

House of Commons

Committee on  
Standards and Privileges

**EIGHTH REPORT OF THE  
COMMITTEE ON  
STANDARDS IN PUBLIC  
LIFE: “STANDARDS OF  
CONDUCT IN THE HOUSE  
OF COMMONS”**



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Second Report of Session 2002–03

*Report, together with  
Proceedings of the Committee*

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## THE 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)  
 Mr Russell Brown MP (*Labour, Dumfries*)  
 Ross Cranston QC MP (*Labour, Dudley North*)  
 Mr Andrew Dismore MP (*Labour, Hendon*)  
 Mr Michael Jabez Foster DL MP (*Labour, Hastings and Rye*)  
 Mr David Heath CBE MP (*Liberal Democrat, Somerton and Frome*)  
 Mr Tom Levitt MP (*Labour, High Peak*)  
 Rt Hon Andrew Mackay MP (*Conservative, Bracknell*)  
 Mr Kevin McNamara MP (*Labour, Hull North*)  
 Richard Ottaway MP (*Conservative, Croydon South*)  
 Rt Hon Alan Williams MP (*Labour, Swansea West*)

The following were also members of the Committee during the Parliament:

Tony Baldry MP (*Conservative, Banbury*) (discharged 5 November 2001)  
 Mr David Chidgey MP (*Liberal Democrat, Eastleigh*) (discharged 5 November 2001)  
 Peter Bottomley MP (*Conservative, Worthing West*) (discharged 4 March 2002)

### 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.

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## TABLE OF CONTENTS

	<i>Page</i>
REPORT .....	5
ANNEX Observations on the specific Recommendations in the Eighth Report of the Committee on Standards in Public Life .....	7
Introduction .....	7
Establishing and promulgating standards .....	7
The role of the Parliamentary Commissioner for Standards in investigating complaints .....	9
The role of the Committee on Standards and Privileges in reaching a decision on a complaint .....	10
Strengthening the position of the Committee on Standards and Privileges .....	17
Strengthening the position of the Commissioner .....	21
PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT .....	25
LIST OF REPORTS FROM THE COMMITTEE IN THE PRESENT PARLIAMENT .....	26



## SECOND REPORT

**The Committee on Standards and Privileges has agreed to the following Report:**

### **EIGHTH REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE: “STANDARDS OF CONDUCT IN THE HOUSE OF COMMONS”**

1. The Eighth Report of the Committee on Standards in Public Life, currently chaired by Sir Nigel Wicks, entitled *Standards of Conduct in the House of Commons*, was published on 21 November.<sup>1</sup> The House will be grateful to that Committee for producing a constructive and helpful report. It will be for the House itself to decide on most of its recommendations, with the remainder falling to the Parliamentary Commissioner for Standards, or the House of Commons Commission and, in one case, the Government. In this report, we offer our own observations on the recommendations, to assist the House in coming to a view. As the Annex explains, we are content with the vast majority of recommendations and, in those areas where we differ, we suggest alternative means of reaching the same goal.

2. This report by the Committee on Standards in Public Life (referred to hereafter, in the context of this latest report, as the Wicks Committee) is its third in seven years to consider arrangements for regulating standards of conduct in the House of Commons.<sup>2</sup> It is encouraging that, after intensive examination, the Wicks Committee found that:

*‘... the fundamental structure of the current system for regulating standards of conduct in the House of Commons is sound’* (para 3.23).

We also welcome the recognition by its Chairman that the evidence presented to the Wicks Committee suggested that, following the publication of the Nolan Committee Report in 1995:

*‘real progress has been made in establishing and enforcing high standards of conduct’* (page iii).

3. It is also encouraging that, as regards the behaviour of individual Members, the Committee says:

*‘We endorse the view that standards in the House of Commons are generally high, and that the overwhelming majority of members seek to, and in practice do, uphold high standards of propriety’* (para 2.7).

4. We note that the report’s thinking is in many respects in line with the evidence given to it by our own Chairman and Members, and by the Parliamentary Commissioner for Standards (who has also played a full part in compiling these observations). In particular, the Wicks Committee’s emphasis on greater clarity and transparency in the regulatory process and on establishing a strong and visible culture of ethical compliance is very much in line with the approach which we and the Commissioner are taking to the responsibilities we discharge on behalf of the House. We welcome in particular the Wicks Committee’s recognition of the pivotal role of the Standards and Privileges Committee in effective standards arrangements and of the need for an effective partnership between the Committee and the Commissioner. It is just such a partnership that we are seeking to build, while recognising the Commissioner’s independence.

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<sup>1</sup> Eighth Report of the Committee on Standards in Public Life, Cm 5663.

<sup>2</sup> The two previous Reports were the Committee’s First Report, Cm 2850 (May 1995) and its Sixth Report, Cm 4557 (January 2000). These are referred to in this Report as the Nolan Committee Report and the Neill Committee Report, respectively.

5. The Wicks Committee rightly recognises that the system for regulating standards of conduct must be consistent with constitutional principles, including the need to ensure that Parliament remains free to regulate its own affairs without executive or judicial interference.<sup>3</sup> This collection of related rights and immunities is essential if Parliament is to be able effectively to discharge its responsibilities as the nation's legislature on behalf of the people; the Joint Committee on Parliamentary Privilege asserted as 'axiomatic' the inclusion of the responsibility of each House for disciplining its own members.<sup>4</sup> We therefore also welcome the Wicks Committee's recognition that internal mechanisms of the House, such as its Standing Orders, should be the principal means of implementing its proposals.<sup>5</sup>

6. As the Wicks Committee also recognises, the system of standards regulation operated by the House has to be able to meet the twin objectives of:

- delivering public confidence in the House of Commons and its Members; and
- carrying the confidence of the House itself.

It makes a number of recommendations designed, in its view, to buttress confidence in both these respects. We share entirely the Committee's wish to ensure that the arrangements for standards regulation in the House carry the confidence of both public and Members, and have framed our advice to the House accordingly.

7. As in the case of the Neill Committee Report in 2000, a major concern of the Wicks Committee has been aspects of the handling of serious, contested cases and, in particular, ensuring that the procedures are fair to an accused Member. Although such cases have historically been and remain rare, we recognise, like the Wicks Committee, the intense public interest they create. Our predecessors were unable to accept the proposals put forward in that report on this point.<sup>6</sup> We note that the proposals now put forward by the Wicks Committee for handling such cases are designed to meet a number of their objections.<sup>7</sup>

8. We share the view<sup>8</sup> of the Wicks Committee, and many who contributed to its inquiry, that the system of regulation in the House of Commons should demonstrate the following characteristics:

- an independent or an external element, or both;
- clarity and transparency;
- the right cultural outlook;
- fairness to those being regulated; and
- the responsibility of leadership.

