The conduct of Lord Bhatia
The Committee for Privileges and Conduct
The Committee for Privileges and Conduct 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 Code of Conduct.

Detailed consideration of matters relating to the Code of Conduct is undertaken by the Sub-Committee on Lords’ Conduct.

Current membership
The members of the Committee for Privileges and Conduct are:

Lord Bassam of Brighton
Lord Brown of Eaton-under-Heywood
Earl Cathcart
Lord Dear
Lord Eames
Baroness Evans of Bowes Park
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The members of the Sub-Committee on Lords’ Conduct are:

Lord Brown of Eaton-under-Heywood (Chairman)
Lord Cope of Berkeley
Lord Dholakia
Lord Irvine of Lairg
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The Code of Conduct and the up-to-date Register of Lords’ Interests are on the internet at:
http://www.publications.parliament.uk/pa/ld/ldreg.htm

General information
Further information about the House of Lords and its Committees, including guidance to witnesses, details of current inquiries and forthcoming meetings is available at:
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Contacts
General correspondence should be addressed to the Clerk of the Committee for Privileges and Conduct, House of Lords, London SW1A 0PW (telephone 020 7219 8796).

Correspondence relating to the work of the Sub-Committee on Lords’ Conduct should be addressed to the Clerk of the Sub-Committee on Lords’ Conduct, House of Lords, London, SW1A 0PW (telephone 020 7219 5307).
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The conduct of Lord Bhatia

REPORT FROM THE COMMITTEE FOR PRIVILEGES AND CONDUCT

1. The Commissioner for Standards has submitted the attached report on a complaint made about Lord Bhatia.

2. The complainant made two allegations about Lord Bhatia’s directorship of the British Muslim Research Centre, a company limited by guarantee. The Commissioner dismissed at the preliminary assessment stage the allegation that Lord Bhatia should have declared the interest in a speech in the House of Lords in November 2013. The Commissioner investigated the allegation that Lord Bhatia incorrectly removed the interest from the Register of Lords’ Interests in June 2013; the complainant alleged that he continued to hold the interest after that date and so should have kept it on the Register.

3. The Commissioner found that Lord Bhatia legally resigned as a director of the company in May 2013, so he was correct to remove it from his Register entry the following month. She therefore found that Lord Bhatia did not breach the Code of Conduct.

4. In accordance with paragraph 141 of the Guide to the Code of Conduct we report this case to the House for information.
ANNEX 1: REPORT FROM THE COMMISSIONER FOR STANDARDS

Summary of the complaint and investigation

1. I received a complaint dated May 2016 from Mr Martin Williams about Lord Bhatia. The complaint included allegations about several MPs and peers; this report deals only with the allegations about Lord Bhatia, and only the parts of the complaint which related to Lord Bhatia are printed.

2. The complainant alleged that Lord Bhatia had breached the Code of Conduct in two respects in relation to his being a director of the British Muslim Research Centre (BMRC). Firstly, by removing it from the Register of Lords’ Interests in June 2013 although he continued to hold the position after that date. Secondly, by not declaring it in a speech he made in the House of Lords on 19 November 2013 during a debate on a statement by the Prime Minister about Islam not justifying acts of terror.

3. I carried out a preliminary assessment of the complaint. I dismissed the second allegation (about non-declaration) at the preliminary assessment stage because, having read Lord Bhatia’s speech on 19 November 2013 in full (the complaint contained only an extract), I did not think that his directorship of the BMRC could reasonably be considered to have influenced the speech. The allegation that I dismissed is not covered further in this report.

4. When I received the complaint, Companies House records indicated that Lord Bhatia was still a director of the BMRC. Therefore I decided it was appropriate to investigate the first allegation (that Lord Bhatia breached the Code of Conduct by removing his directorship of the BMRC from his entry in the Register of Lords’ Interests in June 2013).

