



House of Commons
Committee on Standards

Mr Geoffrey Cox

Eighth Report of Session 2017–19

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

*Ordered by the House of Commons
to be printed 24 July 2019*

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

[Kate Green MP](#) (*Labour, Stretford and Urmston*) (Chair)

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

[Mrs Jane Burgess](#) (*Lay member*)

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[Sir Gary Streeter MP](#) (*Conservative, South West Devon*)

[Mr Paul Thorogood](#) (*Lay member*)

[Liz Twist MP](#) (*Labour, Blaydon*)

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

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Committee reports are published on the Committee's website at 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), Medha Bhasin (Second Clerk) and Jim Camp (Committee Assistant).

Contacts

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Contents

Report	3
Appendix 1: Memorandum from the Parliamentary Commissioner for Standards—Rt Hon Geoffrey Cox QC MP	6
Appendix 2: Letter dated 16 July 2019 from Rt Hon Geoffrey Cox QC MP to the Chair of the Committee	10
Formal Minutes	12
Published written evidence	13
List of Reports from the Committee during the current Parliament	14

Report

1. This Report arises from an inquiry undertaken by the Parliamentary Commissioner for Standards on her own initiative into the registration of a financial interest in a property owned by the Rt Hon Geoffrey Cox QC MP.
2. The Commissioner has provided us with a memorandum which we publish as Appendix 1 to this Report.¹ The memorandum sets out the salient information about the facts of the case, which are not disputed by Mr Cox. We will summarise its findings very briefly.
3. On 15 January 2019 Mr Cox registered the receipt of rental income from his former London residence. He informed the Commissioner that his financial interest in this property had first become registerable on 1 September 2018. The House requires Members to register within 28 days any change in their registrable interests. Mr Cox had therefore, it appeared, registered his interest some three months after the deadline for doing so.
4. The Commissioner concluded, in February 2019, that Mr Cox had breached the House's rules in this matter. He accepted that he had done so and apologised. The Commissioner exercised her discretion to deal with the case by way of the 'rectification procedure' available to her under Standing Order No. 150.
5. Normally that would have been the end of the matter. However, it subsequently transpired that Mr Cox had been in error in supposing that the financial interest in his property had become registerable on 1 September 2018. In correspondence with the Registrar of Members' Financial Interests he accepted that the interest had actually first become registrable 10 months earlier, on 1 November 2017.
6. Mr Cox accepted responsibility for this error, which he said arose from a misunderstanding of the interpretation of the rules; details are set out in the Commissioner's memorandum.² He offered an apology to the Commissioner. She took the view that as this was a second error relating to the same interest, and as she had dealt with the first under the rectification procedure, she should now refer the matter to the Committee on Standards.
7. After we received the Commissioner's memorandum, we invited Mr Cox, in accord with our usual practice, to submit written comments on the memorandum if he wished to do so. Mr Cox subsequently wrote to us to provide further clarification of his position; we publish his letter as Appendix 2 to this Report. In essentials Mr Cox's submission gives further background to the matters dealt with in paragraphs 14 to 16 of the Commissioner's memorandum. We are happy to accept Mr Cox's explanation of how the misunderstanding of the rules arose. Like the Commissioner, we do not suggest in any way that he was seeking deliberately to break the rules.
8. As we have noted, the facts of the case are not in dispute and are relatively simple. Mr Cox accepts that he has broken the rules of the House. It falls to us to assess the seriousness of this breach and the appropriate sanction. In doing so we have, in accordance with our usual practice, taken into account both mitigating and aggravating factors.

1 Written evidence accompanying the Commissioner's memorandum is published on the Committee's website.

2 Appendix 1, paras 14–16, 27–29

9. We assess the following to be mitigating factors:

- The Commissioner has found, and we accept, that there was no intention on Mr Cox's part to deceive.
- Mr Cox has accepted the Commissioner's interpretation of the rules and of his responsibilities, has co-operated fully with her inquiry and has offered an apology for both errors.

