



House of Commons  
Committee on Standards

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**Ian Paisley**

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**Third Report of Session 2017–19**

*Report, together with appendices and  
formal minutes relating to the report*

*Ordered by the House of Commons  
to be printed 17 July 2018*

## Committee on Standards

The Committee on Standards is appointed by the House of Commons 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' Financial Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

### Current membership

[Sir Kevin Barron MP](#) (*Labour, Rother Valley*) (Chair)

[Mrs Tammy Banks](#) (*Lay member*)

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### Powers

The constitution and powers of the Committee are set out in Standing Order No.149. In particular, the Committee has power to order the attendance of any Member of Parliament before the Committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

### Publications

Committee reports are published on the Committee's website at [www.parliament.uk/standards](http://www.parliament.uk/standards) and in print by Order of the House. Evidence relating to this report is published on the [publications page](#) of the Committee's website.

### **Committee staff**

The current staff of the Committee are Robin James (Clerk), Mems Ayinla (Second Clerk) and Jim Camp (Committee Assistant).

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# 1 Ian Paisley

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## Introduction

1. This Report arises from an article published in the *Daily Telegraph* newspaper on 8 September 2017. The article claimed that Mr Ian Paisley had failed to register and declare visits to Sri Lanka for himself and his family which were paid for by the Sri Lankan government, and that he may have been in breach of the rule prohibiting paid advocacy. The article also referred to Mr Paisley having a role in “helping to secure a post-Brexit trade deal”. Following publication of the article, Mr Paisley referred himself to the then Parliamentary Commissioner for Standards, Kathryn Hudson. She commenced an investigation which has been completed by her successor as Commissioner, Kathryn Stone.

2. The Commissioner’s memorandum is appended to this Report.<sup>1</sup> In accordance with usual procedure, we supplied Mr Paisley with a copy of the memorandum and asked him if he wished to submit written or oral evidence to the Committee. Mr Paisley has submitted written evidence which we publish with the Report.<sup>2</sup> He has not disputed the key findings of fact in the Commissioner’s report and has apologised for having failed to register the visits. However, he has disputed the Commissioner’s interpretation of the ‘paid advocacy’ rule as it relates to his actions.

## The Commissioner’s findings

3. In view of the fact that Mr Paisley does not dispute the key findings of fact in the Commissioner’s memorandum, we shall not rehearse those findings in detail but will summarise the main points.

## Registration

4. Mr Paisley and his family made two visits to Sri Lanka in March/April 2013 and July 2013. These visits were paid for by the Sri Lankan government. Although the precise value of the hospitality offered cannot be precisely calculated, they were of a value significantly in excess of the then registration threshold of £660. (The *Daily Telegraph* claimed that the cost of the visits was £100,000; Mr Paisley accepts an estimate of about £50,000.) Mr Paisley did not register either visit in the Register of Members’ Financial Interests. He paid a further visit to Sri Lanka in November 2013 without his family, but also paid for by the Sri Lankan government, to attend the Commonwealth Heads of Government Meeting (CHOGM). This visit was entered in the Register.

5. The Commissioner notes that, under the rules in force in 2013, it was the responsibility of a Member to register within 28 days:

[...] overseas visits made by the Member or the Member’s spouse or partner relating to or in any way arising out of Membership of the House where the

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1 Appendix 1; written evidence accompanying the Commissioner’s memorandum is published on the Committee’s website.

2 Appendix 2

cost of the visit exceeds one per cent of the current parliamentary salary and was not wholly borne by the Member or by United Kingdom public funds.<sup>3</sup>

6. The Commissioner finds that Mr Paisley accordingly breached the Rules of the House by failing to register within 28 days the two visits made to Sri Lanka with family members in March/April 2013 and in July 2013.

### **Declaration**

7. On 19 March 2014 Mr Paisley wrote to the then Prime Minister about a proposed United Nations resolution concerning Sri Lanka. In this letter he did not declare the financial benefits he and his family had received from the Sri Lankan government during the previous 12 months. Mr Paisley subsequently argued that he had felt a declaration was not necessary because “sufficient time had elapsed” since the visits and because the Prime Minister was aware of his interest in Sri Lanka. As evidence for that, Mr Paisley referred to having met the Prime Minister in Sri Lanka during CHOGM in November 2013 and to his having registered that visit in the Register.

8. The Commissioner finds that the hospitality Mr Paisley and his family received in Sri Lanka in 2013 constituted a financial interest which “might reasonably be thought by others to influence the speech, representation or communication in question”.<sup>4</sup> She notes that Mr Paisley’s explanation as to why he did not declare this interest in his letter to the Prime Minister is based on misunderstandings of the rules then in force: the time-limit for such a declaration was 12 months, and the letter was written within 12 months of Mr Paisley’s two unregistered visits; and the fact that the Prime Minister may have known of Mr Paisley’s concern about Sri Lankan affairs did not relieve him of the responsibility to make a declaration (nor did he supply any reason for supposing that UK Government Ministers knew that he had experienced the hospitality of the Sri Lankan government).

9. The Commissioner therefore concluded that Mr Paisley breached the Rules of the House on declaration by failing to declare the personal benefit and hospitality from the Sri Lankan government received during three visits to Sri Lanka in his letter to the Prime Minister of 19 March 2014.

### **Paid advocacy**

10. In his letter to the Prime Minister, which was co-signed with other Members, Mr Paisley “note[d] with alarm the decision by HMG to internationalise the internal affairs of Sri Lanka” and appealed for the Government not to support a UN resolution “internationalising” the conflict in that country.<sup>5</sup> The reference was to the UK Government’s stated position of support for a resolution to be moved in the UN Human Rights Council authorising (in the words of the Foreign and Commonwealth Office (FCO) in response to Mr Paisley’s letter) “an international investigation which will uncover the truth about alleged violations on both sides of the conflict”.<sup>6</sup>

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3 Appendix 1, para 22

4 Appendix 1, para 84

5 Written evidence item 10 (letter from Mr Paisley and others to the Prime Minister, 19 March 2014)

6 Written evidence item 11 (letter from the Minister of State, Foreign and Commonwealth Office to Mr Paisley, 19 May 2014)

11. To contextualise the UK Government's position in this matter, the FCO's 2012 *Human Rights and Democracy* Report, published in April 2013, spoke of "a number of negative developments" in Sri Lanka, where the human rights situation was already "of serious concern".<sup>7</sup> In its own 2013 review of international human rights, the House of Commons Foreign Affairs Committee concluded that "There is scant evidence of progress in political and human rights in Sri Lanka", and recommended that the Prime Minister should not attend the forthcoming CHOGM to be held in Colombo in November 2013.<sup>8</sup>

12. The Sri Lankan government was under considerable diplomatic pressure at this time and it is reasonable to assume that it was actively seeking the support of parliamentarians in key UN member states to argue its case with their own governments.

13. The Commissioner considered whether Mr Paisley's letter to the Prime Minister breached the House's rule prohibiting paid advocacy. That rule, in the form in which it existed in 2013 and 2014, stated that:

When a Member is [...] making any approach to a Minister [...] of the Crown, advocacy is prohibited which seeks to confer benefit exclusively upon a body [...] outside Parliament, from which the Member has received [...] a financial benefit [...].

The rule applies to 'one-off' registrable benefits, both visits and gifts, from the day upon which the interest was acquired until one year after it is registered.

The rule includes relevant payments to a Member's family [...].<sup>9</sup>

14. The 2009 Guide to the Rules sets out advice to Members on the application of the paid advocacy rule in relation to foreign visits funded by others. It states in paragraph 100(d):

Members are reminded that when accepting foreign visits they should be mindful of the reputation of the House. However, the knowledge obtained by Members on such visits can often be of value to the House as a whole. While it is desirable that Members should be able to use that knowledge in debate in the House there is a point where promoting the interests of, e.g. a foreign Government from which hospitality has been received, crosses the line between informed debate and lobbying. Members may not, for example, advocate in debate increased United Kingdom financial assistance to a Government from which they have recently received hospitality. Nor may a Member advocate any other measure for the exclusive benefit of the host Government.<sup>10</sup>

15. However, the 2009 Guide to the Rules also included a provision, in paragraph 99(7), that "Although [...] overseas visits must be registered and declared, such visits shall not be taken into account when applying the rule". The Registrar of Members' Financial Interests

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7 Cm 8593, page 221

8 Foreign Affairs Committee, Fourth Report of Session 2013–14, *The FCO's human rights work in 2012* (HC 267), published 17 October 2013, para 15

9 Appendix 1, paras 32–34

10 Appendix 1, para 35

has supplied us with a paper, printed with this Report, giving some background on these two provisions which appear to offer inconsistent advice. The Registrar sums up this advice as follows:

- Paragraph 99(7) says that overseas visits were **not** to be taken into account for the purposes of the rule. This would suggest that an MP who made an overseas visit at someone else's expense *was permitted to lobby* when he/she returned.
- The longer passage at paragraph 100(d) says that MPs who accepted foreign visits hosted by others were permitted to use their knowledge in the House *only if they did not advocate any measures for the exclusive benefit of the organisation* which had hosted them.

16. The Registrar notes that:

In 2014 it was customary for the Commissioner's office, if asked to advise on foreign visits, to point MPs towards paragraph 100(d) rather than paragraph 99(7). In other words MPs were advised that they were permitted to speak about matters they had discovered during their visit so long as they did not advocate any measure for the exclusive benefit of the person or organisation which had hosted them. This reading of the rules is supported by the Fifth Report of the Committee on Standards and Privileges of 2000–01, which recommended the addition of paragraph 99(7).<sup>11</sup>

17. The Commissioner, following this customary interpretation of the paid advocacy rule, concluded that Mr Paisley had breached the House's rule on paid advocacy (lobbying in return for reward or consideration) by writing to the Prime Minister on 19 March 2014 to lobby against supporting a UN resolution on Sri Lanka. She concluded that this amounted to asking for an exclusive benefit for Sri Lanka, when he had received personal benefit and hospitality from the Sri Lankan government within the previous 12 months.<sup>12</sup>

18. The Registrar's paper on the interpretation of the paid advocacy rule in 2014 was sent to Mr Paisley, who was given the opportunity, if he wished to take it, to submit further evidence addressing this matter. Mr Paisley accepted this invitation and on 16 July submitted further evidence. In this, in addition to repeating some of the arguments he had used earlier in support of his claim that he had not undertaken paid advocacy, he stated that Rules 99(7) and 100(d) "totally contradict each other on the matter of declaration and paid advocacy". He therefore argued that "considered through the lens of the time [ ... ] it would be unfair to conclude that I breached the rule on paid advocacy".<sup>13</sup>

### **Other matters**

19. The *Daily Telegraph* article of 8 September 2017 alleged that Mr Paisley had offered to help "[Sri Lanka] broker an oil deal, saying 'he had significant arrangements with national oil suppliers' in Oman and Nigeria".<sup>14</sup> The Commissioner considered a copy of an email

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11 Committee on Standards and Privileges, Fifth Report of Session 2000–01, *Proposed Amendments to the Rules Relating to the Conduct of Members* (HC 267)

12 Appendix 1, Executive Summary

13 Appendix 4

14 Appendix 1, para 93

exchange submitted to her by the *Daily Telegraph* and comments on this by Mr Paisley, and concluded that “[i]n the absence of further evidence, I did not consider I would be justified in probing this matter further as part of this inquiry.”<sup>15</sup>

## Conclusions on alleged breaches of the rules

20. We note that Mr Paisley accepts the Commissioner’s finding that he committed a breach of the Rules of the House by failing to register within 28 days the two visits he made to Sri Lanka with family members in March/April 2013 and in July 2013. However, he disputes the Commissioner’s findings that he (a) breached the Rules of the House on declaration by failing to declare the personal benefit and hospitality from the Sri Lankan government in his letter to the Prime Minister of 19 March 2014, and (b) breached the House’s rule on paid advocacy by asking in that letter for an exclusive benefit for Sri Lanka, having received personal benefit and hospitality from that government within the previous 12 months.

