



House of Commons  
Committee on  
Standards and Privileges

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**Guidance for Chairmen  
and Members of Select  
Committees**

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**Seventh Report of Session 2002–03**

*Report, together with formal minutes*

*Ordered by The House of Commons  
to be printed 18 November 2003*

## Committee on Standards and Privileges

The Committee on Standards and Privileges 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' 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

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)  
Ross Cranston QC MP (*Labour, Dudley North*)  
Mr Andrew Dismore MP (*Labour, Hendon*)  
Rt Hon Derek Foster MP (*Labour, Bishop Auckland*)  
Mr Michael Jabez Foster MP (*Labour, Hastings and Rye*)  
Mr David Heath CBE MP (*Liberal Democrat, Somerton and Frome*)  
Rt Hon Andrew Mackay MP (*Conservative, Bracknell*)  
Mr Kevin McNamara MP (*Labour, Hull North*)  
Richard Ottaway MP (*Conservative, Croydon South*)  
Mr Stephen Pound MP (*Labour, Ealing North*)

### 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

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: [www.parliament.uk/parliamentary\\_committees/standards\\_and\\_privileges.cfm](http://www.parliament.uk/parliamentary_committees/standards_and_privileges.cfm). A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are Dr Christopher Ward (Clerk), Ms Charlotte Littleboy (Second Clerk) and Lisa Hasell (Secretary).

### Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Committee Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

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# Guidance for Chairmen and Members of Select Committees

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1. In paragraph 16 of our Sixth Report, on Pay for Select Committee Chairmen (HC 1150), we suggested that, if chairmen were to be paid from public funds, there would be some outside activities arising primarily as a result of the chairmanship for which it would no longer be appropriate for them to receive payment. We put forward two principles that should inform chairmen's decisions on these matters, and recommended that these be endorsed by the House, if it decided to pay select committee chairmen. We also said that, in that eventuality, we would bring forward guidelines for its consideration on these and related matters.
2. When the House considered the matter on 30 October, it decided that certain select committee chairmen should be paid from the start of the next Session, and endorsed the two principles referred to above. In accordance with the undertaking in our Sixth Report, we have now formulated guidance for chairmen and members of select committees on avoidance of conflict of interest, the text of which is annexed to this Report. We commend this to the House.
3. As the concluding paragraph of the guidance states, we intend to keep its operation under review in the light of experience, drawing on the advice of the Parliamentary Commissioner for Standards and the Registrar of Members' Interests as appropriate. In the longer term, the House may wish to incorporate its substance into any revision of the Guide to the Rules.

# Annex: Avoidance of Conflict of Interest: Guidance for Chairmen and Members of Select Committees

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## Introduction

1. On 30 October 2003, when deciding that the chairmen of certain select committees should be paid from the start of the 2003–04 Parliamentary Session, the House approved the Sixth Report of the Committee on Standards and Privileges (HC 1150). In that report, made in the context of a recommendation from the Review Body on Senior Salaries that certain select committee chairmen should receive an extra payment of £12,500 per annum, the Committee considered whether such a decision should be accompanied by restrictions on the outside interests they might hold. The Committee saw no reason why it should but recognised that there would be certain such activities for which it would no longer be appropriate that the chairmen in question should be paid.
2. The House endorsed two principles set out in that report relating to circumstances in which it would not be right for those chairmen to accept payments for outside activities arising primarily as a result of their chairmanship. In its report, the Committee undertook to offer guidance on the practical application of those principles, and on related matters.
3. This note, which has been prepared in response to that undertaking, has been approved by the Committee, following advice from the Parliamentary Commissioner for Standards. It covers both the question of declaration of interests by select committee chairmen and the principles to be observed by chairmen when considering accepting payment for activities outside the House.

## Declaration of Interests in Select Committees

4. Present practice relating to declarations of interest in select committees, withdrawal from committee proceedings and procedures prior to the election of a chairman was approved by the House on 13 July 1992. It is based on a report by the then Select Committee on Members' Interests on the interests of Chairmen and Members of Select Committees (First Report from the Select Committee on Members' Interests, Session 1990–91 (HC 108)). The recommendations on procedures prior to the election of a chairman apply to all select committees except those of a “wholly procedural nature”.
5. The intention of the House was to ensure that, when the members of a select committee choose their chairman, they do so knowing his or her relevant interests. The presumption is that they will select a member whose effectiveness in that role will not be compromised by his or her outside interests.
6. The most common situation in which a committee needs to choose a chairman is when it first meets. Before then, or at that meeting, all members are required to declare their interests. They then proceed to choose a chairman. The fact that members have declared their interests is recorded in the Committee's Minutes of Proceedings. Besides registrable interests, members declare relevant non-registrable interests, pecuniary and non-

pecuniary. If it is necessary to choose a new chairman at any other time, the procedures used ensure that any prospective chairman's relevant interests are known to the committee.

7. Since 2001, details of individual members' declarations have also been published in full as an appendix to the relevant day's proceedings in the Committee's Minutes of Proceedings for the Session. In future, the Committee will also publish that day's Minutes of Proceedings separately, in the interests of transparency, as soon as practicable after the chairman has been chosen, and make them accessible through its website.

8. Given the broad scope of many departments' responsibilities, a chairman may occasionally find that he or she has a conflicting interest in relation to a specific inquiry. In such circumstances, if the difficulty cannot otherwise be resolved, the chairman stands aside from the inquiry.

9. If a chairman (or candidate for chairman) of a particular select committee has any questions about the application of this approach to his or her own circumstances, he or she should seek advice either through the Clerk of the committee in question or direct from the Registrar of Members' Interests. If necessary, the Registrar will consult the Parliamentary Commissioner for Standards about any particularly difficult or complex circumstances.