10. We assess the following to be aggravating factors:

- Mr Cox is an experienced Member of the House who should have been aware of the relevant rules of the House.
- Mr Cox holds the high office of Attorney General, the chief Law Officer of the Crown; he should therefore regard himself as under a particular duty to set a good example to other Members by way of a scrupulous observance of the rules.
- Mr Cox should have been particularly mindful of his responsibilities in relation to registering interest because on a previous occasion, in February 2016, the Committee on Standards, of which Mr Cox was then a member, concluded that he had breached the House's rules on registration of financial interests through late registration of remuneration from employment. The Committee recommended that Mr Cox make an apology to the House for his failure to register payments in a timely fashion.³ Mr Cox accordingly made a personal statement to the House, as follows:

"In 2009, the House resolved that hon. Members should register all outside earnings within 28 days of their receipt, whether connected with their parliamentary duties or not.

For a prolonged period last year, I very much regret that I failed to comply with that rule in respect of my professional earnings as a barrister.

The House has a right to expect of its Members, particularly those on the Standards Committee, as I was, that they will uphold its rules to the fullest extent. For that reason, I have stepped down from the Standards Committee, and I hope that the House will accept my sincere and full-hearted apology for my failure to observe this important rule."⁴

11. We do not consider that Mr Cox's two errors in the present case constitute serious breaches of the rules; the first arose from an oversight and the second from what was clearly a genuine misunderstanding. Nonetheless, because there were two errors in succession, and because Mr Cox had committed an earlier breach of the rules on registration, the Commissioner acted rightly in referring this matter to us.

12. We recommend that Mr Cox should at the earliest opportunity apologise in writing to the House through this Committee for having registered a financial interest late and

3 Committee on Standards, Second Report of Session 2015–16, *Mr Geoffrey Cox* (HC 803), published 4 February 2016

4 House of Commons Official Report, 4 February 2016, col 1108

for having, albeit unintentionally, supplied wrong information about the date at which the interest became registrable. His written apology, when received, will be published on our website.

13. *We recommend that the Registrar italicise the relevant entry in the Register for a period of 12 months to indicate that the late registration had been identified and corrected.*

Appendix 1: Memorandum from the Parliamentary Commissioner for Standards—Rt Hon Geoffrey Cox QC MP

Summary

I began this inquiry on 13 May 2019 after the Registrar drew to my attention that, on 4 April 2019, the Member had amended one of his entries in the Register of Members' Financial Interests. That entry had recently been the subject of an inquiry, which I had concluded using the rectification procedure.

The amendment was to reflect that the interest had become registrable on 1 November 2017, not 1 September 2018 as he had previously told me. I began a new inquiry on my own initiative, seeking to understand why this additional breach of the rules had occurred.

The Member co-operated with my inquiry and I am satisfied that he had not intended to conceal his financial interest. In other circumstances, I might have concluded this inquiry by way of the rectification procedure. However, having investigated the registration of the same interest on a previous occasion, I have decided that I should refer a formal Memorandum to the Committee on Standards.

Introduction

1. This memorandum reports on the inquiry that I began on my own initiative on 13 May 2019. The Registrar had drawn to my attention that on 4 April 2019 Rt Hon Geoffrey Cox QC MP had amended an entry in the Register of Members' Financial Interests which had been the subject of an earlier inquiry. The entry had related to the rental income Mr Cox derived from his former London residence, which he had vacated in November 2017.
2. In February 2019 I had found that the Member had breached the House's rules by registering late the receipt of the rental income from the property. Mr Cox had registered this on 15 January 2019, some 3 months outside the House's 28-day deadline. This matter was dealt with by way of the rectification procedure available to me under House of Commons Standing Order No 150.
3. The amendment to Mr Cox's register entry recorded that his financial interest in the property had first become registrable on 1 November 2017, not 1 September 2018, as he had previously told me.
4. While Mr Cox has acknowledged and apologised for the second late registration, having used the rectification procedure on the first occasion, the matter is brought to the Committee on Standards for their consideration.

Relevant rules of the House

5. The Code of Conduct for Members of Parliament approved by the House on 17 March 2015 said in paragraph 13:

Members shall fulfil conscientiously the requirements of the House in respect of 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.

The Code of Conduct was revised on 19 July 2018. The same provision appears in the revised Code, at paragraph 14.⁵

6. The main purpose of the Register of Members' Financial Interests (the Register) is described in paragraph 5 of the introduction to the Guide to the Rules relating to the conduct of Members (the Guide) as:

“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”.