21. We have considered the arguments Mr Paisley has adduced for disputing these latter two findings of the Commissioner.

22. In relation to the failure to declare the benefit received in his letter to the Prime Minister, we note the Commissioner’s response to Mr Paisley’s arguments and her conclusion that they are based on misunderstandings of the rules (see paragraph 8 above). We find the Commissioner’s rebuttal of Mr Paisley’s arguments entirely convincing and we share her conclusion that Mr Paisley breached the rules on declaration in this instance.

23. In relation to the issue of paid advocacy, we have considered Mr Paisley’s argument that it was “harsh to accuse me of breaching the rule on paid advocacy as it turned on an interpretation of who was the actual benefactor”.<sup>16</sup> Mr Paisley is referring here to the requirement in the paid advocacy rule, as it existed in 2014, that:

When a Member is [...] making any approach to a Minister [...] of the Crown, advocacy is prohibited which seeks to confer benefit *exclusively* [our italics] upon a body [...] outside Parliament, from which the Member has received [...] a financial benefit [...].

24. Mr Paisley argues that the request in the letter, that HM Government should not support a UN resolution relating to Sri Lanka, was “a general request [...] not for the ‘exclusive benefit’ of the Sri Lanka government but, in fact, [...] urging our own government to hold to a well-established position of non-intervention”. In earlier correspondence with the Commissioner he stated that:

My letter to the PM, if acted upon, would not have conferred an ‘exclusive benefit’ on Sri Lanka. In fact the beneficiary would have been the UK government who would not have had to pay for the internationalisation of the internal political affairs of another country through the auspices of the UN.<sup>17</sup>

15 Ibid.

16 Letter dated 10 July 2018 from Ian Paisley MP to the Clerk of the Committee, published as Appendix 2 to this Report

17 Written evidence item 37 (email from Mr Paisley to the Commissioner, 2 July 2018)

25. We do not find this argument persuasive. On any reasonable view of the letter to the Prime Minister, it was lobbying the UK Government to take action which would confer a significant diplomatic benefit on the government of Sri Lanka. By contrast, it is highly contestable whether there would have been any benefit to the UK: (1) it might be held that the UK would have suffered at least as much as it gained in diplomatic terms if it had withdrawn its publicly announced support from an initiative aimed at promoting international human rights observance; and (2) Mr Paisley supplies no evidence to support his assertion that there would have been a financial cost to the UK (by which we assume he is referring to an increase in the UK's financial contribution to the UN to help cover the costs of an international investigation into alleged human rights abuses). We therefore support the Commissioner's view that the proposal in Mr Paisley's letter was intended to confer a benefit "exclusively upon a body [...] outside Parliament, from which the Member has received [...] a financial benefit".

26. The Commissioner and the Registrar of Members' Financial Interests have been scrupulous in drawing our attention, and that of Mr Paisley, to the apparent inconsistency in the guidance provided in 2014 on the paid advocacy rule. We have given careful consideration to this matter and to Mr Paisley's supplementary evidence dealing with it. We note that there was indeed some degree of ambiguity in the guidance offered to Members at that time. That was acknowledged by our predecessor Committee in a report published in 2014, which led to a decision by the House in 2015 to change the guidance.<sup>18</sup>

27. We do not consider that the existence of this degree of ambiguity exonerates Mr Paisley from the charge of having breached the paid advocacy rule, for the following reasons:

- The object of the provision in paragraph 99(7) of the 2009 Guide was to enable the House to profit from the knowledge obtained by Members on overseas visits, including such visits when paid for by others. This exemption from the application of the rule was certainly not intended to cover a scenario in which a Member's family also received material benefits. In the present case there is no dispute that Mr Paisley's family benefited. On the March/April 2013 visit he was accompanied by five family members and on the July 2013 visit he was accompanied by three family members. The Sri Lankan government paid for those family members to receive business-class air travel, accommodation at "first class" hotels, and helicopter flights to tourist destinations.<sup>19</sup> Although Mr Paisley initially described these two visits to Sri Lanka as "official visits" (on the grounds that he held meetings with and received briefings from government ministers and officials), for his accompanying family members they were clearly holidays. None of the benefits received by Mr Paisley's family members could be argued to have contributed to his gaining knowledge about the political situation in Sri Lanka for use as part of his parliamentary duties.
- The provisions of paragraph 99(7) of the 2009 Guide have to be read in conjunction with the very clear statement in paragraph 100(d) of the same Guide that:

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18 Committee on Standards, Third Report of Session 2014–15, *The Code of Conduct and the Guide to the Rules* (HC 772), paras 2–4 and 13, referring back to comments in Committee on Standards and Privileges, Third Report of Session 2012–13, *Proposed Revisions to the Guide to the Rules relating to the Conduct of Members* (HC 636), Appendix 1, paras 147–50

19 See Appendix 1, para 66

[...] there is a point where promoting the interests of, e.g. a foreign Government from which hospitality has been received, crosses the line between informed debate and lobbying. Members may not, for example, advocate in debate increased United Kingdom financial assistance to a Government from which they have recently received hospitality. Nor may a Member advocate any other measure for the exclusive benefit of the host Government.<sup>20</sup>

- Had Mr Paisley inquired in 2014 as to the applicability of the paid advocacy rule, he would have been referred to paragraph 100(d) of the Guide. He would also have been advised of the need to declare the relevant interest in any letter to Ministers. It appears that he did not seek advice on either of these matters.

28. For these reasons we support the conclusion of the Commissioner that Mr Paisley was in breach of the Code of Conduct by engaging in paid advocacy in his letter of 19 March 2014 to the Prime Minister, and by failing to declare in that letter the benefits he and his family had received from the Sri Lankan government during two of his visits to Sri Lanka in 2013, and those he had received during his third visit in that year. We also support the Commissioner's conclusion (not contested by Mr Paisley) that he was in breach of the Code of Conduct by failing to register his March/April and July 2013 visits.

### Recommended sanction

29. In considering the appropriate sanction for Mr Paisley's breaches of the Code of Conduct, we have taken into account both mitigating and aggravating factors.

30. We consider the following to be mitigating factors:

- Mr Paisley apologised immediately for his failure to register the hospitality. He told us: "I have a good record of registration, both before and since. In recognition of my mistake, I have apologised profusely for this. I am deeply embarrassed by it and fully understand that it has an impact on my reputation. Members of the House are held to the highest standards and a failure, such as this, reflects on both the Member concerned and the wider House."<sup>21</sup>
- The Commissioner has informed us that Mr Paisley has latterly been proactive and has commissioned his own analysis of the likely costs of the various elements of the visits. The Commissioner has accepted these valuations.
- Mr Paisley accepts that the Commissioner's investigation has led to his having "a far greater appreciation of the rules and code that I suspect many members are possibly not aware of".<sup>22</sup>

31. We consider the following to be aggravating factors:

- Mr Paisley's failure to register the hospitality he received from the Sri Lankan government is made more serious by the scale of that hospitality. While he has disputed the *Daily Telegraph's* claim that the value was £100,000, by his own

20 Appendix 1, para 35

21 Letter dated 10 July 2018 from Ian Paisley MP to the Clerk of the Committee, published as Appendix 2 to this Report

22 Written evidence item 37 (email from Mr Paisley to the Commissioner, 2 July 2018)

calculation it amounted to over £50,000 - and may have been significantly more than that. This massively exceeded the threshold for registration, which at that time was £660. The expenditure on the two visits included that on business-class air travel, accommodation at first-class hotels, helicopter trips and visits to tourist attractions for Mr Paisley and his wider family. Mr Paisley may have taken part in meeting with government ministers and others, but for his accompanying family members these two visits were clearly holidays at significant cost.

- Mr Paisley’s prompt registration of the third visit he paid to Sri Lanka in 2013, on his own, to attend CHOGM, suggests that he was well aware at the time of the need to register relevant interests. His argument that his failure to register one of the earlier visits arose from a misunderstanding between him and a member of his staff does not explain the failure to register the other earlier visit.<sup>23</sup> (In addition, of course, Members are accountable for the activities of their staff and have to carry ultimate responsibility themselves for what is done, or not done, in their name.) Mr Paisley was not a novice Member at this time (he was first elected to the House in 2010); he must have been aware that there are particular sensitivities about accepting gifts and hospitality from foreign governments.
- It is difficult, therefore, to avoid the conclusion that the reason why the third visit was registered and the two earlier ones were not, was that Mr Paisley was conscious of the potential embarrassment that would be caused to him were it to become publicly known that he had accepted very expensive hospitality, for himself and his family, from a foreign government accused of serious human rights violations.
- We note the Commissioner’s conclusion that her inquiry could have been concluded much sooner if Mr Paisley had provided evidence to her predecessor “in a few weeks” as he stated he would do in September 2017, rather than waiting until the present Commissioner presented him with, in effect, an ultimatum about the evidence she would rely on, to conclude her inquiry in the absence of any further information from himself.<sup>24</sup>

32. Taking into account the various factors set out in the previous two paragraphs, we conclude that Mr Paisley has committed serious misconduct. Given the nature of this misconduct, we have considered whether Mr Paisley also breached paragraph 15 of the Rules of Conduct in force in 2013 and 2014. This stated that:

Members shall at all times conduct themselves in a manner which will tend to maintain the public’s trust and confidence in the integrity of Parliament and never undertake any action which would bring the House of Commons, or its Members generally, into disrepute.<sup>25</sup>

33. Neither the present Commissioner nor her predecessor investigated whether Mr Paisley was in breach of Rule 15, because this did not form part of the specific allegations

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23 For this, see Appendix 1, para 80

24 Appendix 1, paras 9, 81

25 *The Code of Conduct together with The Guide to the Rules relating to the conduct of Members 2009* (Session 2008–09, HC 735), p 5

brought against him. We have concluded that Mr Paisley's actions were of a nature to bring the House of Commons into disrepute and that he was therefore in breach of this rule also.

***34. In view of the seriousness of this matter, we recommend that Mr Paisley be suspended from the service of the House for a period of 30 sitting days starting on 4 September 2018.***

***35. We also require that Mr Paisley register the benefits he received from the Sri Lankan government which will be italicised in the Register to indicate that they are a late entry.***

# Appendix 1: Memorandum from the Parliamentary Commissioner for Standards – Mr Ian Paisley MP

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## Executive Summary

Mr Ian Paisley MP made three visits to Sri Lanka at the expense of the Sri Lankan Government in 2013. The third visit, from 11 to 15 November 2013, was properly recorded in the Register of Members' Financial Interests. But he did not register the visit he made in March/April 2013, with five members of his family, nor the visit which he made in July 2013 with three members of his family. While it has not been possible to establish the exact value of the hospitality Mr Paisley and his family received in the course of these visits, or the exact dates of the second visit, Mr Paisley estimates that the value of the first visit was over £25,000, and that of the second was over £26,000.