5. On 21 April 2016 Lord Bhatia was suspended from the service of the House for eight months. Although Lord Bhatia was suspended when I received the complaint, the alleged conduct complained of preceded his suspension. Paragraph 4 of the Code of Conduct states that the Code does not apply to members who are suspended. However, the Code and Guide to the Code are silent on whether a suspended member may be investigated for alleged misconduct occurring before the member was suspended. I therefore sought guidance from the chairman of the Sub-Committee on Lords’ Conduct on whether I should proceed to investigate Lord Bhatia at that stage or await his return to the House in December 2016. The chairman saw no impediment to my investigating Lord Bhatia at that stage if he agreed to co-operate, but he could not be required to co-operate with an investigation until he returned to the House.

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1 Appendix A. The complaint was addressed to the Parliamentary Commissioner for Standards in the House of Commons, but it was also sent to the House of Lords Commissioner for Standards.
2 HL Deb, 19 November 2013, cols.391–92.
3 For the avoidance of doubt, the case covered in this report is unconnected to the breach for which Lord Bhatia was suspended. I have considered this case solely on the evidence before me.
4 Fifth edition: July 2016 (HL Paper 40). All references to the Code and Guide in this report are to the fifth edition.
5 Appendix B.
6 Appendix C. Paragraph 22 of the Code of Conduct requires members to co-operate with investigations by the Commissioner, but the Code does not apply to suspended members.

Key facts and Lord Bhatia’s response

Under paragraph 10(a) of the Code of Conduct members must “register in the Register of Lords’ Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions”. Interests are registered in 10 categories. In category 10 members must register unremunerated directorships. Paragraph 50 of the Guide to the Code makes clear that all directorships (remunerated or unremunerated) must be registered.

Paragraph 13 of the Code of Conduct states that members are responsible for ensuring their registered interests are accurate and up-to-date. The corollary of that is that a member should not remove an interest from the Register if the interest is ongoing. Only expired interests should be removed.

The British Muslim Research Centre is a company limited by guarantee which was incorporated on 31 December 2002. Its articles of association state that Lord Bhatia was a founder director and chairman of the company. He duly registered the interest in the Register in Lords’ Interests as an unremunerated directorship from 2003 until 19 June 2013, when he removed it from the Register.

At the time I began my investigation Companies House documents suggested that Lord Bhatia was still a director of the BMRC. The issue in this case was whether Lord Bhatia was correct to remove the interest from the Register on 19 June 2013 if he continued as a director of the BMRC after that date.

In his response to me Lord Bhatia stated that he resigned as a director of the BMRC at its board meeting on 14 May 2013. The resignation was accepted by the board. He enclosed a copy of the relevant board minutes, which confirmed as much. Lord Bhatia stated that as thereafter he was no longer on the board it was for the remaining board members to notify Companies House of his resignation. He enclosed a letter from the remaining board member, Sir Iqbal Sacranie, who confirmed that his office had erred in not notifying Companies House of Lord Bhatia’s resignation as a director soon after the board meeting on 14 May 2013. Sir Iqbal said that Companies House had now been notified of the resignation and enclosed confirmation of the notification.

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7 Appendix D.
8 Appendix E.
9 Appendix F.
10 Appendix G.
11 A change to the Guide made in 2015 means that expired interests now stay on the Register for one year after the interest ceases: paragraph 42 of the Guide. However, that is not relevant to the present case.
12 The articles of association are on the Companies House website.
13 An annual return dated 1 December 2015 (available on the Companies House website) listed him as one of two directors.
14 Appendix E.
15 The confirmation notice incorrectly referred to Lord Bhatia resigning on 14 May 2015 (rather than 2013). In subsequent correspondence the company’s auditors (who filed the termination with Companies House) confirmed that this was an error; it should have referred to 14 May 2013. Please see appendices F and G.
Finding

12. Following Lord Bhatia’s response the issue for me to decide was whether his resignation as a director took effect when he tendered it, and it was accepted, by the board of directors on 14 May 2013, or whether it did not take effect until Companies House was notified. If the latter, Lord Bhatia should have kept the interest on the Register of Lords’ Interests.

13. A director’s resignation is legally effective if it complies with the company’s articles of association.\textsuperscript{16} Paragraph 52(c) of the BMRC’s articles of association provides: “The office of a member of the Board shall be vacated … if by notice in writing to the Board he resigns his office”. The Board is defined in paragraph 1(i) as: “The Board of Directors (Governing Body) for the time being of the Company”.

