



HOUSE OF LORDS

Guidance for Members of the House of Lords against whom a complaint is made

Introduction

1. This note is intended to help Members of the House of Lords who are the subject of a complaint that they have breached the [Code of Conduct](#). It provides only a brief summary of this process: if you need further advice or information, please do not hesitate to contact the Registrar of Members' Interests, by telephone at 020 7219 3120.
2. The Code of Conduct is reprinted as Annex A to the [Companion to the Standing Orders of the House of Lords](#), copies of which are available from the Printed Paper Office.
3. The Register of Lords' Interests is published annually, but updated versions are published weekly online, and, along with the Code, can be found at <http://www.publications.parliament.uk/pa/ld/ldreg.htm>.

Overview

4. The House of Lords adopted a Code of Conduct on 2 July 2001. The Code, as well as setting general standards of conduct for Members, places specific requirements upon them to register certain relevant interests, to declare such interests in the course of parliamentary proceedings, and prohibits them from engaging in any "paid advocacy". The Code also provides for a complaints process, whereby Members of the House or members of the general public may complain of alleged breaches of the Code.
5. Overseeing the Code of Conduct, and investigating complaints, is the job of the Sub-Committee on Lords' Interests, a sub-committee of the Committee for Privileges. The Clerk of the Sub-Committee is also Registrar of Members' Interests, and is available at all times to advise Members on matters to do with interests and the Code.
6. The House has no power to suspend, expel or fine its Members. If a complaint is upheld, therefore, the only sanction available to the Sub-Committee and the Committee for Privileges is to bring the conduct of the Member concerned to the attention of the House, and in certain circumstances to invite him or her to take remedial action, either by amending the Register, by making a written apology to the Sub-Committee, or, in the case of failure to declare relevant interests in debate, by making a personal statement to the House.

The remit of the Sub-Committee on Lords' Interests

7. Matters clearly falling within the scope of the Code, and therefore within the Sub-Committee's remit, relate to failures either to register relevant interests, to declare such interests in the course of parliamentary business (including committee proceedings), or to breaches of the "no paid advocacy" rule. Complaints relating to failure by Members' researchers or staff to declare relevant interests in the *Register of Interests of Lords Members' Staff* also fall within the Sub-Committee's remit, and you may be held responsible for misconduct by the staff you sponsor.
8. Matters relating to the Members' Reimbursement Allowance Scheme are the responsibility of the Clerk of the Parliaments, as Accounting Officer for the House of Lords, and he normally deals with any matters arising in this area, in discussion with the Member concerned. In exceptional circumstances he may decide to call on the Sub-Committee to assist him in investigating a complex or serious complaint.
9. Matters not falling within the Sub-Committee's remit include:
 - policy matters or Members' views or opinions;
 - the funding of political parties;
 - alleged breaches of the separate code governing the conduct of Government Ministers as Ministers;
 - Members' non-parliamentary activities.
10. The Sub-Committee will not accept for investigation a complaint going back more than four years. Nor will it consider complaints which appear clearly trivial or vexatious or which substantially repeat allegations which have already been the subject of inquiry (unless there is significant fresh evidence in their support). The Sub-Committee will not investigate allegations either of criminal misconduct, or which are subject to any proceedings in a court of law (for instance, an action for libel).

The investigation process

11. A fuller description of the process is contained in a separate note which may be obtained from the Registrar, and which is also available online at <http://www.publications.parliament.uk/pa/ld/ldreg.htm>. This note gives an outline of the key stages as they affect Members complained against.
12. If the complainant is a Member of the House of Lords, as a courtesy the complaint should normally be raised in the first instance with the Member complained against, or in certain circumstances with that Member's party Leader or Chief Whip, or with the Convenor of the Crossbench Peers.
13. Non-Members wishing to make a complaint are also encouraged as a first step to contact the Member concerned, and give him or her an opportunity to respond, though as non-Members are not governed by the Code this is less easily enforced.