The *Daily Telegraph* reported in September 2017 that Mr Paisley had failed to disclose these visits and perhaps that he had broken the rule on paid advocacy. Mr Paisley referred himself to my predecessor for investigation. She opened this inquiry, and I have concluded it. My finding is that Mr Paisley:

- breached the House's rule on paid advocacy (lobbying in return for reward or consideration) by writing to the Prime Minister on 19 March 2014 to lobby against supporting a UN resolution on Sri Lanka. This amounted to asking for an exclusive benefit for Sri Lanka, when he had received personal benefit and hospitality from the Sri Lankan government within the previous twelve months;
- at the same time, breached the House's rules on declaration by failing to declare the personal benefit and hospitality from the Sri Lankan government in his letter to the Prime Minister of 19 March 2014;
- breached the House's rules on registration of interests by failing to register within the 28 days agreed by the House the two visits he made to Sri Lanka with family members in March/April 2013 and in July 2013.

## The Investigation

1. On 13 September 2017 my predecessor began an inquiry based on allegations which had appeared in the *Daily Telegraph* newspaper the previous week. Mr Paisley had referred the matter himself for the Commissioner to investigate. The central allegation was that Mr Paisley had acted in breach of the House's rules on the disclosure of financial interests and possibly in breach of the rule against paid advocacy. I took up post on 1 January 2018, and have completed the inquiry. This Memorandum sets out the evidence and the conclusions I have drawn.

2. The inquiry has focused on two visits Mr Paisley made to Sri Lanka, with his family, in 2013. These visits were hosted and financed by the Sri Lankan government. The then rules of the House required Members to register the name of the donor; the value of the hospitality; the destination, date and purpose of such visits in the Register of Members'

Financial Interests. Mr Paisley did not consider the newspaper report reflected accurately the nature and duration of the visits, and much of our correspondence has concerned those points.

3. I have also considered whether Mr Paisley should have made a declaration of financial interest when writing to the Prime Minister on 19 March 2014 about a matter concerning Sri Lanka; and whether there was evidence that he had acted in a way which might reasonably be construed as paid advocacy (lobbying for reward or consideration).

4. I am submitting this Memorandum to the Committee because the evidence I have found does not allow me to conclude the inquiry through the rectification procedure, for which provision is made in House of Commons' Standing Order No 150. The rectification procedure may be used where a Member has breached the rules on registration, declaration and the use of House-provided resources, subject to certain criteria. It does not allow for rectification of a breach of the paid advocacy rule.

5. In cases of failures to register, I may conclude an inquiry without reference to the Committee if, in my opinion, the interest is "minor" or the failure is "inadvertent". In such cases, the Member is expected to have acknowledged and apologised for their breach of the rules and a late registration might also be required. A failure to make a declaration of interest might be rectified by way of an apology to the House on a point of order. These steps are intended to rectify a breach. It is not my role either to sanction Members, nor to make recommendations to the Committee about sanctions or otherwise.

6. Five years after the visits, it has not been possible to establish a precise value for the hospitality Mr Paisley and his family received from the Sri Lankan government in 2013. After much correspondence, Mr Paisley has provided estimates of very approximately £25,000 per visit. The assumptions on which Mr Paisley has based his estimates are not obviously inconsistent with the evidence provided by the *Daily Telegraph*. In the absence of other evidence, and bearing in mind that the threshold for registration in 2013 was one per cent of the parliamentary salary, that is approximately £660, it was clear that these visits ought to have been registered. I decided that further work to test Mr Paisley's estimates was unlikely to add value to my inquiry.

7. The House requires Members to "fulfil conscientiously" their registration responsibilities. Donations made by foreign governments can be particularly sensitive. I do not consider hospitality of £25,000 or thereabouts per visit to be a minor financial interest. Mr Paisley has provided some explanation of how the failure to register occurred. That explanation does not fully account for the omission to register the March/April 2013 visit nor does it explain why he did not notice either omission until they were drawn to his attention in 2017.

8. My inquiry has shown, and Mr Paisley has accepted, that he should have registered in the Register of Members' Financial Interests the two visits he and his family made to Sri Lanka at the expense of the Sri Lankan government in 2013. My inquiry has also shown that, when writing to the Prime Minister on 19 March 2014 about a proposed UN Resolution concerning Sri Lanka, Mr Paisley should have declared the financial benefits he and his family had received from the Sri Lankan government in the previous twelve months. . These omissions were in breach of paragraph 13 of the 2012 Code of Conduct for Members.

9. Mr Paisley accepted at a very early stage that the rules of the House had required him to register these interests. At a much later stage in the inquiry, he made considerable efforts to provide supporting evidence: he showed me his personal diary; a copy of one of his bank statements; his passport and other documents, and he commissioned a management consultant to research how much it might have cost a regular tourist to take similar family visits. He arranged for those calculations to be based on the dates originally planned, as per the evidence provided by the *Daily Telegraph*, despite his own reservations about the dates of travel. However, this does not entirely mitigate his delays earlier in the inquiry. He did not provide any detailed calculation of the possible value of the visits until June 2018. This inquiry could have been concluded months ago if Mr Paisley had provided his evidence sooner.

10. My inquiry has also established that, having accepted financial benefits from the Sri Lankan government during 2013 Mr Paisley was prohibited from lobbying for the exclusive benefit of the Sri Lankan government for a year. He wrote to the Prime Minister asking him not to support a UN motion to “internationalize” the dispute within Sri Lanka within four months of having last visited Sri Lanka at the expense of the Sri Lankan government, and within eight months of his family’s July 2013 visit. That was a breach of the rule against paid advocacy.

11. Mr Paisley offered in September 2017 to register the hospitality his family had received from the Sri Lankan government in 2013. Had the failure to register and declare these interests been suitable for rectification, I would have asked Mr Paisley to make an apology to the House by way of a point of order and the late entries would have been annotated in the Register to show that they were made following the rectification procedure. For the reasons explained above, I have concluded that the matter is more serious than that. The Committee may wish to consider whether registration would be appropriate now, two Parliaments later. The Committee may also wish to consider whether some other action is appropriate in respect of these breaches of the rules on registration and declaration.

12. My finding that Mr Paisley has breached the rule against paid advocacy cannot be resolved through the rectification procedure.

## Key dates

13. Before describing the events in more detail, I hope it will assist the Committee if I set out briefly the key dates.

Date	Event
30 March to 5 April 2013	Mr Paisley and his family visit Sri Lanka
July 2013	Mr Paisley and his family visit Sri Lanka
18 November 2013	Mr Paisley registers a visit to Sri Lanka from 11 to 15 November 2013
19 March 2014	Mr Paisley writes to the Prime Minister about UK Government policy on Sri Lanka
8 September 2017	<i>Daily Telegraph</i> article appears
	Mr Paisley tweets a denial
	Mr Paisley refers himself to the Commissioner

Date	Event
13 September 2017	Inquiry initiated
28 September 2017	Mr Paisley responds to the allegations
24 October 2017	Commissioner obtains <i>Daily Telegraph's</i> evidence
30 October 2017	Mr Paisley provides information about his recollection of the dates and value of the visits; and provides copy of letter of 19 March 2014
13 November 2017	Commissioner invites Mr Paisley to comment on <i>Daily Telegraph</i> evidence
27 November 2017	Mr Paisley comments on the evidence
19 December 2017	Commissioner asks Mr Paisley for clarification, a fuller explanation of one point; and for supporting evidence. Commissioner encloses a letter, which she asks Mr Paisley to send on to the Sri Lankan High Commission
1 January 2018	Kathryn Stone takes up post
9 January 2018	Mr Paisley hand-delivers letter to Sri Lankan High Commissioner
19 January 2018	Mr Paisley replies to the Commissioner's letter of 19 December 2017
29 March 2018	Mr Paisley hand-delivers reply from Sri Lankan High Commissioner
17 April 2018	Commissioner interviews Mr Paisley
18 April 2018	Commissioner writes to Mr Paisley confirming the evidence and further information requested on 17 April
16 May 2018	Commissioner chases reply and reminds Mr Paisley of the need to have evidence to support his account
23 May 2018	Mr Paisley hand-delivers his response to Commissioner to enable her to view original documents
30 May 2018	Commissioner shares her initial review of the evidence with Mr Paisley
19 June 2018	Mr Paisley provides additional information and evidence, including an estimate of the value of each trip to Sri Lanka prepared by a management consultant, and tested by an accountant
20 June 2018	Commissioner shares Registrar's advice with Mr Paisley and seeks information about a fresh matter
22 June 2018	Mr Paisley provides evidence about the credentials of the management consultant; and some further information about the basis for the estimates
27 June 2018	Meeting to share draft Memorandum for fact checking

## The allegation

14. On 8 September 2017 an article appeared in the *Daily Telegraph* newspaper under the headline "The MP, the £100k gifts and the Brexit trade deal". The article alleged that Mr Ian Paisley MP had accepted "two all-expenses paid trips from the Sri Lankan government" in March and July 2013, which he had not registered in the House of Commons' Register of Members' Financial Interests.<sup>26</sup> The article outlined the nature of the hospitality said to have been received, which included business-class flights; first-class hotels; internal helicopter flights; and entrance to various visitor attractions. On the first occasion, Mr

Paisley was said to have been accompanied by his wife and four children; on the second by his wife and two of his children. The article also made reference to Mr Paisley having a role in “*helping to secure a post-Brexit trade deal.*”

15. Also on 8 September 2017, Mr Paisley telephoned and emailed the Parliamentary Commissioner for Standards about the newspaper report, saying “*I wish to refer myself for an investigation into these claims to your offices.*” Mr Paisley tweeted a statement issued by his solicitor “*My client totally denies the defamatory inferences arising from the article in today’s Daily Telegraph including those relating to his registration obligations as an MP. He has now referred this matter, and a full explanation, to the Parliamentary Commissioner for Standards.*”<sup>27</sup>

16. Mr Paisley had, in 2013, registered one visit to Sri Lanka, also funded by the Sri Lankan government. The date of that visit was 11–15 November 2013. Mr Paisley registered this interest in the Register of Members’ Financial Interests on 18 November 2013.

17. On 13 September 2017 my predecessor began an inquiry. She said that she would consider whether the rules of the House had required the registration and/or declaration of these two trips allegedly taken by Mr Paisley during 2013; and whether he had complied with the advocacy rules in connection with those trips.

## Relevant rules of the House

### *The Code of Conduct for Members*

18. The House of Commons approved a slightly amended Code of Conduct for Members on 12 March 2012. Paragraph 11 of the 2012 Code said:

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

19. Paragraph 13 of the Code said:

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

20. Both of these rules appear in the 2015 Code of Conduct, which has applied since May 2015.

### **Registration**

21. The main purpose of the Register of Members’ Financial Interests is “*to provide information of any pecuniary interest or other material benefit which a Member receives which might reasonably be thought by others to influence his or her action, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament*”.

22. After the publication of the first Register of a Parliament, it is the responsibility of Members to notify changes in their registrable interests within four weeks. In 2013 paragraphs 19–71 of the 2009 Guide to the Rules relating to the conduct of Members (the Guide) described the various registration categories. Category 6 concerns overseas visits. The definition was

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

23. The parliamentary salary was £65,738 between April 2012 and April 2013; and £66,396 between April 2013 and April 2014. The threshold for registration in 2013 was, therefore, approximately £660.