We believe that, in large measure, the system does so already. Our detailed advice to the House on the Wicks Committee recommendations which follows is aimed at reinforcing those characteristics, although on occasion we differ in a few respects from that Committee on precisely how this might best be done.

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<sup>3</sup> For a detailed summary of Parliament's powers in this respect, see the Report of the Joint Committee on Parliamentary Privilege, Session 1998–99, HC 214–I, paras 229 to 261.

<sup>4</sup> *Ibid*, para 275.

<sup>5</sup> Paras 8.60 to 8.66.

<sup>6</sup> Fifth Report of the Committee on Standards and Privileges, Session 2000–01, HC 267, p xvi–xxi.

<sup>7</sup> Para 6.27.

<sup>8</sup> Para 2.43.

## ANNEX

### Observations of the specific Recommendations made in the Eighth Report of the Committee on Standards in Public Life

#### Introduction

1. The Wicks Committee made twenty-seven specific recommendations grouped under five headings. In this Annex, we set out our views on each of these Recommendations, grouped under the same headings as those used in its report.

#### Establishing and promulgating standards

2. The Wicks Committee commented, and we agree, that whatever the mechanism and procedures for enforcing systems of regulation, these are likely to fail if the 'culture' of the public institution does not support the highest standards of propriety. It saw three key aspects to maintaining the culture, namely:

- a clear statement of the expected values;
- effective promulgation of those values through education and training to ensure that they inform and influence the attitudes and beliefs of Members; and
- having processes in place which demonstrate those values.

It made three specific recommendations aimed at contributing to this.

- R1** (a) *In each Parliament, the Parliamentary Commissioner for Standards should initiate a review of the Code of Conduct and Guide to the Rules.*
- (b) *The Parliamentary Commissioner for Standards should recommend any amendments to the Code and the Guide to the Committee on Standards and Privileges.*
- (c) *The Committee on Standards and Privileges should consult on amendments to the Code and the Guide with relevant external bodies.*
- (d) *Following this consultation, the Committee on Standards and Privileges should recommend any amendments to the Code and the Guide to the House.*
- (e) *The House of Commons should debate the recommendations of the Committee on Standards and Privileges in a timely fashion.*

3. We agree that it would be sensible for the Code of Conduct and Guide to the Rules to be reviewed once in each Parliament. The timing of such reviews will need to be carefully considered and, on practical grounds, the first Register of a new Parliament will need to be produced on the basis of the Code and Guide as they stood at the end of the previous Parliament.

4. The Guide to the Rules has already been revised in the present Parliament. The House approved the new Guide on 14 May 2002 and a completely new Register of Members' Interests, reflecting the extensive revisions made in the new Guide, was published on 5

December 2002. The Commissioner expects to initiate a review of the Code later this year, the outcome of which will be considered by us.

5. The proposals in paragraphs (b) and (d) of the recommendation on the procedure for amending the Code and the Guide reflect current practice. We shall continue to propose amendments based on our experience of operating the Code and the Guide. These arrangements have the benefit of emphasising the House's ultimate responsibility for, and ownership of the text of, both documents.

6. We agree that consultation has an important part to play in the process of amendment of the Code and the Guide. Our predecessors published, in July 2000,<sup>9</sup> proposals for consultation on changes to the Rules and the comments on them of the Committee on Standards in Public Life, and others, informed that Committee's revised proposals, published in March 2001.<sup>10</sup> We consulted in December 2001 on proposals for change in the restrictions on Members initiating Parliamentary proceedings.<sup>11</sup> The new Code of Conduct and Guide to the Rules, agreed by the House in May 2002, reflected the results of both our own and our predecessor's extensive consultations.

7. As regards the forthcoming review of the Code, we envisage consultation with relevant bodies, which would include certain professional bodies and the Wicks Committee, both before the Commissioner prepares proposals to put to us and on the text of a revised draft Code before that is considered by the House.

8. We agree with the conclusion in paragraph (e) of the recommendation. While it would be a matter for the Government to decide on the timing of any debate alongside other business priorities, we are confident they will recognise that undue delay would be in no one's interest.

**R2** *The Parliamentary Commissioner for Standards should periodically review, in conjunction with the House authorities and the Whips, the effectiveness of the provision for training and guidance on standards of conduct.*

9. The thrust of this recommendation is entirely in line with the emphasis both we and the Commissioner wish to put on preventing problems by helping Members better understand what is expected of them. We have asked the Commissioner to consult with interested parties and to bring proposals for a training strategy to us later this year.

**R3** *The Parliamentary Commissioner for Standards should ensure that there are effective means in place to inform all MPs of changes to the Code or Guide.*

10. Following the agreement by the House to the revised Code and Guide, the Commissioner arranged workshops and other briefing material to inform Members of the latest revisions to the Guide to the Rules and plans further advisory material, including regular update sheets informing Members of relevant rulings by the Committee and other developments. This will be distributed to all Members. We envisage that the Commissioner would take similar steps to ensure that Members were kept abreast of any future changes the House makes to the Code or the Rules.

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<sup>9</sup> Fifteenth Report, Session 1999–2000, HC 710.

<sup>10</sup> Fifth Report, Session 2000–01, HC 267.

<sup>11</sup> Fourth Report, Session 2001–02, HC 478.

## The role of the Parliamentary Commissioner for Standards in investigating complaints

11. The Wicks Committee recognised that, however strong the ethical culture in the House, there will from time to time be lapses, or allegations of lapses. It also recognised that, although investigation of allegations of breaches of the Code is only one part of the Commissioner's role, it is, nonetheless, the most public aspect. It made six specific recommendations on the Commissioner's role.

**R4** *It should be made clear that it is the responsibility of the Parliamentary Commissioner for Standards to notify the MP at the earliest possible stage of each relevant part of the Code of Conduct which it is alleged has been breached.*

12. It is right that any Member who is the subject of a complaint should be aware at the earliest possible stage of the provisions of the Code or Guide of which he or she is alleged to be in breach. The Commissioner already seeks to ensure this, but for the avoidance of doubt a statement to this effect has been included in the guidance notes on procedure which are being published, with our approval, by the Commissioner, and copies circulated to all Members.

**R5** *It should be an explicit requirement of the Code of Conduct that Members must co-operate with any investigation, at all stages.*

13. Both we and the House have previously made clear through our decisions in individual cases that we expect Members to cooperate with an investigation by the Commissioner. The duties and rights of Members are clarified in the procedural guidance notes mentioned above. However, we accept that there is a case for an explicit statement about the expectation of cooperation to be included in the Code. We shall consider this further in the course of the review of the Code which will start later this year. In the meantime, we emphasise that Members are under such an expectation, and that we shall take a serious view of any failure to do so without reasonable cause.