14. If a complaint against you is received by the Registrar, there is a two-stage screening process. First the Registrar will screen out those complaints which are manifestly frivolous or outside the scope of the Code. For any remaining complaints, the Chairman will assess in more detail whether the complaint falls within the Sub-Committee's remit (for which see above), and whether the evidence submitted along with the complaint establishes a *prima facie* case that you have breached the Code, so justifying formal investigation.
15. The Chairman, having considered the complaint, makes a brief report to the Sub-Committee, which then decides on the basis of her recommendation whether or not to undertake a formal investigation.
16. Once the Sub-Committee has taken its decision, the Registrar will write to you to let you know that a complaint has been made against you, and that the Sub-Committee has either dismissed it as without merit or decided to undertake an investigation.
17. If the Sub-Committee has decided to investigate the complaint, the Registrar will provide you with copies of the complaint and any evidence submitted in support of it. He will set out the particular provisions of the Code that are alleged to have been breached, and invite you to respond in writing, by providing a full and accurate account of the matters in question.
18. The Sub-Committee will then consider your response, along with the original complaint. In many cases, the information you have provided will be sufficient to enable the Sub-Committee either:
 - To dismiss the complaint; or
 - To agree remedial action with you.
19. Remedial action may be agreed if the complaint, though justified, is minor. For instance, the offence may be the result of a genuine oversight which you readily acknowledge. If the offence involves failure to register a relevant interest, remedial action will involve amending the up-to-date online Register, with the amended entry accompanied by an italic note explaining the circumstances. The italic note will be removed the next time the Register is printed. You will also be invited to make a written apology to the Sub-Committee, which will then make a report to the Committee for Privileges, describing the remedial action taken and annexing any apology.
20. In the case of a failure to declare a relevant interest in the course of parliamentary proceedings, you may be invited to make a personal statement of apology to the House, particularly in the case of failures to declare financial interests under sections 12(a) to 12(f) of the Code. In minor cases, however, a written apology to the Chairman may be more appropriate, particularly if some time has elapsed since the offence took

21. If remedial action is agreed, the Committee for Privileges will not normally report the matter to the House. However, the complainant will be informed of the action taken in response to the complaint.
22. If your written response is not sufficient to enable the Sub-Committee either to dismiss the complaint or agree remedial action, it is open to the Sub-Committee to pursue the investigation by seeking further information, from you or from others, including the original complainant, third parties, or public or private bodies. Such information will usually be requested in writing in the first instance, though in some circumstances the Sub-Committee may decide to interview you or other witnesses, either informally or by means of formal oral evidence.
23. Meetings with witnesses will always be held in private. If you are invited to attend an informal interview, a note will be made of the meeting, and you will subsequently be asked to confirm its accuracy. Formal oral evidence will also be heard in private, but a full transcript will be taken, which may subsequently be published, at the discretion of the Sub-Committee and the Committee for Privileges.
24. The Registrar, on behalf of the Sub-Committee, will keep you informed in general terms from time to time of the progress of the investigation.

Procedural safeguards

25. The Code of Conduct states that “in the investigation and adjudication of complaints against them, Members of the House have the right to safeguards as rigorous as those applied in the courts and professional disciplinary bodies.” Thus you may, if you wish, be accompanied to any meeting by a colleague, friend or legal adviser. There is, however, no expectation that you should be accompanied, and the Sub-Committee seeks wherever possible to operate informally. If you do attend a meeting with the Sub-Committee, you will be expected to answer for yourself (and not through your friend or adviser) any questions put to you.

Assessing the evidence

26. When its investigation is concluded, the Sub-Committee assesses the evidence. In order to find against a Member, the Sub-Committee requires at least that the allegation is proved on the balance of probabilities.
27. If the investigation has uncovered any material evidence that is at variance with your version of events, this will be put to you, and you will have a chance to challenge the evidence. Before reaching its conclusions, the Sub-Committee will also share with you a draft of those parts of its

report dealing with issues of fact, so that you have an opportunity to comment on them.

28. If there remain significant contested issues of fact, the Sub-Committee will agree its own account of the facts of the case, while drawing to the attention of the Committee for Privileges and the House any challenge you may have made to this account.
29. In normal circumstances, however, it is expected that you will be able to agree a summary of the key issues of fact, and that the report, once forwarded to the Committee for Privileges, will be formally agreed and published without delay.

Appeal to the Committee for Privileges

30. At the same time as the report is forwarded to the Committee for Privileges, the Registrar will write to you, enclosing a copy of the full report. If the Sub-Committee has upheld the complaint in any respect, he will also draw your attention to Paragraph 19(e) of the Code of Conduct, which provides that “if after investigation the Sub-Committee finds the allegation proved, the Member complained against has a right of appeal to the Committee for Privileges.”
31. If you decide to appeal, you should do so in writing, by the date specified by the Registrar, setting out the grounds for the appeal in full, and enclosing such supporting material as you think appropriate. The Committee will then meet to hear the appeal, and in so doing it will have before it the Sub-Committee’s report, along with any annexes, and your written appeal. You will be given an opportunity to appear in person, if you so wish.
32. The Committee will not normally reopen the Sub-Committee’s investigation. Rather the Members of the Committee will use their judgment to decide whether, on the balance of probabilities, they endorse the conclusions of the Sub-Committee.
33. If your appeal is rejected, the Sub-Committee report will be published without further delay, along with a formal record of the Select Committee’s proceedings. If your appeal is upheld in full or in part, a fuller report will be made, explaining the Committee’s reasons for overturning the Sub-Committee’s conclusions. The original Sub-Committee report will be published as an annex.
34. Whether or not you have appealed, once the Committee for Privileges has made its report, you will be informed by the Committee Clerk of the time of publication, and will also be provided with a copy shortly before publication.