24. Paragraph 46 of the Guide specified the information Members were required to provide to the Registrar. These included the name and address of the donor; the amount of the donation and the destination, date and purpose of the visit. Paragraph 47 of the Guide listed certain exemptions from the requirement to register.

### **Declaration**

25. Paragraphs 72 to 88 of the 2009 Guide concerned the declaration of Members’ interests. The requirement to make a declaration (ad hoc disclosure) of interests is wider than the requirement to list interests in the Register. Members are expected to declare certain interests even if they do not appear in the Register.

26. Paragraph 73 explained the declaration requirements in more detail:

*“The rule relating to the declaration of interest is broader in scope than the rules relating to the registration of interests in three important respects. As well as current interests, Members are required to declare both relevant past interest and relevant interests which they may be expecting to have. In practice, only interests held in the recent past, i.e. those current within the previous twelve months, need normally be considered for declaration. Expected future interests, on the other hand, may be more significant. [...] In deciding when a possible future benefit is sufficiently tangible to necessitate declaration, the key word in the rule which the Member must bear in mind is “expecting”. Where a Member’s plans or degree of involvement in a project have passed beyond vague hopes and aspirations and have reached the stage where there is a reasonable expectation that a financial benefit will accrue, then a declaration should be made. Members are also required to declare relevant indirect interests, for instance those of a spouse or partner, and also non-registrable interests of a financial nature where these are affected by the proceedings in question ...”*

27. Paragraph 74 of the Guide explained the test of relevance:

*“ ... The basic test of relevance should be the same for declaration as it is for registration of an interest; namely, that a financial interest should be*

*declared if it might reasonably be thought by others to influence the speech, representation or communication in question. A declaration should be brief but should make specific reference to the nature of the Member's interest."*

28. Paragraph 76 of the Guide said that:

*"The House has endorsed the following advice on the occasions when such a declaration of interest should be made: 'no difficulty should arise in any proceeding of the House or its Committees in which the Member has an opportunity to speak ...'"*

29. Paragraph 86 explained further:

*"The requirement to declare a relevant interest **at the appropriate time** covers almost every aspect of a Member's parliamentary duties extending to correspondence and meetings with Ministers and public officials. Frankness with colleagues is also important. [ ... ] Above all it should be disclosed when a Member is dealing with Ministers of the Crown and civil servants, and his obligation becomes of paramount importance when a foreign government is involved either directly or indirectly."*

30. There are some occasions when a Member is exempted from making a declaration. This was explained in paragraph 87 of the Guide to the Rules:

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

### ***Paid advocacy***

31. On 6 November 1995 the House agreed a Resolution (amended on 14 May 2002) prohibiting paid advocacy. The 2009 Guide set out the detailed rules on the disclosure of Members' interests and about advocacy (also described as "lobbying for reward or consideration").

32. Paragraph 96(1) sets out the relevant part of the advocacy rule:

*The Committee on Standards and Privileges has provided the following Guidelines to assist Member in applying the rule:*

*(i) Parliamentary proceedings: When a Member is taking part in any parliamentary proceeding or making any approach to a Minister or servant of the Crown, advocacy is prohibited which seeks to confer benefit exclusively upon a body (or individual) outside Parliament, from which the Member has received, is receiving, or expects to receive a financial benefit, or upon any*

*registrable client of such a body (or individual). Otherwise a Member may speak freely on matters which relate to the affairs and interests of a body (or individual) from which he or she receives a financial benefit, provided the benefit is properly registered and declared.*

33. Paragraph 99(4) said, in respect of one-off benefits

*The rule applies to “one-off” registrable benefits, both visits and gifts, from the day upon which the interest was acquired until one year after it is registered.*

34. Paragraph 99(5) continued

*Family benefits: The rule includes relevant payments to a Member’s family, but any payment to a member of the family of any Member which arises out of the family member’s own occupation is not regarded as a benefit for the purposes of the Resolution, although it may be declarable.*

35. Paragraph 100(d) of the 2009 Guide provided Members with advice in respect of foreign visits funded by others. It says:

*Members are reminded that when accepting foreign visits they should be mindful of the reputation of the House. However, the knowledge obtained by Members on such visits can often be of value to the House as a whole. While it is desirable that Members should be able to use that knowledge in debate in the House there is a point where promoting the interests, of, e.g. a foreign Government from which hospitality has been received, crosses the line between informed debate and lobbying. Members may not, for example, advocate in debate increased United Kingdom financial assistance to a Government from which they have recently received hospitality. Nor may a Member advocate any other measure for the exclusive benefit of the host Government. Subject to this constraint Members could, having declared their interest, raise matters relating to their experiences in the country either in a speech or by initiating any other proceeding. Similarly they could raise matters relating to the problems of the country generally, or make use of any local insight they have obtained into regional problems (e.g. the situation in the Middle East or in South East Asia, economic or social problems or an external threat) or information they have obtained on local developments or initiatives.”*

## The inquiry

36. On 28 September 2017, Mr Paisley told my predecessor that he was “content to register this matter, late as it would be, from two Parliaments ago. But [he could not] substantiate the erroneous amount quoted in the newspaper article.” He said that he believed “the cost would be a fifth of that amount.” He said he would “try to extrapolate a value over the next couple of weeks”. Mr Paisley also said

*“... My only Westminster assistant had been headhunted by an international company and was working his notice period for me between 31 March and 1*

*July, when he began his new job. He was in charge of the recruitment of his replacement, who did not start in Westminster until mid-August. Neither work for me anymore.*

*The process of registration was clearly established with my key worker, who had been with me since shortly after I was first elected. It was straightforward. After overseas visits he had a responsibility to ascertain the costs and to draft me a submission that I would check and then email on to [the Registrar] in the registration office. I registered the information that the key worker assembled by email. Any amendments would come back by email or phone call and would be agreed by that process. The information was gathered by the staff member, and I would sign it off.*

*I have checked with my former member of staff. He tells me that I did ask for this to be done at the time. Apparently, he had gathered some of the information and had left instructions for the new staffer to complete this work. Clearly the task was not completed. It is also clear that the summer recess got into the mix, and the matter fell down and off the list of priorities. I accept my responsibility in this, but I believe this change of staffing arrangements helps to explain what would otherwise have been a simple matter. After the summer of 2013, I had other serious personal family issues to deal with.”<sup>28</sup>*

37. The Commissioner obtained from the *Daily Telegraph* the evidence on which they had based the article of 8 September 2017.<sup>29</sup> In the meantime, she had written to Mr Paisley to tell him that it was “*evident from the information [he had] provided so far, that the visits should both have been registered in the Register of Members’ Financial Interests.*” The Commissioner asked Mr Paisley to provide the precise dates of his two visits to Sri Lanka and to explain the purpose of the visits. (This information would have been required for inclusion in the Register of Members’ Financial Interests, if Mr Paisley had registered the hospitality when it was received.) She also asked Mr Paisley to consider whether there had been any occasions when paragraph 86 of the Guide would have necessitated a declaration of interest on his part.

38. On 30 October 2017 Mr Paisley wrote to the Commissioner.<sup>30</sup> He said that he believed he had left for Sri Lanka on 29 March 2013 and returned seven days later. He said that he believed the value of the flights was approximately £5,000, quoting economy flights on Sri Lanka Airlines at approximately £800 per person. Mr Paisley said that the dates for his July trip were “*less certain*”. He believed that he had travelled out on 2 July and was back in the UK by 8 July 2013. He estimated the flight costs at approximately £4,000. Mr Paisley said his visits had been to enable him “*to gain a wider knowledge of the political and social situation on the ground in Sri Lanka*” although he had no doubt had some free time. His family had accompanied him but had not attended his official meetings. He also said that “*suggestions that the meetings were about general or specific trade deals are total nonsense.*”

39. Mr Paisley said that he was sure that his “*knowledge and experience of post-conflict resolution added a dimension to [the Sri Lankan government’s] desire to properly inform me about issues there. I do not believe that the government did this as a gift to me solely*

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28 WE5

29 WE8

30 WE9

*because it liked me. That would be preposterous. However, [ ... ] if others want to inform me during times that I have set aside for my family and can accommodate my family, I will certainly ensure that my family travels with me rather than being separated longer than necessary. I certainly will not give all of my time to such causes at the expense of my family time.*” Mr Paisley said that he had “*received no gift or support - financial or otherwise - in any way or kind from the Sri Lankan government as a result of my interest in the country*”.

40. Mr Paisley said that he had conducted a file search for correspondence concerning Sri Lanka at the time. He enclosed a letter, dated 19 March 2014, addressed to the then Prime Minister.<sup>31</sup> In that letter, Mr Paisley expressed “*alarm with the decision by HMG to internationalize the internal affairs of Sri Lanka, and its post conflict process.*” Mr Paisley referred to a trip he planned to take to Sri Lanka later that year. He did not refer to the hospitality he, and his family, had received from the Sri Lankan government within the previous 12 months.

41. My predecessor subsequently invited Mr Paisley to comment on the evidence sent to her by the *Daily Telegraph*, including an email to a Sri Lankan official referring to their “*oil requirements*”. Mr Paisley replied to the Commissioner on 27 November 2017.<sup>32</sup> He reiterated that he did not believe he had broken the rules on paid advocacy or “*done anything that has an impact on my activities as a Member of Parliament.*”

42. Mr Paisley said that he had no reason to think the dates he had given on 28 September were wrong. He had been back in his constituency on 5 April 2013 because he had attended a family celebration; and “*according to [his] diary*” he had been back from the second visit by 8/9 July 2013. He said that either the material submitted by the *Daily Telegraph* was inaccurate or the itinerary and travel times changed after the bookings were first made.

43. Mr Paisley said categorically that he “*had never brokered any oil deal for any gentleman or anyone else and [he had] never met him or his colleagues in Africa*”. He said “*I was more than happy to introduce two businesses that I knew to the Sri Lankan authorities. That suggestion was made and was not taken up and was made out of courtesy on my part and probably refused out of courtesy on their part.*”

44. Mr Paisley said that the *Daily Telegraph*’s evidence did not align with the published article and that the figures in the emails they had provided amounted to about £42,313.60. He said that the claim that the value of the first visit was £23,157.60 and the second was £19,156 was “*a major exaggeration*”. He said that the itinerary for the first visit “*bears no resemblance to the visit that I took*”.

45. On 19 December 2017 my predecessor asked Mr Paisley to forward to the High Commissioner of Sri Lanka a letter asking if the Sri Lankan government could provide the information that Mr Paisley would have needed to provide to the Registrar of Members’ Financial Interests in 2013.<sup>33</sup> She said that she was sending her request via Mr Paisley so that he could see the request and confirm direct to the High Commission that he was content for the information to be provided. The Commissioner also asked Mr Paisley to provide some evidence to support the statements made in his earlier correspondence, and for the basis of his calculations of the value of the hospitality he had received.