**R6** *It should be an explicit requirement of the Ministerial Code that Members who are Ministers must co-operate with any investigation, at all stages.*

14. This is a matter for the Prime Minister, but we consider that it would be appropriate to mirror in the Ministerial Code the current expectations of co-operation, and any formal provision to this effect which may be introduced into the Code of Conduct for Members.

**R7** *The Guide to the Rules should be amended to set out clearly the means by which the Committee on Standards and Privileges would deal with frivolous or vexatious complaints.*

15. We agree that it would be sensible to codify the Committee's practice in this respect. We are in the process of preparing a practice note, which we will make known, when approved, both to Members and more widely. We will consider incorporating the

description of our practice in the Guide to the Rules when this is next reviewed, probably in the next Parliament.

**R8** *It should be made clear that the role of the Commissioner as an investigator is to report the facts as he/she has found them and, wherever possible, offer his/her own conclusion on whether the Code has been breached.*

16. The procedural guidance notes referred to earlier make clear that the role of the Commissioner as an investigator is to report the facts as he has found them, which he will have shared with the Member before reporting them to the Committee, and his opinion as to whether, on the basis of these, the Code has been breached. When the Guide to the Rules is next reviewed, we shall consider the inclusion of a specific statement on the role of the Commissioner in a full investigation.

**R9** *The role of the Commissioner in the rectification procedure should be set out clearly.*

17. The nature of the rectification procedure<sup>12</sup> is clarified in the procedural guidance notes. These also make clear the Commissioner's role in the rectification procedure. We agree with the Wicks Committee that it would make sense to amend Standing Order No. 150 to make explicit the Commissioner's role in relation to the rectification procedure.

### **The role of the Committee on Standards and Privileges in reaching a decision on a complaint**

18. As the Wicks Committee noted, our role lies at the heart of the self-regulatory process. It emphasises the central part we must play in establishing the culture of ethical behaviour; the potential impact of our decisions on Members' careers; and our pivotal role, through making clear, consistent and impartial decisions, in securing public confidence in the self-regulatory process. It makes five specific recommendations.

**R10** *The role of the Committee on Standards and Privileges should be set out fully.*

19. The Wicks Committee comments that Standing Order No. 149, as presently drafted, does not give a full picture of the Committee's responsibilities in practice, or of the processes involved in achieving those responsibilities. It considers that the process would be clarified if the role of the Committee was fully set out. The procedural guidance notes referred to above provide some amplification of the Committee's role and operating functions.

20. Standing Order No. 149 may well require amendment in the light of the response of the House of this and other recommendations of the Wicks Committee. We accept that there is merit in the Committee's role being as fully understood as possible and will therefore see what further steps we can take ourselves to improve understanding of our role, both inside and outside the House.

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<sup>12</sup> For a summary of the circumstances in which the rectification procedure is appropriate, and the Commissioner's part in it, see the Committee's Ninth Report, Session 2001–02, HC 763, paras 37 to 39.

**R11** *The Committee should be required to set out in full the reasons for its decisions.*

21. We agree that the reasons for our decisions should be clear from our reports. In this context, we note that the Wicks Committee also recognised that “a simple endorsement of the Commissioner’s decision may be all that is needed in circumstances where the Committee is in complete agreement with the Commissioner’s reasons for that decision”. Where necessary, we shall set out fully and clearly the reasons for our decisions, particularly where there is a difference of view between ourselves and the Commissioner. We note that the Wicks Committee accepts that a difference of view between ourselves and the Commissioner about a particular case is, in principle, entirely legitimate. We agree that it is important for public confidence that any such difference is properly explained, and the reasons for it made clear.

22. Both our predecessors and ourselves have always sought to report our conclusions to the House as speedily as possible after receiving the Commissioner’s report. We believe that it is important that the period of uncertainty for a Member under investigation is kept as short as possible, consistent with the over-riding requirements of fairness and thoroughness.

**R12** (a) *The House should establish an Investigatory Panel to handle serious, contested cases.*

(b) *The Investigatory Panel should comprise an independent legal Chair from outside the House and two MPs of substantial seniority drawn from different parties and who are not members of the Committee on Standards and Privileges.*

(c) *The Chair of the Investigatory Panel and the pool of MPs from which the two other Panel members will be drawn should be identified at the beginning of each Parliament.*

(d) *The Committee on Standards and Privileges should refer to the Investigatory Panel any cases involving disputed and significant issues of fact where the Member would face a serious penalty in the event of the complaint being found to be proved.*

(e) *An MP whose case is being considered by the Panel should have the right (i) to call and examine witnesses and (ii) to receive reasonable financial assistance for legal advice and representation.*

(f) *The Investigatory Panel should be able to appoint Counsel who could cross-examine witnesses.*

(g) *The Investigatory Panel should reach decisions by a majority.*

(h) *The Investigatory Panel should report its findings on the facts that it has identified and its own conclusion on whether the Code has been breached to the Committee on Standards and Privileges.*

.../

- (i) *It should be for the Committee on Standards and Privileges to decide whether there has been a breach of the Code, taking account of the findings of the Investigatory Panel.*
- (j) *The findings of the Investigatory Panel should be published as an appendix to the report of the Committee on Standards and Privileges.*

23. The Wicks Committee recommends that the House should have available the option of use of an Investigatory Panel for certain serious cases, where the facts are contested. This recommendation is designed to address what it perceived as deficiencies in the present arrangements for handling such cases, and its concerns that the Committee should be properly equipped to deal with cases where it hears evidence. Such concerns had previously been identified in the Neill Committee Report,<sup>13</sup> and the current proposal is a modification of the solution recommended there, designed to reinforce the centrality of this Committee's role in the self-regulatory process.

24. The Joint Committee on Parliamentary Privilege, chaired by Lord Nicholls of Birkenhead, also considered the issues of procedural fairness<sup>14</sup> and set out what it considered to be the minimum criteria. By implication, the Joint Committee felt that some strengthening of existing procedures was needed.

25. The particular concerns identified by the Wicks Committee in the context of this recommendation were this Committee's ability to apply fairness, and its ability, as a Committee of eleven, to operate effectively as an evidence gathering body. The Wicks Committee was critical of the failure of the present procedures, conceded by our Chairman in his evidence, to meet all six minimum requirements for fairness for particularly serious cases set out in the report of the Joint Committee on Parliamentary Privilege. The two areas where the current arrangements are considered to fall short are the ability of the Member concerned to cross-examine witnesses and to call witnesses. We would, however, point out that, as the procedural guidance notes make clear, a Member already has the right to draw the availability of particular witnesses or sources of evidence to the attention of the Commissioner and to invite the Commissioner to pursue particular lines of questioning.