7. In paragraph 2 of chapter 1 of the Guide, it is stated

The House requires new Members, within one month of their election, to register their current financial interests, and any registrable benefits (other than earnings) received in the 12 months before their election. After that, Members are required to register within 28 days any change in those registrable interests ...

My Inquiry

8. In the course of my inquiry I have considered evidence from Mr Cox and from the Registrar of Members' Financial Interests. Mr Cox has seen a draft of this Memorandum and had the opportunity to comment on its factual accuracy.

Evidence

Evidence from the Register of Members Financial Interests, 3 June 2019

9. Mr Cox's entry in the Register of Members' Financial Interests included the following:

Land and property portfolio: (i) value over £100,000 and/or (ii) giving rental income of over £10,000 a year

Joint ownership of farmland in West Devon: (i) and (ii). (Updated 18 January 2019)

From November 2017, joint ownership of a residential property in London:(i) and (ii). This is a late entry to which the rectification procedure was applied on 25 February 2019. Paragraph 16 of chapter 4 of the 2015 Guide to the Rules refers. (Registered 15 January 2019; updated 04 April 2019)

5 <https://publications.parliament.uk/pa/cm201719/cmcode/1474/147401.htm>

Evidence from Rt Hon Geoffrey Cox QC MP

10. Mr Cox acknowledged, in his response to my letter of the 13 May 2019, that he had written to me on the 10 February 2019 stating his register entry was up to date. However, after having a discussion with the Registrar regarding the interpretation of the rules, he accepted that he should have registered the interest earlier.

Statement of facts

11. Mr Cox was first elected as a Member in May 2005, representing Torridge and West Devon. He has now been a Member subject to the Code of Conduct for fourteen years.

12. Mr Cox moved out of the property concerned in November 2017. The property was then used intermittently by other family members. Mr Cox received no rental income from his family members. Mr Cox rented the property out from 1 September 2018.

Analysis

13. The value of the property was over £100,000, and when Mr Cox left the property in November 2017, it was not used wholly for his own personal residential purposes, or those of his spouse, partner or dependent children. Therefore, the property became registrable from this date.

Mr Cox's comments on a draft of this Memorandum

14. Having seen a draft of this Memorandum, Mr Cox asked to meet me to provide some further explanation of why he had not registered the property sooner. We met on 26 June 2019. I do not report the detail of that conversation here because the material facts relate to sensitive personal data of third parties, which it would not be appropriate or proportionate to put into the public domain. However, during our discussion, Mr Cox acknowledged that had not given "*deliberate thought*" to registration when he first moved out of the property, explaining that he had believed he did not need to do so while it remained "*in the hands of [his] family in their circumstances at that time*".

15. The facts that Mr Cox disclosed to me were known to the Registrar when she provided her advice. Now that Mr Cox has shared them with me, I am satisfied those facts do not alter my decision that Mr Cox acted in breach of the rules. Mr Cox told me that although he thought the relevant definitions could be clearer, he accepted my decision and had, as already acknowledged, acted on the Registrar's advice before I began my inquiry.

16. I am satisfied that Mr Cox had a genuine, if misplaced, belief that he was not required to register the property in the Register of Members' Financial Interests when he and his wife first moved out.

Conclusion

17. Mr Cox has acted in breach of the House's rules on the registration of his financial interests. Mr Cox apologised as soon as this matter was brought to his attention and he has co-operated fully and promptly with my enquiries.

18. I am referring this Memorandum to the Committee on Standards because I have previously used the rectification procedure in February 2019 on a late registration of the same interest.

Kathryn Stone OBE

Parliamentary Commissioner for Standards

2 July 2019

Appendix 2: Letter dated 16 July 2019 from Rt Hon Geoffrey Cox QC MP to the Chair of the Committee

I am grateful for the opportunity to set out directly to you and to the Committee the circumstances in which I omitted to register my joint ownership of a residential property in London between November 2017 and 1 September 2018.

