

Explanatory memorandum on motion relating to a proposed new Code of Conduct and Guide to the Rules relating to the conduct of Members

The Government's motion follows two reports from the Committee on Standards: its First Report of Session 2022-23, *New Code of Conduct and Guide to the Rules: promoting appropriate values, attitudes and behaviour in Parliament* (HC 227) and its Third Report of Session 2022-23, *New Guide to the Rules: final proposals* (HC 554).

The House approved relevant recommendations in the Committee's First Report relating to an appeals process on Tuesday 18 October 2022.

In its Third Report, the Committee noted that, since its First Report, it had "received representations from Members about the operation of the lobbying rules and our proposed changes to them", and therefore proposed "amendments to our proposed Guide to the Rules to ensure that the right balance is struck and that the rules maintain the confidence of Members across the House".¹

The motion tabled by the Government notes the Committee's two reports above, and approves the Code of Conduct annexed to the Committee's First Report, and the Guide to the Rules relating to the Conduct of Members annexed to the Committee's Third Report, subject to amendments.

The amendments to the Committee's proposed Code of Conduct and Guide to the Rules set out in the motion reflect the relevant parts of the Government's response to the Committee's First, Second and Third Reports of this Session, published in the Committee's First Special Report of Session 2022-23 (HC 709).²

Section (1)(a) of the motion approves the Committee on Standards' proposed new Code of Conduct as set out in its First Report, subject to an amendment which replaces the Committee's proposed descriptors of the Seven Principles of Public Life with the descriptors published by the Committee on Standards in Public Life.³

Section (1)(b) of the motion approves the Committee on Standards' proposed new Guide to the Rules relating to the conduct of Members as set out in its Third Report, subject to two amendments:

- Section (1)(b)(i) replaces the Committee's proposed wording in relation to the registration of benefits received in a Member's capacity as a Minister with the existing wording in the Guide to the Rules (HC (2017-19) 1882). The existing wording provides that Members who are Ministers are not required to register benefits received in their capacity as a Minister, which the Committee's proposed Guide to the Rules would have left out.
- Section (1)(b)(ii) replaces the Committee's proposed wording in relation to donations or support received in a Member's capacity as Minister the existing wording in the Guide to the Rules (HC (2017-19) 1882). The existing wording provides that Members who are Ministers are not required to register donations or other support received in their capacity as a Minister, which the Committee's proposed Guide to the Rules would have left out.

¹ Committee on Standards, Third Report of Session 2022-23, *New Guide to the Rules: final proposals* (HC 554), paras 2-3

² Committee on Standards, First Special Report of Session 2022-23, *Government Response to the Committee's First, Second and Third Reports of Session 2022-23* (HC 709)

³ Available online at: <https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

The motion provides that the new Code of Conduct and Guide to the Rules relating to the conduct of Members will have effect from 1 March 2023.

The Committee's proposed Guide to the Rules extends the time limit under the lobbying rules (that is, the period in which the lobbying restrictions apply in relation to past or expected future benefits) from six months to 12 months. The motion provides that the 12-month time limit in respect of past financial interests or material benefits shall only have effect six months after the commencement. This would mean that a Member who has received a past financial or material benefit prior to the new Code and Guide coming into effect will be subject only to the six-month limit, not the 12-month limit, in respect of that benefit.

Dr John Benger

Clerk of the House

8 December 2022