26. The Wicks Committee implicitly agreed that the fairness which the addition of the Investigatory Panel would add to the present system, coupled with the need to retain a self-regulatory structure, meant that it did not need also to recommend a formal appeal structure, a change from the position in the Neill Committee Report.

27. The proposal for an Investigatory Panel is designed to deal with cases (expected to arise only infrequently) which, in the opinion of the Standards and Privileges Committee, meet both the following criteria:

- proof of the complaint would be likely to lead to the imposition of a serious penalty on the Member; and
- there appeared to be significant contested issues of fact which would not properly be decided unless the Member was given the opportunity to call witnesses and/or to cross-examine witnesses supporting the complaint.

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<sup>13</sup> Cm 4557, paras 3.27 to 3.45.

<sup>14</sup> HC 214-I, (1998–99) paras 280 to 292.

28. In such cases, the Panel would, under the Wicks Committee proposals, in effect supersede the Commissioner in making a report to the Standards and Privileges Committee on the facts that it had identified, and would also report its own conclusion on whether the Code had been breached (for which purpose it would by implication form its own view as to the relevant standard of proof to be applied). In recommending that the Panel should have an independent legal chairman, the Wicks Committee may well also have wished to strengthen the independent element in the complaints process.

29. We have given very careful consideration to this recommendation. We recognise the force of the arguments that have led the Wicks Committee to make it, but consider that it poses a fundamental difficulty. It would mean that the Commissioner, who in all other cases has the prime responsibility for establishing the facts, and expressing an opinion on whether these point to a breach of the Code, would have no responsibility for the final investigative stages of the most serious cases and no opportunity to express an opinion on whether these point to a breach of the Code.

30. We do not believe that the recommendation will advance the Wicks Committee's aim of providing "a clear framework within which the Commissioner can discharge [his] functions with authority, working with the Committee on Standards and Privileges within the overall process of upholding and maintaining high ethical standards."<sup>15</sup> We consider that the underlying objectives of this recommendation, which we share, can be met better in another way. We discuss below in paragraphs 32 to 42 ways in which these might more effectively be achieved.

31. We have therefore sought to find other mechanisms for handling cases meeting the criteria set out above which meet the shortcomings identified by the Wicks Committee and by the Joint Committee on Parliamentary Privilege, but retain the central role of the Commissioner at all stages of the investigative process.

32. One option we have considered is that we should set up *ad hoc* investigative sub-committees to deal with such cases. We envisaged that such a sub-committee would consist of three members. The Chairman, appointed by the Committee, would not be drawn from the party to which the Member belonged who was the subject of the complaint. The quorum would be three, thus ensuring that all Members were present throughout the proceedings.

33. The function of the Sub-Committee would be to establish the facts. It would also express an opinion to the Committee as to whether, in the light of its conclusions on the facts, it considered the Code had been breached. It would be assisted by a legally qualified specialist adviser. Such an adviser might be drawn from the legal advice panel the Committee is minded to propose, or be someone proposed by that panel, or by Speaker's Counsel. The adviser might be a retired judge. The Member would have the same right to legal assistance as at present.

34. The Member could be heard in person; would have the opportunity to call relevant witnesses; to examine other witnesses; and would be entitled to be present throughout the taking of the evidence. The Sub-Committee would have the final say on which witnesses were called, and might be required to include in its report to the Committee a statement of the reasons if it declined to hear any proposed witness.

35. The Sub-Committee would start from the basis of the Commissioner's report. The Commissioner would be entitled to be present throughout the proceedings and would explain his report as necessary. He would have the right to bring forward witnesses to support any aspects of his report which were challenged by the Member. The

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<sup>15</sup> Para 8.5.

Commissioner would be able to examine the Member, if he was heard in person, and to examine any witnesses called.

36. Although such an option would meet many of the points set out above, we do not favour it, not least because the members of the sub-committee could not properly play any part in the Committee's proceedings as it sought to reach a conclusion on whether there had been a breach of the provisions of the Code of Conduct. We attach importance to all members of the Committee being involved in such decisions. This option also fails to provide a natural opportunity for the Commissioner to express an opinion on the facts.

37. We have therefore considered a further option, under which the responsibility for establishing the facts in such cases would remain with the Commissioner, assisted by a legally-qualified assessor of seniority and standing, who might be a retired judge, and a senior Member of the House.

38. In such cases, the Commissioner would prepare his report on the facts as at present unless, having first sought all available avenues for resolving factual disagreements with the Member, areas remained in dispute. In that eventuality, the Commissioner would invoke the procedure set out below if he was satisfied that the case met both the prescribed tests, and would report to the Committee that he was doing so. The present practice of the Commissioner of sharing his factual analysis with the Member before coming to a view as to whether the complaint was substantiated would continue and it would be open to the Member, at this stage, to inform the Commissioner that he disputed some of the facts, to identify these and to request that the same procedure was invoked. If the Commissioner did not agree that the case merited referral, the matter could be referred to the Committee for decision. It would also be open to the Committee to invoke the procedure if it considered that the prescribed tests were met, whether or not the Commissioner or the Member under investigation had sought this course of action.

39. For the purpose of resolving the factual disputes, we propose a panel of the Commissioner with two assessors, who would advise the Commissioner but have no responsibility for the findings. One would be a legal assessor, who would advise the Commissioner on legal matters, and the other would be a senior Member of the House, who would advise on parliamentary matters. The legal assessor would report to the Committee that he was satisfied that the Commissioner had followed proper procedures. The assessor Member would also have the right to report to the Committee.

40. The Member under investigation could be heard in person; would have the opportunity to call relevant witnesses; and to examine other witnesses. That Member would be entitled to legal advice and help as at present, and to be present throughout the taking of evidence, of which a verbatim record would be taken.

41. At the conclusion of the proceedings, the Commissioner would prepare a report (or further report) setting out the facts of the case as now established and expressing an opinion<sup>16</sup> on whether the Code had been breached. The Member would have the option to be heard by the Committee, but only in the most exceptional circumstances would new evidence be permitted.<sup>17</sup> The Committee would then come to a decision, based on the facts as revealed in the Commissioner's report or reports, on whether the Code had been breached, and recommend any penalty to the House. The Commissioner's reports, together with all the evidence taken, would be appended to the Committee's report to the House, together with the report of the legal assessor and any report of the assessor Member.