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31 WE10

32 WE13

33 WE15 & WE16

46. I took up post on 1 January 2018. On 19 January 2018 Mr Paisley wrote to me.<sup>34</sup> He said he had hand-delivered my predecessor's letter to the Sri Lankan High Commissioner on 9 January 2018. He told me that he had been in his constituency on 6 April 2013 and that his diary entry for that date confirmed this.<sup>35</sup> He said he "did not disagree" that he had returned home sometime early on 5 April 2013. Mr Paisley said again that he was less clear about the dates of his second visit to Sri Lanka in 2013. He said he departed on 1 July and his diary was "blank" for that week. From memory, the itinerary had "*chopped and changed*" but he was home [in Northern Ireland] for the 12 July parades. He said his diary showed he had been in New York City on 13 July and he would not have arrived home in Northern Ireland on 11 or 12 July and then departed the same day for New York. He said he would have returned from Sri Lanka on either 8 or 9 July 2013. Mr Paisley said that "*For a whole host of other reasons I try not to tie down my scheduling in such a precise manner as I do not want too many people getting hold of my daily engagements and movements for security reasons and that is even more pronounced when I travel abroad where I have even less control over such matters as personal security.*"

47. In respect of the email exchange about oil contracts. Mr Paisley said "*No conflict of interest occurred; no contact information was exchanged; no trading occurred and no travel arrangements resulted from [his] emails. My "significant arrangements" comment is my view quite clear. I am making my contact aware of what I think is significant, obviously he had a different view of its significance and choose to ignore it.*"

48. On 2 March 2018 the Sri Lankan High Commissioner apologised for the delay in responding to my predecessor's letter.<sup>36</sup> On 29 March 2018, I received her substantive reply.<sup>37</sup> She said that the Ministry of Foreign Affairs in Sri Lanka had not provided any records or statements, and that she assumed that this was because of the length of time that had elapsed since Mr Paisley's visits.

49. On 17 April 2018 I interviewed Mr Paisley. I wrote to him the following day and summarised the points of agreement, which were:<sup>38</sup>

- the failure to register two visits he and his family had made to Sri Lanka in 2013 had put him in breach of paragraph 13 of the Code of Conduct for Members. Mr Paisley had acknowledged and apologised for this;
- he needed to provide the information which would have been required, at the time, for inclusion in the Register of Members' Financial Interests;
- the donor for both visits was the Sri Lankan government; and
- the dates of the first visit were 30 March to 5 April 2013.

50. I explained that Mr Paisley's recollections and assertions were not in themselves sufficient to lead me to question the evidence I had received from the *Daily Telegraph*. I asked him to provide the evidence on which he had based his previous estimates; details of the costs he and his family had met during the visits; and a clear statement of how many helicopter flights he recalled. I also asked Mr Paisley to consider whether the rules

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34 WE17

35 Mr Paisley did not enclose a copy of this extract with his letter

36 WE20

37 WE21

38 WE22

of the House would have necessitated a declaration of interest when he wrote to the Prime Minister on 19 March 2014. I did not consider his previous explanation that too much time had elapsed by then to be acceptable or in accordance with the rules.

51. Mr Paisley told me that the emails he had exchanged about a potential oil purchase had been a ‘casual’ offer to put officials in Sri Lanka in touch with people he had met in the oil industry and the offer was not followed up notwithstanding a later email in which Mr Paisley had suggested co-ordinating trips to Africa.

52. On 23 May 2018 Mr Paisley hand-delivered a letter to me.<sup>39</sup> He brought to my office photocopies of his 2013 diary and showed me the original so that I could verify the veracity of the copies. He also showed me a copy of his bank statement dated 31 July 2013; his passport and a timed but undated “selfie” of him taken with a third party at a bonfire, which Mr Paisley said placed him in Northern Ireland on 11 July 2013. This evidence is described in more detail in paragraphs 65–73 below.

53. Mr Paisley said he could not be certain of the value of the hospitality he had received but it was significantly less than the £100,000 the *Daily Telegraph* had quoted. Mr Paisley confirmed that he agreed the dates of the first trip his family had taken. He said however that he did not recognise the itinerary suggested by the *Telegraph* for his July visit. He believed that it was shorter than suggested by the newspaper.<sup>40</sup> He said that he had now uncovered evidence that suggested he had not gone to Sri Lanka again until “*at the very earliest [on the] evening [of] 5 July*”. He said he had tried to find something which would place him at a bonfire in his constituency on 11 July. The “selfie” of Mr Paisley and another man was not dated and appeared to have been taken at 22.13 hours. Mr Paisley said he believed he must have travelled home between 9 and 10 July 2013. He could not say with any certainty how many helicopter trips he had taken but said the veracity of the *Daily Telegraph’s* account was now in doubt because of the mismatch between his and their dates for the July 2013 visit.

54. Mr Paisley told me that he had not needed to make a declaration in his letter to the Prime Minister of 19 March 2014 because he had travelled with members of the UK government to Sri Lanka for the Commonwealth Heads of Government Meeting (CHOGM) in November 2013, he had met the Prime Minister there, and the Prime Minister would have been aware of his interest in the country.

55. Mr Paisley re-iterated that no oil deals had been made. The “*officials in other companies referred to government contacts in the countries [they] were discussing whom [he] had met on [his] travels and was willing to share openly with them.*”

56. On 30 May 2018 I wrote to Mr Paisley.<sup>41</sup> I confirmed my understanding that he would try to establish whether the person who had taken the photo at the bonfire could provide any evidence to show that it was taken on 11 July 2013; and that he would now provide me with as accurate an estimate as he could of the value of the hospitality provided by the Sri Lankan government during 2013.

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39 WE24

40 In his email of 2 July 2018, Mr Paisley said that the top up for his Oyster card (for travel in the London area) had to take place on 3 July. He added that “for the calculation of costs it makes no difference”.

41 WE25

57. I also explained to Mr Paisley some difficulties I had identified with the evidence he had left with me on 23 May 2018. Although his bank statement showed several transactions between 2 and 5 July 2013, the dates shown appeared to be the dates when the transactions were processed through the banking system and not necessarily the dates on which the purchases were made. I did not, therefore, consider they were sufficient to place Mr Paisley in the UK between 1 and 5 July 2013. The transactions between 8 and 11 July 2013 appeared to be automated transfers which also did not place Mr Paisley in the UK between those dates. I told Mr Paisley that I recognised now that it might not be possible for him to provide exact figures but it would be helpful if when sending me the estimates I had requested, he would say clearly what was and was not included and why. I asked Mr Paisley to consider whether there was any other evidence he wished me to consider before I reached a conclusion. I said I hoped that when he next wrote to me he would be able to provide the information about the dates, nature and value of the visits to facilitate late registration.

58. On 11 June 2018 Mr Paisley emailed me.<sup>42</sup> He said that he wanted to make clear that his visit to CHOGM in November 2013 had been registered in the Register of Members' Financial Interests and would have been public information in March 2014.

59. On 12 June 2018 I obtained advice from the Registrar of Members' Financial Interests about whether Mr Paisley had been required to make a declaration of interest when writing to the then Prime Minister on 19 March 2014.<sup>43</sup> She said that she would have been guided by paragraph 86 of the Guide and would have advised that a declaration was required. She also said that she would have advised Mr Paisley to consider a declaration in relation to any expected hospitality, as she noted that he also told the Prime Minister that he was expecting to visit again later in 2014.

60. On 13 June 2018 Mr Paisley wrote to me again.<sup>44</sup> He said that his bank had told him that the Oyster-card transaction shown on his 31 July 2013 bank statement would have been made on 3 July, placing him in London on that date. He enclosed a copy of an email from the person who had taken the "selfie". He gave a more detailed explanation than he had previously given of the purpose of his visits to Sri Lanka at the expense of the Sri Lankan government. Mr Paisley said he had asked a management consultant to provide an estimate of the value of the hospitality he had received from the Sri Lankan government and that the figures had been scrutinised by an accountant. He said that the estimates were based on:

- the dates used by the *Daily Telegraph*, although he still had reservations about their accuracy;
- the likely costs of similar trips and excursions for a tourist; based on figures for accommodation in first-class hotels and assuming that meals would have been purchased separately;
- seven helicopter flights; and
- a "micro-coach" and driver, with a supplement for a guide based on a "high-end" tour operator's prices.

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42 WE28

43 WE29

44 WE32

61. Mr Paisley estimated that the value of the first visit his family made to Sri Lanka would have been approximately £25,230; and the second would have been approximately £26,211.

62. On 21 June 2018 Mr Paisley emailed me some evidence about the credentials of the management consultant who had made the calculations for him and about the basis of those calculations.<sup>45</sup>

63. On 25 June 2018 he emailed me about the visit to Sri Lanka which had been planned for the Easter recess in 2014. He said it had later been cancelled.<sup>46</sup> It was to have been funded by a private donor. He said he did not think he should have made a declaration about the visit when writing to the Prime Minister because he had already registered the visit to CHOGM and the Prime Minister was aware of his (Mr Paisley's) interest in Sri Lanka. He added "*In the event, the visit did not proceed, so I would have been declaring something that did not happen.*" He, nonetheless, accepted that "*in future any correspondence should contain, where relevant, a reference to the Register and [his] interests*". Mr Paisley concluded by saying that, at the time he wrote to the Prime Minister, the planned visit was "*nothing more than another potential visit that could occur rather than a hard and fast commitment, with exact timetabling. All I had done at the point of writing my letter was indicated a willingness and availability to attend.*"

64. I met Mr Paisley to discuss the Memorandum on 27 June and on 3 July.

### Evidence from the *Daily Telegraph*

65. The *Daily Telegraph* sent my predecessor a bundle of evidence on 24 October 2017.<sup>47</sup> Among the material they provided were:

- the email exchanges they had with Mr Paisley prior to publication of their story;
- an email exchange between Mr Paisley and a Sri Lankan government official (official A). In his email to official A Mr Paisley referred to having discussed with the official, over dinner, a "potential oil purchase".

66. "*... At dinner we discussed a potential oil purchase. I have two significant arrangements with national oil suppliers in either Oman or Nigeria I understand from our conversation you require a regular supply and are currently changing your filters on the refinery to take other than Iranian oil. If you can let me know quantity and quality specifications of oil requirements I can certainly make this happen quickly. [Name] and I have a meeting in Africa in a week or so with the individual we discussed and we could progress this immediately. Let me know your requirements, as you know this is the most lucrative project you could be involved in and government to government will attract the most discount ...*"

- visa applications for Mr Paisley, his wife and four children to visit Sri Lanka on an "official" visit, arriving on 31 March 2013 and departing on 5 April 2013;

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- an itinerary for a visit from 30 March to 5 April 2013, which had been authorised by the Deputy Chief of Protocol and bore the stamp “*Ministry of Foreign Affairs \* Minister’s Secretariat\**”;
  - the itinerary included “air transportation from London-Colombo-London”; a Mercedes and a luxury van for the same dates; hotel accommodation from 30 March to 5 April; and “ground transportation”. The cost of the flights was noted to be 8,000 US dollars;
- other documents, including:
  - a Sri Lankan Airlines invoice dated 25 March 2013, for return flights for 6 passengers at a cost of 585,035 Sri Lankan rupees per person. The invoiced total was for 3,510,210 rupees, with a request for payment to be sent to the airline’s accounts department;
  - three letters reserving hotel accommodation between 30 March and 5 April, which were sent on 25, 27 March and 1 April 2013;
  - a reservation sent on 27 March 2013, by the Sri Lankan Ministry of Defence and Urban Development to the Commander of the Air Force, for internal flights for Mr Paisley on 1, 3 and 4 April 2013;
  - an invoice from a private helicopter tour company sent on 8 April 2013 to the Ministry of External Affairs for flights between 1 April and 5 April 2013, for the sum of 1,208,197.67 rupees, to be paid by cheque to the company.
  - a “tentative programme” for a visit between 31 March and 5 April 2013 which showed Mr Paisley’s family scheduled to depart London at 18.00 hours on 30 March, arriving in Sri Lanka on 31 March 2013. The proposed programme included a visit to a Sri Lankan national park, stays at three different hotels, internal flights and transfers at the beginning and end of the visit; and
- emails from the Sri Lankan Ministry of External Affairs arranging a visit for Mr Paisley, his wife and two of his children in July 2013.
  - a quote for fares, from Sri Lanka Airlines addressed to the Sri Lankan Ministry of External Affairs, dated 17 June 2013, sent to the Minister of External Affairs. The invoice was for 468,422 Sri Lankan rupees per person. (The number of travellers was not given and no dates were specified.);
  - a 17 June 2013 quote from a helicopter tour company for flights on 2, 4, 6 and 11 July for four passengers. Each flight was quoted in US dollars: two flights were quoted at 3,950 dollars; one at 3,650 dollars and the fourth at 3,200 dollars;
  - emails sent on 21 June 2013 which referred to the visit on 1 to 11 July 2013. These emails were to arrange a visit on 3 July to Sigiriya Rock Fortress; and on 6 July to an elephant orphanage. English-speaking guides were requested.