14. Lord Bhatia resigned as a director at a meeting of the board of directors on 14 May 2013. It is possible that the resignation was submitted and accepted orally, rather than by way of a written notice.\textsuperscript{17} Nonetheless, a resignation given orally by a director at a meeting is effective in law if it is accepted by the company.\textsuperscript{18} Therefore Lord Bhatia’s resignation took effect when he submitted his resignation to, and it was accepted by, the board of directors on 14 May 2013. At that point his obligation to register the interest in the Register of Lords’ Interests ceased, so he was correct to remove it from the Register the following month. The fact that a notification of the resignation was not sent to Companies House for three years did not affect the validity of the resignation.

15. I find that Lord Bhatia did not breach the Code of Conduct by removing his directorship of the British Muslim Research Centre from the Register of Lords’ Interests on 19 June 2013.

Lucy Scott-Moncrieff CBE
Commissioner for Standards

\textsuperscript{16} Companies (Tables A to F) Regulations 1985 (SI 1985/805), made under the Companies Act 1985. The BMRC was incorporated under that Act.

\textsuperscript{17} See item 2 of the minutes of the board meeting and paragraph 1 of the letter from Lord Bhatia dated 26 July 2016: appendix E.

Appendix A: Extract from letter from Mr Martin Williams to the Parliamentary Commissioner for Standards, May 2016

Please find attached a list of politicians who appear to have broken parliamentary rules over their financial interests.¹⁹ For each politician, I have set out clearly the allegations against them.

I am requesting that you launch an inquiry against each of these individuals. I am also sending a copy of this letter to the Standards Commissioner in the House of Lords.

For the last six months I have been investigating MPs’ private finances. During this time, I have seen just how corrupt Parliament has become. Greed is endemic. If you want to understand why British politics isn’t working, it seems the first place to look is in the bank accounts of our politicians.

Yet this is an issue which authorities have turned their backs on. Rules and regulations are lax, and transparency is laughable. The whole thing is shrouded in secrecy. Because of this, it is easy for politicians to milk the system and get away with it.

I regret, too, that your office—in charge of policing MPs’ behaviour—has refused to be interviewed by me.

Much has been written about the public’s disillusionment with politics. We constantly hear that people do not trust politicians any longer. And MPs are widely perceived as “greedy” and “privileged”. But it appears this problem cannot be blamed on the public for being cynical or apathetic. Nor can it be blamed on the press for treating politicians unfairly. In fact, the problem lies with the politicians themselves.

This issue has been allowed to fester for too long. The MPs whose names I have attached all appear to have misled Parliament and the public by failing to declare crucial conflicts of interest. Some have promoted private companies without revealing that they are being paid by those same companies. But no one has noticed and they have been allowed to carry on as if it didn’t matter.

It’s not just conflicts of interest and the promotion of big business; Parliament is too often treated like a business itself, where politicians can make money and live an elite lifestyle.

I will tell the full story of my investigation in a book that I am writing, which will be published shortly. It will explain how this letter came about, and how democracy has been tainted by quiet financial dealings.

In the meantime, launching an inquiry into these allegations would be a great start towards clearing up politics.

**Lord Bhatia**

Bhatia is currently suspended from the House of Lords for 8 months from 21 April 2016. However, this case relates to his activity in the House before this date, so I believe it should still be reported for the sake of it being put on the record, at least.

Bhatia is a director at the British Muslim Research Centre (BMRC), a non-profit organisation. He has said the organisation aims to “inform policy makers”.

¹⁹ Only the parts of the complaint which related to Lord Bhatia are printed.
However, the charity has not been listed in his declarations of interest since June 2013, when he deleted it.

After he deleted it from the Register, Bhatia went on to give a speech in the House of Lords, where he appeared to attack the principle of free speech to protect Islamic sensitivities. He said: “Muslims are shocked when the prophets are ridiculed or abused on the altar of freedom of speech and expression … Freedom of expression is a democratic right, but it carries responsibility.”