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<sup>16</sup> In a case where referral was at the Committee's initiative, he would (having already expressed an opinion) present a revised opinion.

<sup>17</sup> This would parallel the recommendation of the Neill Committee in respect of its proposed appeal procedure (Cm 4557-I, para 3.49).

42. We prefer this option because the determination of the facts remains with the Commissioner, as in all other cases. It would strengthen the role of the Commissioner, in the current arrangement, as the independent investigator of the facts. We believe that this procedure would meet the Joint Committee on Parliamentary Privilege's six minimum requirements for fairness in handling serious cases. It would also mean that all members of the Committee could be involved in the crucial judgement of whether the facts as revealed in the Commissioner's report pointed to a breach of the Code of Conduct by the Member concerned.

**R13** (a) *The Investigatory Panel and the Committee on Standards and Privileges, where it takes evidence, should take evidence in public.*

(b) *The proceedings of the Investigatory Panel and the Committee on Standards and Privileges should not be broadcast.*

43. We agree with the Wicks Committee that clarity and transparency are essential characteristics of an effective system of self-regulation. Whether that requires the Committee (and the Investigatory Panel—if the House chooses to follow Recommendation 12 of the Wicks Committee—or the panel we propose in paragraph 39) to take evidence in public is, in our view, a difficult question.

44. We note that the recommendation is cast in terms which would absolutely require the Committee, or Investigatory Panel, when it took evidence, to do so in public; they would have no discretion in the matter. No other Select Committee is required, by Standing Orders, to take its evidence in public, an obligation which, once imposed, could only be varied, generally or in specific cases, by Order of the House. We can envisage circumstances—for example, where a witness is too fearful to appear in public—in which it would not be sensible for the Committee to be under such an absolute obligation. Such circumstances are inherently more likely to arise in serious cases where the evidence is contested. We are therefore of the view that, were the House to think it appropriate for us generally to take evidence in public, we should retain the discretion not to do so where we judge that to be in the better interests of the proper conduct of our inquiries.

45. We accept that the facility to take evidence in public should continue to be open to us, but we do not favour doing so as a general rule in standards cases. While public hearings would counter the perception that Members are judging other Members behind closed doors, even if proceedings are not broadcast there are a number of significant potential disadvantages to taking evidence in public. The presence of the media would risk converting what is presently a forensic investigative exercise aimed at discovering the facts into a public relations event. It might also prolong proceedings and encourage them to become unduly legalistic and adversarial in character. Unlike court proceedings, there is always scope for unforeseen issues and allegations to arise in the course of a session, not least because witnesses are free to make allegations. Some witnesses may indeed welcome the opportunity to pursue their own agenda publicly under protection of absolute privilege, with a concomitant risk of its abuse. There is also the Member's entitlement to reasonable privacy to be considered.

46. If the Committee's proceedings take place in private, the detriment suffered if the person is made the subject of unforeseen allegations, or irrelevant personal material is disclosed, is arguably not great, as an opportunity can be given to correct or amplify the evidence, and the response seen in the overall context of the Committee's work. If the proceedings are in public, there is a risk that any subsequent correction will not necessarily attract the same attention as the original proceedings. Prejudice suffered as a result of a public hearing is not necessarily capable of remedy and there may also be a risk that the

work of the Committee is misrepresented. The aim of enhancing the fairness of the procedure to the Member the subject of complaint is not necessarily advanced by taking evidence in public.

47. We would therefore prefer to leave the formal position, and the Committee's present practice, unchanged under which it normally takes evidence (as well as deliberating) in private when considering matters relating to the conduct of Members. We welcome the Wicks Committee's support for continuation of our discretionary power to refuse to allow any public evidence sessions to be broadcast.

**R14** *The House should take steps to introduce additional financial penalties without suspension as a sanction for breach of the Code of Conduct.*

48. The House has at its disposal a range of penalties which it can impose on Members and others found to have committed a contempt. At one extreme, the House has power to imprison until the end of the current Parliamentary session (a power not used in recent times), and to expel a Member. Serious contempts may also be punished by suspension or admonishment, or both.<sup>18</sup> In lesser cases involving breaches of the Code of Conduct, Members have been required by the Committee on Standards and Privileges to apologise to the House.

49. The Joint Committee on Parliamentary Privilege noted that the House used to have power to fine, but considered that this should be regarded as lapsed.<sup>19</sup> It also noted that the principle of imposing a financial penalty on Members had been established by the Standing Order provision that the salary of a Member suspended from the service of the House is withheld for the duration of the suspension. The Joint Committee believed that empowering the House to impose a financial penalty when suspension is undesirable or inadequate (for instance, as a Parliament draws to an end) "would be, in principle, a modest and sensible addition to the range of disciplinary powers available to the House".<sup>20</sup> It therefore recommended that the House have power to fine Members. As the Wicks Committee notes, the introduction of legislation to enable the House to impose fines with statutory authority was recommended by the Privileges Committee in 1967. A similar recommendation was made in 1977.

50. We note that a number of leading professional bodies already have the power to impose a financial penalty as a disciplinary measure. The introduction of a similar sanction in respect of Members would mean that a financial penalty could be imposed without depriving constituents of representation. The Wicks Committee agreed that there would be "strong advantage" in having available the option of imposing additional financial penalties without suspension on a Member who has breached the Code. We recommend that the House should have an additional power, on a recommendation from this Committee, to impose a separate penalty of withholding salary for a specified period on a Member found to have breached the Code. If legislation is required, we look to the Government to introduce it.

51. A related power that would broaden further the range of sanctions at the disposal of the House to punish breaches of the Code would be a power for it to require, on the recommendation of the Standards and Privileges Committee, Members to meet, or make a contribution to, the costs of an inquiry into an alleged breach of the Code. Such a power

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<sup>18</sup> For a discussion of the disciplinary and penal powers of the House, and their application to Members, see the Report of the Joint Committee on Parliamentary Privilege, Session 1998–99, HC 214–I, paras 271 to 279.

<sup>19</sup> *Ibid*, para 272.

<sup>20</sup> *Ibid*, para 277.

might be particularly appropriate where a Member has failed to co-operate adequately with the Commissioner or the Committee, and has thus extended an inquiry unnecessarily.

### **Strengthening the position of the Committee on Standards and Privileges**

52. The Wicks Committee considered whether our composition is seen to affect our work or condition the public perception of our work. In particular, it heard concerns that we are, or may be perceived to be, overly sensitive to improper interests and pressures, and whether it was realistic to rely on us to operate as Committee members first and foremost, regardless of party political affiliation. It made five specific recommendations.

