



House of Commons  
Committee on  
Standards and Privileges

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# Ending Dual Reporting of Donations: Interim Report

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**Thirteenth Report of Session 2007-08**

*Report, together with formal minutes*

*Ordered by The House of Commons  
to be printed 15 July 2008*

## 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)  
Rt Hon Kevin Barron MP (*Labour, Rother Valley*)  
Rt Hon David Curry MP (*Conservative, Skipton & Ripon*)  
Mr Andrew Dismore MP (*Labour, Hendon*)  
Nick Harvey MP (*Liberal Democrat, North Devon*)  
Mr Elfyn Llwyd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)  
Mr Chris Mullin MP (*Labour, Sunderland South*)  
The Hon Nicholas Soames MP (*Conservative, Mid Sussex*)  
Mr Paddy Tipping MP (*Labour, Sherwood*)  
Dr Alan Whitehead MP (*Labour, Southampton Test*)

### 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/sandp](http://www.parliament.uk/sandp). 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), Mr Keith Neary (Second Clerk) and Miss Michelle Owens (Secretary).

### Contacts

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

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1. There is substantial overlap between the information which Members are required to include in the Register of Members' Interests, to satisfy the requirements of the House, and that which they are required by law to report to the Electoral Commission for inclusion in its controlled donations<sup>1</sup> and controlled transactions<sup>2</sup> registers. This dual reporting requirement causes confusion amongst Members as to precisely what information must be supplied to which institution, and irritation at the need to report to two different bodies.

2. Parliament has recognised these concerns, which apply similarly to holders of other elective offices. It has enacted legislation to remove the need for much, but not all, of the dual reporting. Section 59 of the Electoral Administration Act 2006 (EAA) will remove the requirement for Members personally to report recordable donations<sup>3</sup> to the Electoral Commission, with the Commission getting the information it needs for its registers from information supplied by them to the Registrar of Members' Interests. Likewise paragraph 16 of Schedule 7A, PPERA will remove the corresponding requirement in respect of recordable transactions,<sup>4</sup> with the Commission again getting the information it needs from information supplied by Members to the Registrar. The two provisions need to be implemented together, as in some circumstances controlled donations and controlled transactions are aggregated for the purpose of determining whether the statutory threshold for disclosure is triggered. The existing statutory obligation on Members of Parliament and holders of other elective offices to report impermissible donations<sup>5</sup> to the Electoral Commission is unaffected by these changes.

3. Following the commencement of these provisions, Members of Parliament will remain subject to precisely the same requirements as other holders of 'relevant elective office' and party members as to the donations they can accept and the transactions they can enter into in connection with their political activities. The only structural change in their obligations under the law will be that they will no longer have to submit reports of recordable donations and recordable transactions to the Electoral Commission. The integrity of the information flow to the Commission is protected as the relevant statutory provisions cannot be brought into effect until the Electoral Commission has informed the Secretary of State that it is satisfied that it will receive the information required for its registers, in the case of the House, through the Registrar of Members' Interests.

4. As the match between both the scope and the detail of the statutory reporting requirements and the requirements of the House is not exact, the House will need to

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1 As defined in paragraph 1(3), Schedule 7, Political Parties, Elections and Referendums Act 2000 (PPERA).

2 As defined in paragraph 2, Schedule 7A, PPERA.

3 As defined in paragraph 10 (1A), Schedule 7, PPERA.

4 As defined in paragraph 9 (2), Schedule 7A, PPERA.

5 See paragraph 11, Schedule 7, PPERA.

increase the information it collects in relation to recordable donations and recordable transactions to the extent necessary to satisfy the Electoral Commission that the legal requirements can be fully met. Although this will require Members, in some circumstances, to provide more detailed information than at present to the Registrar of Members' Interests, and will introduce new registration requirements, these will be offset by the removal of the corresponding legal obligation for Members to report the equivalent information to the Electoral Commission. So there need be no general increase in the regulatory burden placed on Members of Parliament, and the inconvenience of dual reporting will be removed. Members will be subject to one regulatory reporting regime, that of the House.

5. The registration categories affected are Categories 4 (Sponsorship), 5 (Gifts, benefits and hospitality (UK)), 6 (Overseas Visits) and possibly 7 (Overseas benefits and gifts). The statutory framework relating to controlled donations and controlled transactions is complex, but some broad principles can be laid down as to the structure of the regulatory framework following commencement of the relevant provisions:

- in respect of all controlled donations and controlled transactions with a value over £1000, (namely, recordable donations and recordable transactions) determined as set out in PPERA, Members will need to supply the Registrar of Members' Interests with all the information specified in PPERA;<sup>6</sup>
- if the value is above the threshold for inclusion in the Register of Members' Interests (where different from the statutory threshold) but below the recordable donation or recordable transaction threshold, whichever is relevant, there will be no general change in the information required to be supplied to the Registrar;
- if the value is below the relevant threshold for the Register of Members' Interests but above £200, there will be no immediate registration requirement, but Members will need to retain the relevant details for the remainder of the calendar year; and
- donations and transactions of £200 or less can be ignored for the purposes of PPERA, as they fall outside the statutory control framework.