This property was my London home prior to my election to the House in 2005 from January 2004 to November 2017. On or about 1 November 2017, for family reasons, my wife and I moved out of the property and lent it to our adult children to occupy temporarily before it was due to be redecorated, and certain other renovation works carried out, after which we intended to move back in. There was never any tenancy granted and I continued to be responsible for all the utilities, service and other charges on the property. My wife retained keys and would go in from time to time, including to prepare for its redecoration. In the meantime, I rented a flat nearby, the rental costs of which were subsequently published, as is normal, by IPSA.

When my children moved out in early June 2018 the flat was redecorated under my wife's constant supervision, with the original intention that we should move back there once the works had been completed. It is not clear to me whether the property was registrable during the period that these works were being carried out. However, on 9 July 2018, I was appointed to the Government, and I decided not to return to the flat but to rent it out once it was ready. The property was let out on or about 1 September 2018, from which time my wife and I have received rent.

At no point from November 2017 until the property was rented to tenants and while it was being temporarily lent to my close family for reasons connected with their circumstances at the time, and thereafter being renovated, did I believe that the property was registrable. This is why I registered the fact that the property was being rented out as from 1 September 2018 but did not additionally register the fact of my joint ownership of the property as from November 2017.

The late registration of the fact that the property has been let to tenants was dealt with by the Commissioner by administrative rectification on 20 February 2019.

It was, of course, readily apparent on inspection of the published records that I had commenced to be paid part of the costs of renting accommodation by IPSA from November 2017 but had only registered the joint ownership of my previous residence, and the fact I was now receiving income from it, from 1 September 2018.

Once the possible omission was drawn to my attention, I straightaway contacted the Registrar to seek her opinion. On her advice, I registered the fact of my joint ownership of the property from November 2017, on 4 April 2019.

The Guide to the Rules Relating to the Conduct of Members states that members should register any interest in land or property with a value of over £100,000 and/or from which an annual rent of over £10,000 is received but should not register,

“Any land or property which is used wholly for their own personal residential purposes, or those of their spouse, partner or dependent children.”

The registrability of this interest as from November 2017 depends, therefore, on whether, under circumstances in which the property’s occupation by my adult children was only to be for a short time, that I continued to pay the bills on the flat and that my wife and I had not relinquished control over it, it ceased to be used wholly for our residential purposes or for those of our dependent children.

There is no guidance as to what constitutes dependence for these purposes. I have disclosed to the Registrar and the Commissioner, in confidence, circumstances, which I wish to remain confidential, that are at least relevant to this issue. I accept it is their view that these do not afford a sufficient basis for concluding the condition to have been satisfied, and I do not ask the Committee to determine this question. However, those circumstances were certainly a part of the reason, together with the matters to which I have already referred, why I simply did not believe at the time that the interest was registrable during that period.

The Commissioner indicates in her Memorandum that she accepts this to be the case and that she would have dealt with the matter by rectification had she not already done so in respect of my first registration of the property.

I very much regret this omission and have apologised for it to the Registrar, as I do now to the Committee.

Formal Minutes

Tuesday 23 July 2019

Members present:

Kate Green, in the Chair

Tammy Banks	Sir Peter Rubin
Jane Burgess	John Stevenson
Charmaine Burton	Paul Thorogood
Rita Dexter	Liz Twist
Arun Midha	

Draft Report (*Mr Geoffrey Cox*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 13 read and agreed to.

Two papers were appended to the Report.

Resolved, That the Report be the Eighth Report of the Committee to the House.

Written evidence received by the Parliamentary Commissioner for Standards (Items 1 to 3) was ordered to be reported to the House for publishing with the Report.

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.

[The Committee adjourned.]

Published written evidence

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

- 1 Letter from the Commissioner to Rt Hon Geoffrey Cox QC MP, 13 May 2019
- 2 Letter from the Rt Hon Geoffrey Cox QC MP to the Commissioner, 20 May 2019
- 3 Letter from the Commissioner to Rt Hon Geoffrey Cox QC MP, 11 June 2019

List of Reports from the Committee during the current Parliament

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
Third Report	Ian Paisley	HC 1397
Fourth Report	Boris Johnson	HC 1797
Fifth Report	Implications of the Dame Laura Cox report for the House's standards system: Initial proposals	HC 1726
Sixth Report	The Committee's role in ICGS appeals	HC 1976
Seventh Report	Boris Johnson: Further Report	HC 2113