53. We are acutely aware that, for self-regulation to be effective, we as a Committee must be resistant to improper interests and pressures, and put aside all questions of party political affiliation in reaching our decisions. We believe that we do so and the fact that there have been Divisions in the course of our consideration on just two of the Committee's 63 reports involving complaints about breaches of the Code by Members (and also of our total of 84 reports since the Committee came into existence) is ample testimony to this. We recognise, though, that the question of public perception of our independence is central to ensuring public confidence in the House of Commons and its Members. The public perception of the reality is, in this context, as significant as the reality itself.

**R15** *No one party should hold an overall majority membership of the Committee on Standards and Privileges.*

54. It has been the general practice of the House, for many years, broadly to reflect the overall party composition of the House in the membership of Select Committees. This Committee has been no exception; our total membership of eleven is currently divided into seven Labour Members, three Conservative and one Liberal Democrat, and we do not believe that considerations related to party affiliation have intruded into any of our decisions. All Members of the Committee recognise that confidence, both inside and outside the House, in the system of regulation of Members' conduct rests on us reaching our decisions impartially on the basis of the facts as adduced by the Commissioner, and on a consistent basis, irrespective of the party or status of the Member whose conduct has been the subject of complaint. We believe that this is abundantly demonstrated by the very high proportion of cases since the Committee's inception where there has been complete unanimity. It is now underpinned by the fact that our chairman is drawn from the ranks of the Opposition.

55. Nonetheless the fact is that, in the current Parliament, as in the last, the Government has a substantial majority on the Committee. We recognise that this may lead to a perception that the Committee's findings could be inappropriately open to Government influence. As the Wicks Committee puts it;

*“the Committee on Standards and Privileges should be seen as one of the most important committees of the House, fulfilling a unique and highly valuable role in sustaining the reputation of the House” (para 7.16).*

This leads the Wicks Committee to suggest that the politically impartial nature of the Standards and Privileges Committee should be made clear. Its recommendation that no one party should hold an overall majority membership on the Committee is designed to achieve this.

56. Altering the current party balance of the Committee would represent a departure from normal practice regarding the composition of Select Committees. There are, however,

precedents of other parliamentary bodies, such as the House of Commons Commission and the Speaker's Committee<sup>21</sup> where no single party has a majority of the membership.

57. Although we would reject the assertion that our composition colours our decisions, we believe that our unique role as a quasi-judicial body, and the responsibility that we discharge equally on behalf of every Member of the House, would justify our composition being different if that improved Members' or public confidence in the regulatory process. We note that there are precedents in other legislatures that would support taking such a step: for example, the Standards Committees in both Houses of the US Congress are composed of equal numbers of Republican and Democrat members.

58. If the House decides that there is a case for changing the composition of the Committee, we recommend that it should consist of 10 rather than the current 11 Members, of whom five would come from the governing party and five from the Opposition parties. We further recommend that the quorum of the Committee should, in that eventuality, remain at five. A balanced composition would also have the advantage that a large shift in the composition of the House, such as that which occurred following the 1997 General Election, would not necessarily lead to the need for a similarly large change in membership, and consequent loss of experience on the Committee.

59. If changes in the Committee's composition were to be agreed in line with this or succeeding recommendations, we believe that they should be implemented gradually, so as to prevent over-rapid changes, with consequential loss of expertise, and to take into account any inquiries in progress.

**R16** *The Committee on Standards and Privileges should be composed of a majority of members with senior standing in the House. The Chairman should continue to be drawn from the Opposition parties. The inclusion of any recently elected Members should be based on their having relevant experience outside the House which would contribute to the work of the Committee.*

60. We believe that the qualification for membership of the Committee should be ability to make a meaningful contribution to its proceedings. We agree with the Wicks Committee that the Committee's members should command the respect of the whole House. We believe that the present composition does indeed do so. While we recognise that substantial experience in the House may provide many of the attributes needed for membership of the Committee, it will not necessarily do so and, conversely, a member of limited experience in the House may well possess them. We would also be wary of seeking to create a category of 'Members with senior standing in the House', given the difficulty of forming criteria for inclusion.

61. The composition of the Committee is a matter for the House, in the light of proposals put forward by the various parties and encapsulated in a Government motion. The House will undoubtedly wish to nominate Members in whom it collectively has confidence and in whom it believes the public will have confidence, and to consider the recommendation in that context.

62. We support the recommendation that the Chairman of the Committee should continue to be drawn from the Opposition parties. This relatively recent innovation has been widely welcomed, and we share the view that the practice should continue, to enhance confidence in the Committee's independence. At present it rests on inter-party

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<sup>21</sup> Established under section 2 of the Political Parties, Elections and Referendums Act 2000.

understandings: we recommend that in future it should be provided for, preferably by amendment of Standing Order No. 149.

**R17** *Parliamentary Private Secretaries should be excluded from membership of the Committee on Standards and Privileges and from membership of the Investigatory Panel.*

63. In making this recommendation, the Wicks Committee underlines that no personal criticism of those Parliamentary Private Secretaries who have been or are currently members of the Standards and Privileges Committee is intended. We welcome this assurance, and would add that, from our own experience, we have no evidence of Parliamentary Private Secretaries being used as a route through which to bring pressure from the Government to bear on the work of the Committee. All three of our present Parliamentary Private Secretary members make a valuable personal contribution to our work.

64. As the Wicks Committee implicitly accepts, there is no general presumption against Parliamentary Private Secretaries serving on select committees. Indeed, one select committee is chaired by a Parliamentary Private Secretary, and the practice of the Committee of Selection in not nominating Parliamentary Private Secretaries to departmental select committees is followed only to the extent that circumstances permit.<sup>22</sup>

65. Nevertheless, we encounter again here the distinction between reality and perception. There is little doubt that so long as Private Parliamentary Secretaries are members of the Committee, there is scope for its composition to be open to challenge on the grounds that they may themselves be open to Government pressure or be a means of bringing inappropriate pressure to bear on others. The impartiality of the Committee may thus be called into question.<sup>23</sup>

66. We have therefore concluded, with some reluctance, that there is a case for the House to accept this recommendation. Responsibility for implementing it would rest, under present procedure, with those bringing forward nominations for the House's approval. If this recommendation is accepted, it would need (as with recommendation 15) to be implemented gradually, with a proper regard to the need to maintain an appropriate degree of continuity in the Committee's membership.

**R18** *The Committee should appoint an outside legal adviser in order to assist it with its work on a regular basis.*

67. The Standards and Privileges Committee has made *ad hoc* use of a legal adviser in at least one previous case and, like other Select Committees, we are able to appoint specialist advisers for particular purposes. The Wicks Committee suggests that we should go further and appoint a permanent outside legal adviser to assist our work.