The undeclared directorship in BMRC should arguably have been declared not just because there is a very clear cross-over in subject matter, and the potential for his outside interests to influence his political activity. But also because one of his co-directors at BMRC is Iqbal Sacranie, a highly controversial figure who has been quoted saying that homosexuality is “not acceptable” and same sex civil partnerships are “harmful”. In the 1980s, when Salman Rushdie received death threats for his book, *The Satanic Verses*, Sacranie said: “Death, perhaps, is a bit too easy for him; his mind must be tormented for the rest of his life unless he asks for forgiveness to Almighty Allah.”

I believe this directorship should have been declared both in the Register and in Bhatia’s speech to the House because it is clear his involvement in BMRC could have the potential to colour his perspective on the issues being discussed.

His House of Lords speech can be found here: [http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/131119-gc0001.htm#13111964000055](http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/131119-gc0001.htm#13111964000055)

Appendix B: Letter from the Commissioner for Standards to Lord Brown of Eaton-under-Heywood, chairman of the Sub-Committee on Lords’ Conduct, 14 June 2016

I am writing to seek guidance from you and, if you consider it appropriate, the Sub-Committee on Lords’ Conduct, on how to proceed with a complaint I have received about Lord Bhatia. The complaint alleges non-registration of a directorship. I consider there to be sufficient evidence to establish a prima facie case that the Code may have been breached so propose to investigate the complaint.

As you know, Lord Bhatia is suspended from the House until 21 December 2016. Paragraph 4 of the Code of Conduct states that the Code does not apply to members who are on leave of absence, suspended or statutorily disqualified. However, the Code and Guide are silent on whether a suspended member may be investigated for alleged misconduct occurring before the member was suspended.

In February 2016 the House agreed a report from the Privileges and Conduct Committee which recommended that the leave of absence scheme should not be used to impede the investigatory process in relation to alleged conduct that occurred when a member was not on leave (4th report, 2015–16, HIL Paper 95). Specifically, a member may have a request for leave refused, or a member on leave may have it cancelled with immediate effect, if it is necessary to enable the Commissioner to investigate a complaint. The committee explained that as members on leave expect to participate in the work of the House again in future they should be subject to the investigatory process set out in the Code and Guide.

The same rationale might apply to suspended members. If so, it might be that I should now proceed to investigate the complaint about Lord Bhatia—albeit that if he were found in breach of the Code and if a sanction was considered appropriate it could not apply until he returned to the House. Moreover, it might be fairer on
Lord Bhatia for an investigation to take place now rather than him returning to the House to face another investigation immediately. Lord Bhatia’s views on this point could be sought if you thought it appropriate.

On the other hand, there are two potentially material differences between those on leave of absence and suspended members. First, it is a voluntary decision by a member to apply for leave of absence. The recent change was intended to avoid that voluntary option being used to escape investigation. Secondly, it is known when a suspended member will return to the House and therefore when the member again becomes subject to the investigatory process. By contrast leave of absence is ended at a member’s request (subject to the change mentioned above), and may be renewed each Parliament.

The options seem to be (a) for me to investigate Lord Bhatia now; or (b) to wait until he returns to the House in December 2016 before beginning an investigation. I would be grateful for your guidance on which option to pursue.

Appendix C: Letter from Lord Brown of Eaton-under-Heywood, chairman of the Sub-Committee on Lords’ Conduct, to the Commissioner for Standards, 28 June 2016

Thank you for your letter of 14 June 2016. You asked for guidance on whether you should proceed to investigate a complaint received about Lord Bhatia now, although he is suspended from the House of Lords until 21 December 2016.

Given that the conduct complained of took place when he was not suspended, I do not see an impediment to your investigating him now if he is willing to co-operate with the investigation. However, I do not think that paragraph 22 of the Code of Conduct—which requires members to co-operate with your investigations—applies to him while he is suspended. Therefore you may want to write to him asking if he is willing to co-operate with an investigation now rather than have the matter delayed. If he is, you could then proceed. If he is not, the investigation would have to await his return to the House in December 2016.

Appendix D: Letter from the Commissioner for Standards to Lord Bhatia, 29 June 2016

I am writing to you as the new House of Lords Commissioner for Standards. I have received a complaint against you from Mr Martin Williams. He alleges that you had breached the Code of Conduct in relation to you being a director of the British Muslim Research Centre, in two respects. First, by deleting the interest from your entry in the Register of Lords’ Interests on 19 June 2013, although you continued to hold the directorship after that date. Secondly, by not declaring it in a speech you made in the House of Lords Grand Committee on 19 November 2013 during a debate on a statement by the Prime Minister about Islam not justifying acts of terror (HL Deb, cols GC391–92). A copy of the part of the complaint which relates to you is enclosed, as is your speech on 19 November 2013.