10. Declarations of interests ahead of the election of a chairman are in addition to, and not a substitute for, the requirement to declare at the appropriate times pecuniary (and, on occasion, non-pecuniary) interests that are relevant to specific inquiries and committee decisions. Such declarations are also formally recorded in the Minutes of Proceedings and, where appropriate, in the oral evidence. As with Chairmen's interests, the advice of the Registrar, and the Commissioner if necessary, is always available to Members on these matters.

## Implications of Payment for Select Committee Chairmen

11. The House accepted that the introduction of payment of select committee chairmen from public funds should not of itself lead to restrictions on chairmen's outside interests over and above those which already apply to all Members. However, it also accepted that limitations are appropriate on the circumstances in which chairmen should accept payment for an outside activity arising primarily from the chairmanship. The purpose of these limitations is to avoid any question of, or appearance of, any double payment—from both a chairman's salary and an outside interest. Nor should chairmen paid from public funds gain private benefit from work done, in whole or in part, with any assistance from public resources.

12. Limitations are only intended to apply where the outside activity in question arises primarily from the committee chairmanship. A pre-existing activity is in principle unlikely to fall within their scope, unless taken on in the expectation of assuming the chairmanship, or materially extended in scale thereafter. The limitations are not intended to catch anything done primarily in a personal or a constituency capacity, or where the committee chairmanship is incidental.

13. Furthermore, given that Members chosen as Select Committee chairmen tend to have been in the House for some time, there will undoubtedly be occasions when it is for this reason (rather than primarily because of their chairmanship) that they are invited, for

example, to appear on current affairs programmes. Provided that the rules which apply to all Members on the registration of income from media appearances are observed, they would not be expected in these circumstances to decline payment on account of their chairmanship.

14. The decision of the House means that it will not be appropriate for a chairman to accept payment (as distinct from reimbursement of expenses incurred) in respect of anything such as a talk, address, interview, article, book review, contribution to a book, or media appearance, etc, where the relevant invitation has been extended to the Member in his or her capacity as chairman of the select committee on X, or primarily because he or she is chairman of a select committee falling within the scope of the decision of the House of 30 October 2003. It will also not be appropriate for a chairman to accept payment for any outside activity in the preparation of which he or she has received substantial help from sources directly funded from the public purse, such as the Clerk or other staff of the Committee.

15. The key question a chairman should ask when weighing up whether payment is acceptable is “Had I not been chairman of the select committee on X, is it significantly less likely that I personally would have been asked to undertake this activity?” In formulating his or her response, a chairman is welcome to seek advice from the Registrar of Members’ Interests (Ms Alda Barry, extension 3277), who will if necessary consult the Parliamentary Commissioner for Standards.

16. The Committee on Standards and Privileges recognised that introducing the new restrictions in the course of a Parliament might cause difficulties for some chairmen. It therefore said that, as a transitional arrangement for the remainder of this Parliament, existing chairmen should have the option of electing either to receive payment from public funds, and accepting the restrictions set out above, or declining to receive payment, in which case their existing freedoms will remain unchanged. A chairman contemplating taking advantage of this transitional arrangement is also welcome to seek advice from the Registrar.

## Conclusion

17. The Committee on Standards and Privileges hopes that this advice will in particular be helpful to chairmen as they consider the implications of the House’s decisions on the payment of select committee chairmen. The Committee intends to keep the operation of this guidance under review in the light of experience, drawing on the advice of the Registrar of Members’ Interests and the Parliamentary Commissioner for Standards as appropriate.

# Formal minutes

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**Tuesday 18 November 2003**

Members present:

Sir George Young, in the Chair

Mr Andrew Dismore  
Mr Derek Foster  
Mr Michael Jabez Foster  
Mr David Heath

Mr Andrew Mackay  
Richard Ottaway  
Mr Stephen Pound

The Committee deliberated.

Draft Report [Guidance for Chairmen and Members of Select Committees], proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 3 read and agreed to.

Annex amended and agreed to.

*Resolved*, That the Report, as amended, be the Seventh Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.—(*The Chairman.*)

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[Adjourned till Tuesday 2 December at 9.30 am.]

# Reports from the Committee on Standards and Privileges in the current Parliament

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## Session 2002–03

First Special Report	Standards of Conduct: Letters from the Committee on Standards in Public Life	HC 516
First Report	Complaint against Mr Nigel Griffiths	HC 195
Second Report	Eighth Report of the Committee on Standards in Public Life: "Standards of Conduct in the House of Commons"	HC 403
Third Report	Complaints against Mr Michael Trend	HC 435
Fourth Report	Complaints against Mr Henry McLeish	HC 946
Fifth Report	Complaints against Mr Clive Betts	HC 947
Sixth Report	Pay for Select Committee Chairmen	HC 1150
Seventh Report	Guidance for Chairmen and Members of Select Committees	HC 1292

## Session 2001–02

First Report	Complaint against Mr Geoffrey Robinson: Supplementary Report	HC 297
Second Report	Complaint against Mr Roy Beggs	HC 319
Third Report	Complaint against Mr John Maxton	HC 320
Fourth Report	Restrictions on the Initiation of Parliamentary Proceedings: A Consultation Paper	HC 478
Fifth Report	Complaints against Mr Keith Vaz	HC 605–I&II
Sixth Report	Registration of Interests by Members who have not taken their seat	HC 624
Seventh Report	Complaints against Mr Nigel Griffiths	HC 625
Eighth Report	Complaints against Mr Archy Kirkwood	HC 755
Ninth Report	A new Code of Conduct and Guide to the Rules	HC 763
Tenth Report	Complaint against Mr Peter Brooke	HC 1147