



HOUSE OF LORDS

Committee for Privileges

1st Report of Session 2009–10

The Conduct of Lord Fraser of Carmyllie

Ordered to be printed 1 March 2010

Published by the Authority of the House of Lords

London : The Stationery Office Limited
£price

HL Paper 69

The Committee for Privileges

The Committee for Privileges is appointed each session by the House to consider questions regarding its privileges and claims of peerage and precedence and to oversee the operation of the Register of Interests. Detailed consideration of matters relating to the Register of Interests is undertaken by the Sub-Committee on Lords' Interests.

Current Membership

The Members of the Committee for Privileges are:

Baroness Anelay of St Johns
Lord Bassam of Brighton
Lord Brabazon of Tara (*Chairman*)
Lord Brooke of Sutton Mandeville
Baroness D'Souza
Lord Eames
Lord Graham of Edmonton
Lord Howe of Aberavon
Lord Irvine of Lairg
Lord Mackay of Clashfern
Lord McNally
Baroness Manningham-Buller
Baroness Royall of Blaisdon
Lord Scott of Foscote
Lord Shutt of Greetland
Lord Strathclyde

The Members of the Sub-Committee on Lords' Interests are:

Lord Cope of Berkeley
Lord Dholakia
Lord Irvine of Lairg
Baroness Manningham-Buller (*Chairman*)
Baroness O'Neill of Bengarve

A full list of Members' interests can be found in the Register of Lords' Interests:

<http://www.publications.parliament.uk/pa/ld/ldreg/reg01.htm>.

General Information

General information about the House of Lords and its Committees is on the Internet at

<http://www.parliament.uk/lords/index.cfm>.

Contacts

General correspondence should be addressed to the Clerk of the Committee for Privileges, House of Lords, London, SW1A 0PW (telephone 020 7219 8796).

Correspondence relating to Members' interests, or the work of the Sub-Committee on Lords' Interests, should be addressed to the Registrar of Lords' Interests, House of Lords, London SW1A 0PW (telephone 020 7219 3120).

THE CONDUCT OF LORD FRASER OF CARMYLLIE

1. The Sub-Committee on Lords' Interests has investigated the conduct of Lord Fraser of Carmyllie, following a complaint made against Lord Fraser by Mr Norman Lamb MP. The Sub-Committee's report is printed in the Appendix to this Report.
2. **The Sub-Committee have dismissed Mr Lamb's complaint, and we endorse this conclusion.**

APPENDIX: REPORT FROM THE SUB-COMMITTEE ON LORDS' INTERESTS: COMPLAINT AGAINST LORD FRASER OF CARMYLLIE BY MR NORMAN LAMB MP

Background

1. The House's code of conduct requires that the register of Lords' Interests be published in hard copy book-form once a year, usually in July. As a preliminary to publication, the Registrar of Lords' Interests circulates each member of the House with a copy of their existing register entry and invites them to update it as necessary.

2. In July 2009 Lord Fraser of Carmyllie wrote in response to the Registrar's stocktaking letter as follows:

"I am conducting an inquiry for Trafigura into alleged dumping of slops in Cote d'Ivoire. This is taking very much longer than first anticipated. Instead of one [payment] in spring 2007 I have received two tranches from them with a third later this year or sometime in 2010. It has been suggested to me that this is "regular remunerated employment" and should appear in the Register. I am not sure about this. I am self-employed for this purpose and have a VAT number and the payments have been irregular to date and will continue to be so.

The notion that it is regular remuneration stems from Lord Woolf's advising BAe on a code of ethics. This took a year and he declared it as such. With respect I think he was wrong although I have no idea how he was paid nor at what intervals.

If, however, what I am undertaking does require to be declared, I have no problem. It is hardly a secret and for the purposes of the inquiry I have a website."

3. The Registrar advised Lord Fraser that this was an interest that should in his opinion be registered and Lord Fraser did so on 1 July 2009, although he did not accept that he was required by the Code of Conduct to do so.

4. It was not practical to republish the register during the stocktaking exercise which continued until mid-July, and so Lord Fraser's revised register entry recording his inquiry for Trafigura appeared in public for the first time in the hard copy volume of the register, on 21 July. At most other times of the year, a Member's amended register entry is publicly available on the internet within a week of the registrar being notified of the new interest.

The complaint

5. A letter was received from Mr Norman Lamb MP on 6 July 2009 complaining that Lord Fraser had failed to register a relevant financial interest, namely, the remuneration he received in conducting the inquiry for Trafigura Limited. Mr Lamb asked the Sub-Committee to investigate this alleged breach of the House's code of conduct.

6. Before referring the matter to the Sub-Committee, the registrar wrote back to Mr Lamb pointing out that the interest had in fact been registered, shortly before receipt of his complaint. The registrar asked Mr Lamb whether in these circumstances he wished to press the complaint.

7. After the parliamentary summer recess Mr Lamb replied that he did wish to have the matter referred to the Sub-Committee because the interest had not been registered within the one month period required by paragraph 7 of the code of conduct.

The Sub-Committee's findings

8. The question that the Sub-Committee has had to decide is whether Lord Fraser was required to register his inquiry for Trafigura.

9. We have noted that the present code of conduct requires Members to register "regular remunerated employment" (paragraph 12(f)). In our opinion Lord Fraser's work for Trafigura was not regular employment. It did not require recurrent work in accordance with a pre-arranged pattern or agreed principle: he was employed as an independent contractor on a one-off commission to produce a specific report. Because of constraints imposed by on-going legal proceedings for which Lord Fraser was not responsible, completion of some of the work was delayed; but the delay and the extended time over which the work was done do not in our view constitute regular employment.

10. Moreover, the evidence we have considered in investigating the complaint makes it clear that the payments made to Lord Fraser for the work he did for Trafigura over this period of time were not regular: indeed, only two payments appear to have been made.

Conclusion

11. The Sub-Committee has therefore concluded, on the basis of the present code of conduct, that Lord Fraser was not required to register his work for Trafigura, and that he did so only to be helpful and in the interests of transparency.

12. It follows that we find that Lord Fraser has not breached the House's code of conduct, and we reject the complaint against him. Given our finding that the interest was not required to be registered, it follows that we also reject the complaint that the interest was not registered within the 30-day period required by paragraph 7 of the code.

13. We take this opportunity to remind Members of the House that the House has adopted a new code of conduct with effect from 1 April 2010, and that this new code requires Members to register all employment outside the House.