commission, for example, the prospects for streamlining and avoiding duplication of some of the requirements which currently apply to Members, a goal towards which I hope we may be able to make some progress in the coming year.

## 6 Resourcing the Work

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6.1 The overall cost of running my office during the past year was down on that of 2003-04, as the table below shows.

### Cost of the office of the Parliamentary Commissioner for Standards 2001–02 to 2004-05

	2001-02 £	2002-03 £	2003-04 £	2004-05 £
Staffing etc	293,810	273,101	301,425	298,869
Running Costs	2,003	406	33,833	3,964
<b>Total</b>	<b>295,813</b>	<b>273,507</b>	<b>335,258</b>	<b>302,833</b>

6.2 As regards staff costs, there were various changes in the grading and full or part-time nature of some posts in the office. These enabled the staffing position to stabilise, however, and overall the cost of staff was slightly down. Running costs were significantly lower, mainly because we did not (as in the previous year) incur substantial transcription costs in connection with a major inquiry.

6.3 During the past year some overseas visitors have expressed surprise at (but a welcome for) the relatively modest scale and cost of the Commissioner's office. I am satisfied that the present level of staffing is adequate to meet the current level of demand on the office. If the needs of the work were to require an increased level of resourcing, the House of Commons Commission has indicated that it would be willing to make available whatever was required.<sup>1</sup>

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<sup>1</sup> HC 905, Session 2002-03.

## 7 Conclusion and Forward Look

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7.1 As I hope this report has shown, the past year has seen further steady progress in:

- Strengthening the machinery for sustaining high standards of conduct among MPs.
- Putting more effort into preventing problems before they arise.
- Securing greater openness about how the system works.

7.2 The review of the Code of Conduct – which was the principal feature of 2004-05 – will also set a substantial part of the agenda for the year ahead. If the House accepts the recommendations made by the Committee on Standards and Privileges, there will be a significant task in implementing them and, for example, making consequential amendments to the guidance material previously issued to Members and the public.

7.3 The advent of the new Parliament will also entail a considerable investment of effort in briefing and induction for new and returning Members. As I have already pointed out, new Registers of Members' Interests, Members' Secretaries and Research Assistants, and All Party Groups will be required. The new Committee on Standards and Privileges will be finding its way forward, and my office will stand ready to support the Clerk of the Committee in providing such assistance as it requires. Together with the ebb and flow of complaints cases and unforeseen policy issues, life for the Commissioner and his staff will certainly not be dull!

7.4 Progress in these matters would be impossible without the support of many colleagues outside as well as inside the House, and especially of the Chairman and Members of the Committee on Standards and Privileges. I take this opportunity to thank Sir George Young and the members of the Committee in the last Parliament for their wise leadership and support. If there has been any improvement in recent years in the public perception of the effectiveness of the House's standards machinery, it has been founded on a relationship of mutual understanding and trust – which has, however, in my experience never been either cosy or self congratulatory – between Commissioner and Committee. I am grateful to all Members of the Committee in the last Parliament – a number of whom have now left the House – for their support in this vital endeavour.

12 July 2005

*Sir Philip Mawer*

## Appendix 1: Standing Orders Nos 149 & 150, as amended by the House on 26 June 2003

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**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 eleven 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 sub-committees consisting of no more than seven Members, of whom three shall be a quorum, and to refer to such sub-committees any of the matters referred to the committee; and shall appoint one such sub-committee to receive reports from the Commissioner relating to investigations into specific complaints.

(5) The committee and any sub-committee 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 sub-committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a sub-committee or of the Commissioner, be laid before the committee or any sub-committee.

(7) The committee, or any sub-committee, 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 strangers 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 sub-committee, may take part in deliberations, may receive committee or sub-committee papers and may give such other assistance to the committee or sub-committee 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 sub-committee 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 sub-committees 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 sub-committee 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 sub-committee thereof unless the provisions of paragraph (3) apply.

(3) No report shall be made by the Commissioner if, in any case where the Member concerned has agreed that he has failed to register or declare an interest, 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.

(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: Description of the Arrangements for Regulating Standards of Conduct in the House of Commons

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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 flexible mixture of disclosure and enforcement which will serve the public interest better than the inflexibility of statutory procedures.”<sup>1</sup>

6. The system for upholding standards of conduct in Parliament is often described as one of ‘self-regulation’. This is, however, a substantial over-simplification. It is correct in the sense that the House of Commons retains the ultimate responsibility for deciding the shape of the system and for disposing of individual cases arising under it. It is incorrect, however, in so far as the decision whether to investigate a complaint, as well as a recommendation on findings, are the responsibility of an independent Commissioner. The reports of his investigations and the subsequent reports of the Committee on Standards and Privileges to the House are published. When the House needs to debate such reports, it invariably does so in public. The effectiveness of the arrangements as a whole is also open to periodic review by the independent Committee on Standards in Public Life.

7. In this context, it is worth noting that the immunity of an individual Member of Parliament from legal action in the courts is more limited than the immunity given to parliamentarians in many other legislative assemblies, being restricted to proceedings in Parliament (that is, broadly to participation in debates in the House, in Committees and other forms of proceeding). In other respects, an MP stands in the same position in relation to the law as does any other citizen.