On 3 July the Department of National Zoological Gardens confirmed permission had been granted for the visit to the elephant orphanage “free of charge”;

- an email sent from the Ministry of External Affairs to Sri Lanka Airlines booking business-class seats for Mr Paisley, his wife and two children for 1 July 2013 (leaving London at 21.35 hours) and returning on 11 July 2013 (leaving Colombo at 13.05 hours);
- an email sent on 28 June 2013 referring to Mr Paisley’s “*presentation of credentials*” on 3 July 2013;
- hotel reservations, dated 28 June 2013 booking “deluxe” rooms at three hotels for Mr Paisley’s family for the period 2 to 10 July 2013; and
- a request for landing permission, made on 4 July 2013 by the Sri Lankan Ministry of External Affairs, for a helicopter to land later that day. The request was titled “*Visit of Hon Ian Paisley, Member of Parliament, United Kingdom and his family 1st to 11th July 2013*”.

### Evidence from Mr Ian Paisley MP

67. Mr Paisley sent with his letter of 30 October 2017 a copy of the letter he had sent to the then Prime Minister about UK government policy toward Sri Lanka. He asked the Government not to support a UN resolution concerning Sri Lanka’s post-conflict process. In that letter, Mr Paisley referred to a trip he planned to take to Sri Lanka later in the year. He did not say explicitly that this trip was to be funded by a third party.

68. After Mr Paisley had seen the material provided by the *Daily Telegraph*, he provided (with his letter of 27 November 2017) a copy of an email exchange between the *Daily Telegraph* and Official A.<sup>48</sup> Mr Paisley referred in his letter to evidence contained in his diary. He did not provide a copy of the relevant pages of his diary at that time. He left copies of these documents with me.

69. When I met Mr Paisley on 17 April 2018, I explained that his “*recollections and assertions [were] not in themselves sufficient to lead me to discount the evidence I had received from the Daily Telegraph.*” Following our discussion of what might constitute evidence, on 23 May 2018 Mr Paisley showed me his 2013 week-per-view diary; a print-out of a photograph which he said had been taken on 11 July 2013; a bank statement dated 31 July 2013; and his passport bearing a USA visa stamp dated 13 July 2013.<sup>49</sup>

70. Mr Paisley drew to my attention the entries in his diary for 30 March to 6 April 2013. These had the annotation “SRIL” on each of the days between 30 March and 5 April, a family event, with a time and location was recorded on 6 April. Mr Paisley also drew to my attention the entries for the first half of July 2013. Each of the days between 1 and 11 July were annotated with a diagonal line. The top of the page for 5–7 July (one of two pages for the week commencing 1–7 July) was written “Sri Lanka”. There was no entry for 12 July. Each of the days between 13 and 21 July was annotated “NY”.

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71. Mr Paisley pointed out to me several transactions on his bank statement, which he said placed him in the UK between 2 and 5 July 2013, and between 10 and 15 July 2013. The copy of the photograph he provided was undated and appeared to have been taken at 22:13 hours. Mr Paisley showed me the visa in his passport for his first visit to Sri Lanka in 2013. That passport did not contain a visa for his July 2013 visit. Mr Paisley did not dispute that he had visited Sri Lanka then.

72. On 30 May 2018 I wrote to Mr Paisley about the evidence he had provided.<sup>50</sup> I said that I did not think the evidence contained in his bank statements placed him in the UK on the dates he had suggested. The dates on his bank statement appeared to be the dates on which transactions had been processed through the banking system rather than the dates the purchases were made. I also noted that the transactions appeared to have been made using two different bank cards on the same account. The 31 July bank statement also showed cash withdrawals at Westminster ATM after the date on which he had entered the USA and before his return.

73. On 13 June 2018 Mr Paisley gave me a letter in which he provided an estimate for the value of each of the trips he and his family had taken to Sri Lanka at the expense of the Sri Lankan government. He also provided a copy of an email from the management consultant who had prepared the estimate for him, with an email from an accountant who had “challenged and tested” the estimates. The management consultant costed the March/April 2013 trip at £25,230 and the July 2013 trip at £26,211. The combined value of the two trips was £51,441.

74. Mr Paisley also provided a print-out of an exchange he had had with his bank.<sup>51</sup> This confirmed my understanding of the bank statements; that is, that purchases were likely to have been made a couple of days earlier than the dates shown on the bank statements. Mr Paisley also enclosed a recent email from the person shown in the copy of the photograph Mr Paisley had given me. Mr Paisley had redacted the name of the person.

75. At my request, Mr Paisley subsequently provided a copy of an email he had received from the management consultant setting out the consultant’s understanding of the brief for compiling the estimates (paragraph 56 above) and setting out the consultant’s credentials.<sup>52</sup> The email said that “*although it is noted that there is some discrepancy in the dates of the second trip and that there seems to be evidence that it was shorter than suggested. However, you have been adamant that the analysis should be robust and ‘offering you no advantage’ in the analysis, i.e. we should err on the side of more expensive, and for the maximum suggested length of stay.*”

## Statement of facts

76. The following facts are agreed.

- Mr Paisley and his family made two visits to Sri Lanka in 2013 at the expense of the Sri Lankan Government.

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- Although the precise value of the hospitality they received cannot now be calculated precisely, both trips were of a value significantly in excess of the then registration threshold of £660.
- Mr Paisley did not register either visit in the Register of Members' Financial Interests.
- Mr Paisley should have registered each visit in the Register of Members' Interests within 28 days of his return.
- Mr Paisley wrote to the then Prime Minister on 19 March 2014 urging the UK government not to support a UN resolution concerning Sri Lanka, saying that he (with others) were concerned about the "*decision by HMG to internationalize the internal affairs of Sri Lanka and its post-conflict process*".
- Mr Paisley did not make a declaration of interest in the letter of 19 March 2014 in respect of the hospitality he had received from the Sri Lankan government within the preceding 12 months.

## Analysis

### *Registration of financial interests*

77. Despite his solicitor's statement on 8 September 2017 that Mr Paisley "*totally denies the defamatory inferences arising from the article in today's Daily Telegraph including those relating to his registration obligations as an MP*", Mr Paisley has accepted from a very early stage in this inquiry that he should have registered the hospitality he received in the Register of Members' Financial Interests in 2013. It has been harder to establish exactly what should have been included in each register entry and it is for this reason that my predecessor and I have sought evidence from Mr Paisley about the dates of his visits and the nature of the hospitality he and his family enjoyed.

78. The 2012 Code of Conduct for Members stated

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

79. Mr Paisley has given an account of what happened during the handover from one member of his staff to another and how this may have contributed to his omission to register these trips. I have not sought evidence from his former members of staff because I have no reason to doubt Mr Paisley's account of what happened and, in any case, the Code is very clear that the onus lies on the Member to fulfil conscientiously their responsibilities. Mr Paisley has acknowledged that, whatever staffing issues there were, he was responsible for ensuring that his financial interests were registered.

80. However, I should note that Mr Paisley's explanation is, if accepted as mitigation, relevant only to the omission to register the July 2013 hospitality. By Mr Paisley's account,

the departing member of staff worked for him until 1 July 2013. The March/April 2013 visit should have been registered by 2 May 2013, some two months before the change of staff occurred. Mr Paisley has not offered any explanation for why he did not notice the omission of these two visits from his register entry before the start of this inquiry. He did not notice the omission when he next registered a visit - also to Sri Lanka and funded by the Sri Lankan Government- in November 2013. Although the relevant Register entry suggests that the visit was shorter and Mr Paisley was not accompanied by family members, it might reasonably have been expected to trigger some recollection of his recent visits to the country. Taking all this into account, I do not think Mr Paisley's failure to register the hospitality within the time-limit prescribed by the House could reasonably be described as inadvertent.

81. Given that Mr Paisley acknowledged the need to put matters right at an early stage, offering to make a late registration in his first letter to my predecessor on 28 September 2017, it is disappointing that it has taken a further nine months for him to have provided sufficient evidence for me to conclude my inquiry. Mr Paisley has not always responded promptly to the enquiries made of him and he first provided supporting evidence only when I explained to him, in terms, that his recollections and assertions were not sufficient to rebut the evidence sent to me by the *Daily Telegraph*. However, since that time, Mr Paisley has sought out other sources and information to support his recollections.

82. Mr Paisley initially suggested that the value of the hospitality he had received was approximately a fifth of the amount suggested, that is approximately £20,000. He said, on 28 September 2017, that he would provide an estimate "*over the next couple of weeks.*" I appreciate that the passage of five years has made it difficult for Mr Paisley to evidence the details which he should have obtained and registered in 2013. I also appreciate his pragmatism now, in submitting estimates based on the dates originally suggested, despite his own reservations about them. However, his own estimates put the value of the hospitality he and his family received from the Sri Lankan government somewhere in excess of £51,441. The description of the evidence in respect of the second visit provided by the *Daily Telegraph* as a "*major exaggeration*" has not been borne out. Mr Paisley's own estimate for that visit significantly exceeds the £19,156 that he said their evidence suggested.

83. House of Commons' Standing Order No 150 allows me to conclude an inquiry concerning registration of interests by way of the rectification procedure if, in my opinion, the interest involved is minor, or the failure was inadvertent. For the reasons explained above, I do not consider those criteria to be met and I must refer the matter to the Committee on Standards.

### ***Declaration of financial interests***

84. The Registrar told me that, if Mr Paisley had sought her advice, she would have advised him to make a declaration of interest when writing to the Prime Minister on 19 March 2014.<sup>53</sup> I accept this advice and agree that Mr Paisley should have declared that he had a financial interest when approaching the Prime Minister to express concern about a matter

concerning Sri Lanka. The hospitality he had received from the Sri Lankan government during 2013 constituted a financial interest which “*might reasonably be thought by others to influence the speech, representation or communication in question.*”<sup>54</sup>

85. Mr Paisley - who has now been a Member for eight years - does not appear to have understood the requirements of the House in this respect. When asked for his opinion on whether he ought to have made a declaration, Mr Paisley first said; “*sufficient time had elapsed*” and the Prime Minister knew of Mr Paisley’s interest anyway. As evidence for that, Mr Paisley referred to having met the Prime Minister in Sri Lanka during CHOGM in November 2013 and to the registration of that visit in the Register of Members’ Financial Interests. This was a misunderstanding of the rules in two respects.