68. Under existing arrangements, the Attorney General, the Advocate General and the Solicitor General, being Members of the House, are entitled to attend meetings, receive papers and take part in our deliberations, so that distinguished legal advice is already in

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<sup>22</sup> It is also not the practice to nominate members of the Government and regular Opposition frontbench spokesmen, on the same basis.

<sup>23</sup> The Standards and Privileges Committee has recommended that Whips of any of the main parties should never be appointed to any quasi-judicial Select Committee (Third Report, Session 1996–97, HC 226).

principle available to us on all aspects of our responsibilities. The Attorney General is also, by custom, the House's pre-eminent source of legal advice on all questions of Parliamentary privilege. The advice of Speaker's Counsel is also available to the Committee.

69. We have therefore considered how such an additional, outside source of legal advice might be made available to the Committee and what the role of such a legal adviser might be. Independence is of course a relevant criterion, but not the only one: with it must be coupled an appropriate degree of relevant legal experience and crucially, we would add, a knowledge of the workings of the House. The legal advice must be available whenever needed (not so easy the more senior the adviser becomes) and it must be consonant with the general desires of the Committee and the House for an inquisitorial rather than an adversarial approach, and to avoid an overly legalistic approach to the work of the Committee.

70. We see the principal roles of the legal adviser as being:

- advice on legal issues arising from particular cases;
- legal advice on the procedures of the Committee from the point of view of due process;
- legal advice to the Committee on the interpretation of the Code and Guide, usually in the context of its consideration of complaints; and
- legal advice on the revision of the Code or Guide or of the Committee's procedures.

Care will be needed to ensure that this advisory function does not clash with that of the Commissioner or of the Registrar of Members' Interests, and that the role of any outside legal adviser reinforces rather than undermines the independent role of the Commissioner. Nor must the role prejudice the position of the Attorney General as set out above, or of Speaker's Counsel.

71. Nonetheless we can see that the availability to the Committee of outside legal advice may provide reassurance to Members as well as the public. We believe that it might best be obtained by establishing not a single post but a panel of at least three advisers drawn from the ranks of senior legally qualified figures in the House of Lords, possibly with previous experience of the House of Commons. We would expect to consult the Law Officers in making these appointments.

72. Another possible function for the panel might be to assist in finding suitable legal assessors if the House agrees to the introduction of the procedure set out in paragraphs 37 to 41.

**R19** (a) *It should be a requirement of the Code of Conduct that no MP shall lobby a member of the Committee on Standards and Privileges with the intention of influencing their view of a case.*

(b) *Until the Committee's report on a case is published, there should be an explicit requirement that no member of the Committee on Standards and Privileges should discuss the case outside Committee meetings.*

(c) *The recommendations at (a) and (b) should apply equally to members of the Investigatory Panel.*

73. We agree that the highest standards of conduct by Members should apply in relation to the Committee's inquiries. We would regard it as entirely unacceptable to be lobbied, individually or collectively, by a Member—or indeed anyone else—with the intention of influencing our view of a case. Although we know of no evidence that lobbying has been a serious problem in practice, we agree that it would be sensible for the Code of Conduct to include an explicit prohibition. We shall therefore consider bringing forward a specific proposal in the course of the forthcoming review of the Code.

74. As regards our own position, we are aware that disclosures of unreported proceedings would be a *prima facie* breach of privilege, and something the House would be likely to take a severe view of, in the light of our responsibilities.

### **Strengthening the position of the Commissioner**

75. The Wicks Committee has made eight recommendations aimed at strengthening the position of the Commissioner. Many of these recommendations primarily relate to the role and responsibilities of the House of Commons Commission, and we are grateful to the Commission for discussing the issues with our Chairman and with the Parliamentary Commissioner for Standards before finalising its own response. As a matter of principle, we would have a presumption in favour of any proposal designed to enhance the effectiveness of the Commissioner; to buttress his independence; or to improve public and parliamentary confidence in his activities.

**R20** *The post of Parliamentary Commissioner for Standards should be clearly defined as an office-holder, appointed and paid for, but not employed, by the House.*

76. We support the principle of this recommendation as representing a desirable clarification of what is already perceived to be the Commissioner's actual status.

**R21** (a) *The Commissioner should in future be appointed for a non-renewable fixed term.*

(b) *The House should decide on a term of between five and seven years.*

77. We endorse the principle of these recommendations as buttressing public perception of the independence of the Commissioner's role. The Commissioner would, of course, continue to be capable of dismissal for gross neglect or other grave misconduct following a vote by the House. If the House approves this recommendation from the Wicks Committee, it will consequently need to consider the implications for the term of the present Commissioner, who was appointed for an initial period of three years from the beginning of March 2002. We understand that the House of Commons Commission will make a specific recommendation to the House on this point.

**R22** (a) *The House should continue to appoint the Parliamentary Commissioner for Standards on a recommendation from the House of Commons Commission.*

.../

- (b) *The House of Commons Commission should, as best practice, conform with the Code of Practice of the Commissioner for Public Appointments at all stages of the selection process.*
- (c) *The Chairman of the Committee on Standards and Privileges should be a member of the selection panel and attend any relevant meetings of the Commission when the appointment of the Commissioner is discussed.*

78. Appointment of the Parliamentary Commissioner for Standards on a recommendation from the House of Commons Commission would represent a welcome continuation of current practice. We support the recommendation that the highest standards should apply to the recruitment process for the Commissioner as providing further reassurance of his stature and independence, and commend the steps taken by the Commission to apply such standards in the recruitment of the present Commissioner. We would be happy for our Chairman to be involved in future recruitment processes, as the Wicks Committee recommends; we welcomed the Commission's decision to invite him to be a member of the final selection panel for the present Commissioner, and the fact that he was fully involved in reaching the decision on which candidate to recommend to the House.

- R23** (a) *The Commissioner should be given direct powers equivalent to those of the Committee to call for witnesses and papers.*
- (b) *If a witness was unwilling to comply with the Commissioner's use of these powers, the Commissioner could refer the case to the Committee on Standards and Privileges, who could then, if so minded, use its own powers.*

79. We have no difficulty in principle with this recommendation. A similar proposal was considered, but rejected as unnecessary at that stage, by the Nolan Committee in 1995. The Nolan Committee also recorded that such a step would require primary legislation.