I have carried out a preliminary assessment of the complaint.

I have dismissed the second allegation (about non-declaration of the directorship) because, having read your speech on 19 November 2013 in full, I do not think that your directorship of the British Muslim Research Centre could reasonably be considered to have influenced the speech.
Companies House records indicate that you continued as a director of the British Muslim Research Council after 19 June 2013. Therefore I have decided that it would be in the interests of all concerned for me to investigate the first allegation (that the interest should have continued to be registered after 19 June 2013).

On the basis of the complaint it appears that the following provisions of the Code may have been breached:

“10. In order to assist in openness and accountability Members shall:

(a) register in the Register of Lords’ Interests all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions; ...  

11. The test of relevant interest is whether the interest might be thought by a reasonable member of the public to influence the way in which a Member of the House of Lords discharges his or her parliamentary duties: in the case of registration, the Member’s parliamentary duties in general; in the case of declaration, his or her duties in respect of the particular matter under discussion. 

12. The test of relevant interest is therefore not whether a Member’s actions in Parliament will be influenced by the interest, but whether a reasonable member of the public might think that this might be the case. Relevant interests include both financial and non-financial interests. 

13. Members are responsible for ensuring that their registered interests are accurate and up-to-date. They should register any change in their relevant interests within one month of the change.”

Paragraphs 83 to 85 of the Guide to the Code of Conduct may also be particularly relevant. I further draw your attention to the seven general principles of conduct identified by the Committee on Standards in Public Life and incorporated into the Code of Conduct.

As you are currently suspended from the service of the House it is open to you, in reliance on paragraph 4(b) of the Code of Conduct, to decline to co-operate with an investigation of the above allegation until the suspension ends on 21 December 2016. However, as you might prefer to have the matter investigated now rather than have it delayed until after 21 December 2016, I am writing to seek your views.

If you are content for me to investigate the allegation now I invite you to respond in writing with a full and accurate account of the matter in question.

If you would prefer me not to investigate the matter until after you return to the House on 21 December 2016 I would be grateful if you could indicate as such.

If I do not hear from you I will not begin the investigation until after you return to the House.

From the point at which an investigation begins there is a requirement for all evidence and correspondence relating to the case to remain confidential unless and until it is published by the Committee for Privileges and Conduct. Also at that point a webpage on the parliamentary website will include basic information about the case, in accordance with paragraph 118 of the Guide.

**Appendix E: Letter from Lord Bhatia to the Commissioner for Standards, 26 July 2016**

I thank you for your letter of 29th June 2016, regarding the complaint received from Mr. Martin Williams, in respect of British Muslim Research Centre (BMRC).

I have investigated the matter internally from my past records and give hereunder the facts.

1. I resigned from BMRC at its board meeting on 14th May 2013 and the resignation was accepted. I attach a copy of the Board meeting for your ready reference.

2. Based on this resignation, I deleted my interest in the Register of Lords’ Interests.

3. As I was no longer on the Board of BMRC, it was for the remaining Trustees to have my name removed from the Companies House. Having resigned, I had no powers to deal with this matter.

4. On receipt of your letter, I have been in touch with the remaining Trustee of BMRC, Sir Iqbal Sacranie, OBE, who admitted that he overlooked this matter.

5. He has given me the attached letter dated 19th July 2016, which confirms that due to pressure of work and his overseas travels, his office did not write to the Companies House to remove my name as the director and trustee of BMRC.

6. He has now notified the Companies House about this matter on 20th July 2016. (See the attached notification.)

7. Mr Martin Williams did not make his complaint to me, as he should have para (108) of the Code of Conduct.

8. BMRC has been a dormant company since last few years and has no bank account.

9. In view of the above explanation, I request that you allow me to set the record straight as per para (128) of the Code of Conduct. And I apologise for this error.

I look forward to receiving your guidance in this matter.