8. Members, individually and collectively, are ultimately and regularly subject to the judgement of their fellow citizens through the ballot box. As past events have shown, this can be an effective final sanction.

## The Key Elements in the System

### 1 The Code of Conduct

9. The Code of Conduct applies to Members’ public life, not to their purely private and personal lives. It is relatively short, incorporating the substance of various resolutions on conduct passed by the House and the Nolan Committee’s ‘seven principles of public life’. Its purpose is “to assist Members in the discharge of their obligations to the House, their constituents and the public at large”.

10. The text of the Code can be found at [www.parliament.uk/about\\_commons/pcfs\\_cfm](http://www.parliament.uk/about_commons/pcfs_cfm). In summary, it requires Members to:

- uphold the law and the Constitution;
- act always in the public, not their own personal interest, and to resolve at once any conflict between the two in favour of the former;
- strengthen confidence in Parliament, not bring the House or its Members into disrepute;
- observe the seven principles of public life, as set out in the first report of the Committee on Standards in Public Life;
- never accept a bribe, act as a paid advocate or misuse allowances or other payments;
- observe the House’s Rules, e.g. as regards the registration and declaration of interests.

### 2 The Register of Members’ Interests

11. The main purpose of the Register 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.”<sup>2</sup>

1 Cm 2850–1, paragraph 59

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

12. The appearance of an entry in the Register simply constitutes a record of a registrable interest. It implies no element of judgement on the substance of the interest. The purpose of registration is openness, to give other Members and the public the opportunity to know about interests which may be thought to influence a Member's actions in his or her parliamentary capacity, and to make their own assessment of their significance. The Rules on registration—which were comprehensively revised in May 2002—lay down, essentially as an administrative convenience, 10 categories of interest to be registered. They also place Members under a more general obligation to keep the overall purpose of the Register in mind when registering or declaring an interest.

13. The obligation to declare relevant interests in a debate or committee proceeding is not restricted to those interests which are the subject of an entry in the Register. It also includes interests which have been held in the recent past or of which the Member has a reasonable expectation in the future, and Members are advised to declare certain non-registrable interests where relevant.

14. The Register is compiled afresh at the start of every Parliament or following a major revision of the Rules. One bound, printed edition is published every year and the text is also available on the web-site at [www.parliament.uk/about/commons/pcfs.cfm](http://www.parliament.uk/about/commons/pcfs.cfm) or at the House for Members or the public to study. In addition, the Register is updated every 6–8 weeks to include fresh information supplied by Members. The text of these updated editions is also published on the web-site, and is available, by appointment, for inspection in hard copy form.

### **3 The Parliamentary Commissioner for Standards**

15. The Commissioner is the independent element in the system for regulating standards in the House of Commons. Whilst he is an officer appointed pursuant to a Resolution of the House, he is expected to act independently in discharging his responsibilities. The duties of the Commissioner are embodied in Standing Order No.150. The main duties are:

- overseeing the maintenance of the Register of Members' Interests and the other registers of interests for Members' staff, journalists and All Party Groups;
- with the Registrar of Members' Interests, advising on the registration and declaration of interests;
- advising the Committee on Standards and Privileges on the interpretation of the Code of Conduct;
- monitoring the operation of the Code and registers and making recommendations to the Committee thereon;
- receiving, investigating and reporting to the Committee on complaints against Members.

The Commissioner is appointed for a five year, non-renewable term and is not liable to dismissal except on a resolution of the House.

### **4 The Committee on Standards and Privileges**

16. Standing Order No.149 places on the Committee on Standards and Privileges the responsibility:

- 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 which are referred to it by the Commissioner; and
- 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.

The Committee is also responsible for considering specific matters relating to privileges referred to it by the House.

17. The Committee formally consists of 11 Members. Following the decision that the Committee should consist of an equal number of members drawn from the party of Government and from the Opposition parties respectively, the number actually appointed has been allowed to fall to 10, five drawn from the party of government and five from the opposition parties. Its Chairman is a senior opposition Member.

### Does the System Work?

18. The adequacy of the arrangements has been twice reviewed by the Committee on Standards in Public Life since they came into being. In its Sixth Report in January 2000, the Committee expressed confidence that there had been an improvement in the standards applying to Members and stated:

“We have no doubt that the establishment of [the office of Parliamentary Commissioner for Standards] has made a significant contribution to the promotion of, and public’s confidence in, standards in the House of Commons.”<sup>3</sup>

19. More recently, the arrangements were the subject of further extensive scrutiny by the Committee. In its Eighth Report published in November 2002, the Committee found that:

“...standards in the House of Commons are generally high and that the overwhelming majority of Members seek to, and in practice do, uphold high standards of propriety.”<sup>4</sup>

It also concluded that:

“...the fundamental structure of the current system for regulating standards of conduct in the House of Commons is sound...”<sup>5</sup>

but made a number of recommendations designed further to strengthen the arrangements, all of which have been, or are being, acted upon.

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3 Cm 4557–1, paragraph 3.2

4 Cm 5663, paragraph 2.7

5 Cm 5663, paragraph 3.23