80. The Wicks Committee proposal—delegation to the Commissioner, by Standing Order, of the Committee's power to send for persons, papers and records—even if legally effective, about which doubt was expressed by the then Clerk of the House in his evidence to the Wicks Committee, adds nothing, in terms of practical effect, to the Committee's own powers. While we recognise that the absence of such powers may be considered by some to reduce public confidence in the independence and authority of the Commissioner's office, the Commissioner's lack of direct power to summon persons, papers and records is perhaps a problem more perceived than real, in that we have made clear our willingness to use our own powers under Standing Order No. 149 in support of the Commissioner.

81. The proposed explicit requirement for Members to cooperate with the Commissioner's investigations should act as a powerful disincentive for them to seek to withhold material sought from them, or the release of which they can authorise. We have recently agreed a formal procedure for considering a request from the Commissioner that we use our powers, which would ensure that in the most unlikely event of us ever declining such a request, our reasons for doing so would be made clear and subject to public scrutiny. Furthermore, we would expect to act quickly on any request, so as to avoid unnecessary delay in the Commissioner's investigations.

82. We believe that the arrangements set out above will provide a quick and effective way to ensure that the Commissioner can secure access to witnesses and papers relevant to his investigations. We agree that, if the practical and legal difficulties can be overcome, and the Commissioner given direct powers in a manner compatible with maintaining the principle of self-regulation, he should have those powers.

**R24** *The process for setting the resources for the Commissioner's office should be transparent; the Commissioner and the Chairman of the Committee on Standards and Privileges should be involved in arriving at the budget.*

83. We welcome the principle behind this recommendation, as we do the reassurances about the resourcing of the Commissioner's office given publicly by the House of Commons Commission at the time of the present Commissioner's appointment.<sup>24</sup> We would be happy for our Chairman and the Commissioner to be involved in the budgetary process, and for information on the Commissioner's budget to be included in his annual report.

**R25** (a) *In relation to all stages of an individual complaint, the Commissioner should confine comments to the media to the fact that a complaint has (or has not) been received, whilst making clear that the existence of a complaint does not mean that the Code has been breached.*

(b) *After consultation with the Committee on Standards and Privileges, the Commissioner should draw up a statement of his/her strategy towards inquiries from the media. The statement should be published and included in the annual report.*

84. We had independently reached such an understanding with the Commissioner on comments to the media, which he will implement forthwith.

85. We have already discussed the development of such a statement of strategy towards inquiries from the media with the Commissioner, based on the twin principles of openness about procedures and confidentiality in the handling of individual cases. We envisage publishing an agreed statement soon.

**R26** *The Commissioner should publish an annual report.*

86. We agree. We have already had discussions with the Commissioner about publication of an annual report, and its possible scope. Such a report would help increase public knowledge of the House's arrangements for monitoring high standards and of how these operate in practice. It would also help shift the focus from the complaints dominated nature of current perceptions of these arrangements to a broader appreciation of them, including the important work increasingly being done on prevention and education. It would also provide a means through which the Commissioner could account to the House and the public for his stewardship of his role.

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<sup>24</sup> See HC 598 (2001–02).

87. We would envisage the first such report being published this summer. It might be appropriate for us to take evidence on it from the Commissioner in public, as a means of further boosting confidence in the self-regulatory framework.

**R27** *The House should implement the following recommendations by Standing Order:*

- *Chapter 4: R1(a), (b), (c), (d);*
- *Chapter 5: R4, R8, R9;*
- *Chapter 6: R10, R11, R12(a), (d), (e), (f), (g), (h), (i), (j), R13;*
- *Chapter 7: R18, R19(b) and (c);*
- *Chapter 8: R20, R23, R26.*

88. We have already welcomed the Wicks Committee's presumption that, wherever practicable or appropriate, those of its recommendations accepted by the House should be implemented by Standing Order, or other internal mechanisms of the House, where appropriate, such as action by us or by the Commissioner.

# PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

TUESDAY 4 FEBRUARY 2003

Members present:

Sir George Young, in the Chair

Ross Cranston  
Mr Andrew Dismore  
Mr Michael Jabez Foster  
Mr Tom Levitt

Mr Andrew Mackay  
Mr Kevin McNamara  
Richard Ottaway  
Mr Alan Williams

\* \* \*

Draft Report [Eighth Report of the Committee on Standards in Public Life: “Standards of Conduct in the House of Commons”], proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 8 read and agreed to.

Annex read.

Amendment proposed, in paragraph 45, to leave out the words “We accept that the facility to take evidence in public should continue to be open to us, but we do not favour doing so as a general rule in standards cases.” and insert the words “While some members of the Committee considered that, at the discretion of the member whose case was being considered, his case could be heard in public, nevertheless a majority of the Committee did not favour doing so as a general rule in standards cases.”.—(*Mr Kevin McNamara.*)

Question, That the Amendment be made, put and negatived.

Annex agreed to.

*Resolved*, That the Report be the Second Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of the Standing Order No. 134 (Select committees (reports)) be applied to the Report.

\* \* \*

[Adjourned till Tuesday 11 February at half-past Nine o'clock.]

## LIST OF REPORTS FROM THE COMMITTEE IN THE PRESENT PARLIAMENT

### SESSION 2001–02

**First Report:** Complaint against Mr Geoffrey Robinson: Supplementary Report (HC 297).  
Published 24 October 2001.

**Second Report:** Complaint against Mr Roy Beggs (HC 319).  
Published 31 October 2001.

**Third Report:** Complaint against Mr John Maxton (HC 320).  
Published 31 October 2001.

**Fourth Report:** Restrictions on the Initiation of Parliamentary Proceedings: A Consultation Paper (HC 478).  
Published 19 December 2001.

**Fifth Report:** Complaints against Mr Keith Vaz (HC 605–I–II)  
Volumes I and II published 8 February 2002.

**Sixth Report:** Registration of Interests by Members who have not taken their seat (HC 624)  
Published 13 February 2002.

**Seventh Report:** Complaints against Mr Nigel Griffiths (HC 625)  
Published 13 February 2002.

**Eighth Report:** Complaints against Mr Archy Kirkwood (HC 755)  
Published 24 April 2002.

**Ninth Report:** A new Code of Conduct and Guide to the Rules (HC 763)  
Published 30 April 2002.

**Tenth Report:** Complaint against Mr Peter Brooke (HC 1147)  
Published 24 July 2002.

**Minutes of Proceedings 2001–02** (HC 1336)  
Published 31 January 2003.

### SESSION 2002–03

**First Report:** Complaint against Mr Nigel Griffiths (HC 195).  
Published 18 December 2002.

**Second Report:** Eighth Report of the Committee on Standards in Public Life: “Standards of Conduct in the House of Commons” (HC 403)  
Published 11 February 2003.











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