86. The rules on declaration are additional and complementary to the rules on registration. The fact of having made a register entry does not remove the requirement for a Member to make a declaration if a financial interest meets the relevance test on a specific occasion.

87. As well as current interests Members are expected to declare both relevant past interests and relevant interests which they may be expecting to have. “*In practice, interests held in the past 12 months need normally be considered for declaration. Expected future interests should be declared when a Member’s plans have passed beyond vague hopes and aspirations and reached the stage where a reasonable expectation of financial benefit will accrue ...*”<sup>55</sup> In March 2014 Mr Paisley’s three visits to Sri Lanka during 2013 fell within the 12-month period for declaration of a past interest.

88. The Prime Minister may have remembered meeting Mr Paisley while attending CHOGM in Sri Lanka the previous November, but it does not follow that the Prime Minister would have been aware that Mr Paisley and his family had visited the country at the expense of the Sri Lankan government. Nor did it relieve Mr Paisley of his responsibility to make a declaration which made “*specific reference to the nature of [his] interest.*”

89. Having seen the Registrar’s advice on the declaration of interests, Mr Paisley said again that he had “*made a formal declaration (sic) of a visit on 11–15 November 2013.*”<sup>56</sup> I assume that this was a reference to his registration of that visit in the Register of Members’ Financial Interests. Mr Paisley said that he had written to the Prime Minister “*about matters to do with the Commonwealth and Sri Lanka peace process, matters I have had a long term fixed view on. In reply the Minister even acknowledged that he was aware of my interests in the country*”. That may be true but it does not mean Mr Paisley did not need to declare his past financial relationship with the Sri Lankan government in accordance with the rules of the House.

90. Mr Paisley also said that if he had made a declaration in March 2014 in respect of the visit he planned to make to Sri Lanka in April 2014, “*I would have been declaring something that did not happen*”. This appears to be a further misunderstanding of the rules regarding declaration, which require Members to declare “*expected future interests*”. Mr Paisley could not have known on 19 March 2014 that the planned visit would be cancelled at the last minute and he should, therefore, have given proper consideration to whether a declaration was required. However, that is a moot point, given that he ended his email by saying that the visit had not, at the time of writing to the Prime Minister, been firmed up.

54 Paragraph 74 of the Guide to the Rules relating to the Conduct of Members

55 Paragraph 73 of the then Guide to the Rules relating to the Conduct of Members

56 WE33

I do not see any merit in trying to establish now whether the plans had reached a point where they had crystallised beyond hope to expectation, given that Mr Paisley has also said that the host for the planned visit was a private individual rather than the Sri Lankan government. I do not find that Mr Paisley was required to declare this cancelled visit in the 19 March 2014 letter.

91. The *Daily Telegraph*'s article of 8 September 2017 made reference to Mr Paisley having spoken in a debate on 8 January 2013, saying that he opposed calls for HM the Queen to avoid CHOGM in November 2013. This alleged that he might have been required to make a declaration of interest.<sup>57</sup> The first evidence of the plans for him and his family to visit at the end of March 2013, appear to have been developed during March 2013. He would not, in those circumstances, have been expected to declare that as a future interest.

### Advocacy

92. Mr Paisley agrees that he and his family received substantial benefits from the government of Sri Lanka when he accepted hospitality from that government in 2013. That is not in dispute. Once he had accepted that hospitality, Mr Paisley was prohibited from lobbying for the exclusive benefit of the Sri Lankan government. He wrote to the Prime Minister on 19 March 2014 urging him not to support the UN motion which "internationalised" the dispute within Sri Lanka. That letter amounted to paid advocacy, putting Mr Paisley in breach of paragraph 11 of the 2012 Code of Conduct for Members.

93. The *Daily Telegraph* article of 8 September 2017 made reference to Mr Paisley offering to "help [Sri Lanka] broker an oil deal, saying "he had significant arrangements with national oil suppliers" in Oman and Nigeria." The evidence the *Daily Telegraph* shared with me included a copy of an email exchange between Mr Paisley and that official. Mr Paisley told me that the exchange came to nothing; that he did not meet with the official in Africa as had been suggested; nor had he arranged any oil deals. In the absence of further evidence, I did not consider I would be justified in probing this matter further as part of this inquiry.

### Comments from Mr Ian Paisley MP

94. In accordance with the procedures agreed by the Standards Committee, I invited Mr Paisley to comment on the factual accuracy of a draft of this report. That draft included the above analysis. In addition to sending some detailed textual comments, Mr Paisley apologised for failing to register "two official trips" that he took in 2013. He repeated that the *Daily Telegraph* had defamed him in its article. Mr Paisley said he did not accept that he had broken the House's rule on paid advocacy. He said that his letter to the Prime Minister would not have conferred an "exclusive benefit" to Sri Lanka and that the beneficiary would have been the UK. He said that my finding represented "a harsh judgement". Mr Paisley did not dispute the facts in my report but he added that the Oyster card top up occurred on 3 July, which he believed was important in respect of travel dates. He did not agree that he had delayed responding to enquiries from myself and my predecessor and

so prolonged the investigation. I explained the report to Mr Paisley in person on 3 July. I provided him with my analysis of the time he had taken to reply to letters from this office, which shows the delays totalling 23 days.<sup>58</sup>

## Conclusion

95. Mr Paisley referred himself for investigation to my predecessor in September last year. She undertook to consider whether the rules of the House had required the registration and/or declaration of the two visits to Sri Lanka which Mr Paisley had made with his family in 2013, and whether he had complied with the advocacy rules in respect of those visits. I have completed this investigation.

96. I have found that Mr Paisley has:

- breached the House's rule on paid advocacy by writing to the Prime Minister on 19 March 2014 asking for an exclusive benefit for Sri Lanka, having received personal benefit and hospitality from that government within the previous twelve months;
- at the same time, breached the House's rules on declaration by failing to declare the personal benefit and hospitality from the Sri Lankan government in his letter to the Prime Minister of 19 March 2014;
- breached the House's rules on registration of interests by failing to register within the 28 days agreed by the House the two visits made to Sri Lanka with family members in March/April 2013 and in July 2013;

97. These two visits to Sri Lanka provided a very substantial personal benefit to Mr Paisley and his family. I find it surprising that such an experienced MP did not ask himself whether it was proper to accept such benefits from a foreign government. I also find it surprising that he did not realise that, if accepted, these benefits would call into question his impartiality when he next spoke about the affairs of that government.

98. The article in the *Daily Telegraph* said Mr Paisley offered to put the Sri Lankan government in touch with business contacts in relation to a possible oil deal, and that he said he had "significant arrangements" with national oil suppliers in Oman and Nigeria. While this might seem surprising, since Mr Paisley has registered no relevant financial interests, Mr Paisley has said that he was simply passing on business contacts. I make no finding in relation to this offer.

4 July 2018

*Kathryn Stone OBE*

*Parliamentary Commissioner for Standards*

## Appendix 2: Letter dated 10 July 2018 from Ian Paisley MP to the Clerk of the Committee

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Dear Mr James,

Thank you for your letter 4 July and for a copy of the Commissioner's report. I have taken the opportunity to read it. There appears to be one error on page 22 para. 67. Line 1. It states '30 October 2018'. That obviously can't be correct.

You asked me to respond to the substance of the report. I do not disagree with the factual account, I do have differences of emphasis and context that are recorded in my letter on page. 98 of the report.

I have made clear, right from the beginning of the inquiry, after I referred myself, that I recognised I had made a failure to register two official visits to Sri Lanka in 2013. This was my mistake. It was not done for an ulterior motive or for some reason that would be of benefit to me. It was a genuine mistake on my part to fail to register. At no time did I conceal the visits. I spoke openly about them. Wrote about them and published photographs about them. It was not a secret.

I have a good record of registration, both before and since. In recognition of my mistake, I have apologised profusely for this. I am deeply embarrassed by it and fully understand that it has an impact on my reputation. Members of the House are held to the highest standard and a failure, such as this, reflects on both the Member concerned and the wider house. I understand that fully, and know that I have let myself and colleagues down by not being properly attentive to the registration on these occasions in 2013. **For this I apologise unreservedly.**

In mitigation I was, at the time, in my first term as a Member. My office was undergoing a major change in staffing personnel; and I had other family matters to deal with that had taken over much of my attention. None of that takes away from the fact that I should have been more attentive to detail and that I should have completed the registration on time. I accept that fully.

I have had a longstanding interest in the conflict resolution process in Sri Lanka before I became an MP and certainly, I believe, I was able to add something to the understanding of ( comparative political discourse there. I know that the several visits I made added to my expertise and knowledge of the individuals and the issues on the ground in that country.

The Daily Telegraph article seriously and maliciously defamed me. The headline alone is a malicious and gross exaggeration. It is a sensationalised and misleading article. It dragged in Brexit, that was, in 2013, completely irrelevant, and contained a number of other preposterous claims. I am sure Members will understand why I reacted immediately to defend myself. That action has been delayed until this report is concluded. Indeed, this report, has facilitated the clarification that the Telegraph made an exaggerated claim of a £100k visit that they had no evidence to substantiate.

I am pleased that the commissioner has found no grounds for finding that I;

1. breached rules regarding notification of a future visit to Sri Lanka that was subsequently cancelled in 2014.
2. That in January 2013, my speech in Parliament was not in breach of the rules. And, 3. finds no point in pursuing what was an innocent offer to exchange contact details between myself and a government official.

In terms of the breach of rules of paid advocacy. This appears to turn on the nature and content of the letter that I, along with others, sent to the PM in April 2014.

The letter was a general letter, signed by a number of Members, making a general request. It was not for the “exclusive benefit” of the Sri Lanka government but, in fact, was urging our own government to hold to a well-established position of non-intervention. For the U.K. to take a different position than normal would have put costs on HMG. A point that, I think, has not been appreciated. I did say to the Commissioner that it was harsh to accuse me of breaching the rule on paid advocacy as it turned on an interpretation of who was the actual benefactor. As it turned out, the government ignored the letter and those of us who signed it.

The Commissioner made reference to the delays in concluding the report. I feel, I am not solely responsible for these delays. It was not my idea to make an approach to the High Commissioner in person, or to give the High Commission several months to respond with a letter that concluded they had no evidence to add to the understanding of the inquiry. In fact, at the time I did make it clear that I didn’t think the High Commission would go beyond what they had previously said when approached by the newspaper. However, it now appears that delay—of months—is being apportioned to me. I think that is unjust. It has always been in my interest to conclude this matter as soon as possible. The delays have frustrated my legal action and the opportunity to move on from this sorry saga.

I fully appreciate the fuller understanding this inquiry has given to me of the rules of “registration” distinct from “declaration”. A distinction that, at times, was misunderstood.

In trying to present evidence to substantiate my own claim that the Daily Telegraph evidence was exaggerated. I erred on the most-costly calculations, largely to highlight how preposterous was the original headline, and highlight that in the evidence they based the claim against me, they had a smaller calculation than I would have conceded. I understand that these twists and turns are of more interest to me than to the committee but it does, I hope, give Members a more complete picture.