6. We are preparing a paper setting out the detailed changes we believe are necessary in the House's reporting requirements before the statutory provisions can be implemented, and dual reporting eliminated in respect of recordable donations and recordable transactions. We shall be sending this to the Electoral Commission, and others, and publishing it on the Committee's website ([www.parliament.uk/sandp](http://www.parliament.uk/sandp)).

7. In the light of the Commission's response, we would hope to be in a position shortly after the Summer Recess to make firm proposals to the House as to the action it needs to take to enable the relevant statutory provisions to be commenced in relation to Members of

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<sup>6</sup> See, in respect of recordable donations, paragraph 10, Schedule 7, PPERA, as amended by section 59 and paragraph 154, Schedule 1, Electoral Administration Act 2006 and, in respect of recordable transactions, paragraph 9, Schedule 7A, PPERA.

Parliament. Thereafter, the precise timing of commencement will be a matter for the Secretary of State.

# Formal minutes

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**Tuesday 15 July 2008**

Members present:

Sir George Young, in the Chair

Mr Kevin Barron  
Mr David Curry  
Mr Andrew Dismore  
Nick Harvey  
Mr Elfyn Llwyd

Mr Chris Mullin  
The Hon Nicholas Soames  
Mr Paddy Tipping  
Dr Alan Whitehead

Draft Report [Ending Dual Reporting of Donations: Interim Report], proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 7 read, amended and agreed to.

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

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

[Adjourned till Tuesday 7 October at 9.30 am

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

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## Session 2007-08

First Report	Conduct of Mr Elfyn Llwyd, Mr Adam Price and Mr Hywel Williams	HC 94
Second Report	Conduct of Mr Norman Baker, Mr Malcolm Bruce and Mr Sadiq Khan	HC 182
Third Report	Publications funded from the Communications Allowance	HC 232
Fourth Report	Conduct of Mr Derek Conway	HC 280
Fifth Report	Conduct of Mr Peter Hain	HC 324
Sixth Report	Employment of family members through the Staffing Allowance: Proposals for consultation	HC 383
Seventh Report	Employment of family members through the Staffing Allowance	HC 436
Eighth Report	The Complaints System and the Criminal Law	HC 523
Ninth Report	Conduct of Mr Speaker	HC 559
Tenth Report	Conduct of Mr George Osborne	HC 560
Eleventh Report	Conduct of Sir Robert Smith	HC 646
Twelfth Report	Conduct of Sir Nicholas and Lady Winterton	HC 744
Thirteenth Report	Ending Dual Reporting of Donations: Interim Report	HC 989

## Session 2006-07

First Report	Evidence to the SSRB Review of Parliamentary pay, pensions and allowances	HC 330
Second Report	Conduct of Mr David Cameron	HC 429
Third Report	Complaints about alleged misuse of Parliamentary dining facilities	HC 431
Fourth Report	Conduct of Mr Julian Brazier	HC 682
Fifth Report	Handling of future complaints on misuse of the private dining facilities	HC 683
Sixth Report	Conduct of Mr George Galloway	HC 909
Seventh Report	Conduct of Mr Gregory Campbell	HC 992
Eighth Report	Conduct of Mr Martin Salter and Mr Rob Wilson	HC 1071

## Session 2005-06

First Report	Conduct of Mr Jonathan Sayeed	HC 419
Second Report	Conduct of Mr John Horam	HC 420
Third Report	Conduct of Mr Tony Baldry	HC 421
Fourth Report	Pay for Standing Committee Chairmen	HC 568

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Fifth Report	Electoral Administration Bill: Simplification of Reporting Requirements	HC 807
Sixth Report	Mr Stephen Byers (Matter referred on 19 October 2005)	HC 854
Seventh Report	Conduct of Mr George Galloway	HC 1067
Eighth Report	Conduct of Mr Mark Lancaster	HC 1144
Ninth Report	Lobbying and All Party Groups	HC 1145
Tenth Report	Conduct of Mr Michael Foster (Worcester)	HC 1223
Eleventh Report	Conduct of Ms Emily Thornberry	HC 1367
Twelfth Report	Conduct of Nadine Dorries	HC 1368
Thirteenth Report	Conduct of Mr John Prescott	HC 1553
Fourteenth Report	Conduct of Dr Desmond Turner	HC 1578
Fifteenth Report	Conduct of Mr Eric Illsley	HC 1579
Sixteenth Report	Review of the Guide to the Rules Relating to the Conduct of Members: Consultation Document	HC 1580