_Minutes of the board meeting of the British Muslim Research Centre held on 14 May 2013 at 12.15 pm at 90 Long Acre, Covent Garden, London WC2E 9RA_

Present: Lord Bhatia, Sir Iqbal Sacranie

By invitation: Shabir Randeree

1. Lord Bhatia reported that BMRC has been dormant for the past 3–4 years as per the account. Copy of the last audited accounts of 30 September 2012 were circulated.
2. It was agreed that Lord Bhatia’s resignation from the Board of Trustees was accepted.

3. It was agreed that Shabir Randeree be invited to join the Board of Trustees of BMRC.

4. Lord Bhatia was praised and thanked for his work over the past 10 years.

5. Lord Bhatia confirmed that although he was not going to be a Trustee of BMRC, he will always be available to the Trustees of BMRC for any help and support that was requested.

6. It was agreed that the Memorandum and Articles of Association of BMRC may require to be amended and to that end, the Board will request Harris Bokhari to prepare the changes and obtain the necessary consent of the Companies House and Charity Commission.

7. It was also agreed that the Board will develop its work programme to reflect the current realities of the globalised world and the state of the Muslim community in the UK, Europe and internationally.

8. There being no other business, the meeting was closed at 3.30 pm.

Letter from Sir Iqbal Sacranie OBE to the Commissioner for Standards, 19 July 2016

This is to confirm that I, Sir Iqbal Sacranie, a trustee of BMRC confirm that Lord Bhatia resigned as a trustee of BMRC on 14th May 2013 as per copy of the minutes attached.

I confirm that because of pressure of work and my overseas travels, my office did not write to the Companies House and the Charity Commission to have his name removed as a director and trustee of BMRC. This should have been done immediately after Lord Bhatia’s resignation on 14.5.2013. I have today notified Companies House, and the Charity Commission, to remove Lord Bhatia’s name, as per Copy attached. I am also arranging to remove Lord Bhatia’s home address as the registered address of BMRC.

I also confirm that, I requested Lord Bhatia to sign the accounts of BMRC for the period 30th September 2014, on behalf of the Board, as the period covered 2013 to 2014 when he was a trustee. He did this because his resignation letter under para 5 said that he would be happy to help and support the Trustees of BMRC when that was requested.

The activities of BMRC have been dormant for the last few years and it has no bank account.

Confirmation notice from Companies House

Thank you for completing a submission for BRITISH MUSLIM RESEARCH CENTRE (BMRC) (02154005)

- (TM01) Termination of appointment of director

Your unique submission number is 040-412777

Please quote this number in any communications with Companies House.
We will email you within 2 working days to confirm acceptance or rejection of this filing.

Appendix F: Email from the clerk assisting the Commissioner for Standards to Lord Bhatia, 24 August 2016

Thank you again for your letter to the Commissioner for Standards. The Commissioner is currently considering it and the other attachments. She has asked me to seek clarification on one matter please.

The notice from Companies House confirming the termination of your appointment as a director of the British Muslim Research Centre (attached for ease of reference) states that the appointment terminated on 14 May 2015. In your letter to the Commissioner you said you resigned as a director on 14 May 2013; the same is recorded in the minutes of the board meeting of that date. Was it therefore a typo that the submission to Companies House confirming the termination gave the date as 14 May 2015, rather than 14 May 2013?

Appendix G: Letter from Lord Bhatia to the Commissioner for Standards, 1 September 2016

Thank you for your letter of 24th August 2016.

On receipt of your letter, I contacted Sir Iqbal Sacranie, who is the current Director and Chair of the British Muslim Research Centre (BMRC).

He had confirmed that it was an error and has given me the attached letter from the Auditor who filed my termination of Appointment in the Companies House.

I hope that this will be found satisfactory.

The hard copy is being posted to you today.

Letter from Jayson & Co. Chartered Certified Accountants, 26 August 2016

RE: BRITISH MUSLIM RESEARCH CENTRE (BMRC)—TERMINATION OF DIRECTOR—LORD AMIRALI BHATIA

We confirm that the above director was terminated on 14 May 2015 when it should have been 14 May 2013 as per his resignation letter. We are really sorry for any inconvenience caused.