Once again, I reiterate, as I have done so, on a number of occasions, in writing and in person, my unreserved apology for my mistake. I seek to blame no one else for it. I reiterate that I had no ulterior motive in making this mistake. It was a genuine mistake on my part and I made no benefit out of not registering. Members may further note that any and all subsequent visits or trade missions to Sri Lanka have been registered and declared in accordance with the rules. That I continue to take an interest in the country as a member of the APPG, but that I have not visited the country for some years. Importantly, I have no constituency or political benefit from taking an interest in this nation. I have neither a

Tamil **nor** Sri Lankan organisation in NI **or** in my constituency to be lobbied by or to try to impress. My interest was in the post-conflict issues that NI has shared with the country. Those interests I have had long before entering the House.

My only meeting with the High Commissioner was when she visited Parliament in 2017 to meet members of the APPG and before she announced her return to her home country. My only other meeting with her was at the request of the Standards Commissioner to deliver a letter to her personally in January of this year. I hope this helps the committee in its deliberations.

Yours Sincerely,

Mr Ian Paisley MP

## Appendix 3: Note by the Registrar of Members' Financial Interests: The advocacy rule as it was in 2014, and foreign visits

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1. This note alerts the Committee to the way the Commissioner has interpreted the advocacy rule contained within the 2009 Guide to the Rules. The Commissioner has followed the customary interpretation by her predecessors and other staff in this office. The interpretation is relevant to this case, which concerns the rules which applied to Members in 2014. (From the 2015 election, a revised rule has applied.)

### *The advocacy rule*

2. The advocacy rule exists to stop MPs lobbying in return for money or other benefits. It restricts MPs who have accepted gifts, hospitality, donations or other payments of a level which requires registration or declaration.<sup>59</sup> In 2014, if an MP (or their spouse or close relative) was receiving, expected to receive or had received a benefit of this sort, he or she was forbidden to lobby in favour of something which would amount to an exclusive benefit for the donor. This restriction lasted for 12 months after the benefit was received.

### *Overseas visits*

3. An overseas visit funded by someone else is normally something which has to be registered. Post 2015, an MP who had received such a visit would not be able to lobby for something which would prove an exclusive financial benefit for a person or organisation who had funded that visit. However, in the 2009 Guide to the Rules (see extract attached):

- Paragraph 99(7) says that overseas visits were **not** to be taken into account for the purposes of the rule. This would suggest that an MP who made an overseas visit at someone else's expense was permitted to lobby when he/she returned;
- The longer passage at paragraph 100(d) says that MPs who accepted foreign visits hosted by others were permitted to use their knowledge in the House only if they did not advocate any measures for the exclusive benefit of the organisation which had hosted them.

### *Contemporaneous advice from the Commissioner's office*

4. In 2014 it was customary for the Commissioner's office, if asked to advise on foreign visits, to point MPs towards paragraph 100(d) rather than paragraph 99(7). In other words MPs were advised that they were permitted to speak about matters they had discovered during their visit so long as they did not advocate any measure for the exclusive benefit of the person or organisation which had hosted them. This reading of the rules is supported by the Fifth Report of the Committee on Standards and Privileges of 2000–01, which recommended the addition of paragraph 99(7).<sup>60</sup>

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59 Over £660 in 2014

60 Committee on Standards and Privileges, Fifth Report of 2000–1; <https://publications.parliament.uk/pa/cm200001/cmselect/cmstnprv/267/26702.htm>

5. Neither paragraph 100 nor paragraph 97(d) of the 2009 Guide to the Rules refer explicitly to benefits which are given to a MP's spouse or close relative. The wider interpretation of paragraph 99(7) (which the Commissioner's office does not support) would allow MPs to lobby in favour of someone who had hosted a fact finding visit for them. However it would be stretching matters too far if it were interpreted as allowing an MP to lobby in favour of someone who had provided travel and/or hospitality for his or her spouse and relatives.

*Conclusion*

6. The Committee is invited to note this paper.

Note by the Registrar of Members' Financial Interests, July 2018

## Appendix 4: Letter dated 16 July 2018 from Ian Paisley MP to the Clerk of the Committee

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Dear Dr James,

Thank you for your letter and attached note from the registrar. The Commissioner kindly sent me a copy also. Once again, I reiterate to you and the committee my profuse apology for failing to register two overseas visits in 2013. There was no ulterior motive on my part, and no gain for me in any way. It was an unintentional mistake that I take full responsibility for.

I have read the memorandum from the registrar. I took the opportunity to meet with the registrar on Thursday in order to clarify its meaning. I have **not** sought to argue with either the Commissioner or Registrar about the matter. I respect them and their integrity. On these matters I have been treated with courtesy and professionally throughout this inquiry.

Upon studying the note and subsequently the rules 99(7) and 100(d), that both applied simultaneously in 2013/14, it is clear to see that the rules totally contradict each other on the matter of declaration and paid advocacy. I was not, at any time a paid advocate for any person or organisation or government. I have always been my own person. I know that by failing to make a registration in 2013 I created this problem. The visits arranged by the Sri Lankan government were embarked upon in good faith by myself. I was never asked to lobby on any issue to do with this at the time or subsequently.

I did sign a joint letter to the PM making my observations clear about Sri Lanka and I believe the letter made a general request not one seeking exclusive benefit for Sri Lanka but for the **mutual** benefit of both nations' integrity. I made my observations in the context of my own knowledge of post-conflict society, of which I have some practical knowledge.

Rule 99(7) is specific and clear and comes before rule 100(d). It says and means that overseas visits are "not to be taken into account for the purposes of the rule"; meaning MPs would be permitted to lobby and would not be considered to be engaging in paid advocacy.

I believe that under the appropriate application of this rule it would be unjust to find that I was engaged in paid advocacy. The sequence of events is clear; In March and July 2013 I and my family made visits to Sri Lanka. I failed to register these visits by mistake.

In November 2013 I made and properly registered a visit to Sri Lanka. The following year (four or so months after the November visit and eleven & nine months respectively after the unregistered visits) I put my name to a general letter to the PM. Through the eyes of the time, and being obedient to the rule 99(7), I could not have breached the rule on paid advocacy as overseas visits are not to be taken into account.

Rule 100(d) appears to concern itself with the issue of "exclusive benefit". When I met the registrar I asked had any consideration or interpretation been given, at the time or

subsequently, of what was meant by exclusive benefit. I understand no such consideration was made of its extent or meaning. On face value, I suggest, it would **not** mean something that was of mutual benefit.

The rules are contradictory and confusing and I understand why they have subsequently been revised. However, I was told I would be considered through the lens of the time. On that basis, I believe, it would be unfair to conclude that I breached the rule on paid advocacy.

Finally, in the report to the committee the Commissioner states that it was not appropriate for me to accept these visits for myself and my family. I have no quarrel with this. There is a saying that we should abstain from all appearances that suggest something not intended to be and I fully accept that it was foolish, at the time, not to recognise how these visits could appear. I reiterate I had no direct or indirect financial gain or benefit, no commercial interest, and no expectation from me as a result of the visits.

I apologise for my registration failing and believe the process has been invaluable and challenging to me. I leave this in the hands of the committee and submit to your deliberations on these matters.

Yours sincerely,

Mr Ian Paisley MP

# Formal Minutes

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**Tuesday 17 July 2018**

Members present:

Sir Kevin Barron, in the Chair

Tammy Banks	Arun Midha
Jane Burgess	Bridget Phillipson
Charmaine Burton	Sir Peter Rubin
Douglas Chapman	John Stevenson
Sir Christopher Chope	Gary Streeter
Kate Green	

Draft Report (*Ian Paisley*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 35 read and agreed to.

Four papers were appended to the Report.

*Resolved*, That the Report be the Third Report of the Committee to the House.

None of the lay members present wished to submit an opinion on the Report (Standing Order No. 149 (8)).

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available (Standing Order No. 134).

[The Committee adjourned.]

## Published written evidence

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The following written evidence was received and can be viewed on the [publications page](#) of the Committee's website.

- 1 Daily Telegraph article, 8 September 2017
- 2 Email from Mr Ian Paisley MP to the Commissioner, 8 September 2017
- 3 Mr Paisley's tweet, 8 September 2017
- 4 Letter from the Commissioner to Mr Ian Paisley MP, 13 September 2017
- 5 Letter from Mr Ian Paisley MP to the Commissioner, 28 September 2017
- 6 Letter from the Commissioner to the Daily Telegraph, 2 October 2017
- 7 Letter from the Commissioner to Mr Ian Paisley MP, 2 October 2017
- 8 Letter from the Daily Telegraph to the Commissioner, 24 October 2017
- 9 Letter from Mr Ian Paisley MP to the Commissioner, 30 October 2017
- 10 Letter from Mr Ian Paisley MP and others to the Prime Minister, 19 March 2014
- 11 Letter from the Minister of State, Foreign and Commonwealth Office, to Mr Paisley, 19 May 2014
- 12 Letter from the Commissioner to Mr Ian Paisley MP, 13 November 2017
- 13 Letter from Mr Ian Paisley MP to the Commissioner, 27 November 2017
- 14 Letter from the Commissioner to Mr Ian Paisley MP, 30 November 2017
- 15 Letter from the Commissioner to Mr Ian Paisley MP, 19 December 2017
- 16 Letter from the Commissioner to the Sri Lankan High Commissioner, 19 December 2017
- 17 Letter from Mr Ian Paisley MP to the Commissioner, 19 January 2018
- 18 Letter from the Commissioner to Mr Ian Paisley MP, 24 January 2018
- 19 Letter from the Commissioner to the Sri Lankan High Commissioner, 21 February 2018
- 20 Letter from the Sri Lankan High Commissioner to the Commissioner, 2 March 2018
- 21 Letter from the Sri Lankan High Commissioner to the Commissioner, hand-delivered by Mr Paisley's office on 29 March 2018
- 22 Letter from the Commissioner to Mr Ian Paisley MP, 18 April 2018
- 23 Letter from the Commissioner to Mr Ian Paisley MP, 16 May 2018
- 24 Letter from Mr Ian Paisley MP to the Commissioner, 23 May 2018
- 25 Letter from the Commissioner to Mr Ian Paisley MP, 30 May 2018
- 26 Letter from the Commissioner to the Registrar of Members' Financial Interests, 4 June 2018
- 27 Letter from the Commissioner to Mr Ian Paisley MP, 4 June 2018
- 28 Email from Mr Ian Paisley MP to the Commissioner, 11 June 2018
- 29 Letter from the Registrar to the Commissioner, 12 June 2018
- 30 Email from Mr Ian Paisley MP to the Commissioner, 12 June 2018
- 31 Email from Mr Ian Paisley MP to the Commissioner, 14 June 2018

- 32 Letter from Mr Ian Paisley MP to the Commissioner, dated 13 June 2018 and hand-delivered on 19 June 2018
- 33 Letter from the Commissioner to Mr Ian Paisley MP, 20 June 2018
- 34 Email from Mr Ian Paisley MP to the Commissioner's Office, 21 June 2018
- 35 Email from Mr Ian Paisley MP to the Commissioner, 25 June 2018
- 36 Letter from the Commissioner to Mr Ian Paisley MP, 27 June 2018
- 37 Email from Mr Ian Paisley MP to the Commissioner, 2 July 2018
- 38 Email from management consultant to Mr Ian Paisley MP, 1 July 2018
- 39 Dates of correspondence between the Commissioner and Mr Ian Paisley MP

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2017–19

First Report	Dame Margaret Hodge	HC 591
Second Report	Independent Complaints and Grievance Policy: Implementation	HC 1396